NO ROOM FOR HUMANITARIANISM IN 3D POLICIES: HAVE FORCIBLE HUMANITARIAN INTERVENTIONS AND INTEGRATED APPROACHES LOST THEIR WAY?

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Introduction

From an aid worker's perspective, the challenges and opportunities associated with civil-military coordination are seen in the context of the evolution from the tradition of neutral humanitarian assistance to the more controversial (yet now widely accepted) practice of forcible humanitarian interventions (HI). Arguably this ideological progression has removed the primacy of the 'Humanitarian Imperative' and a victim's right to assistance according to need and supplanted it with a concept of aid as justice and as a tool for promoting peacebuilding and human security agendas.

With this shift, *soft power*[1] was brought into the tool kit for bringing peace and security to failed and failing states and "best theory" (versus best practice) would evolve suggesting that greater scale, impact and conflict transformation itself could be achieved through a more coherent or integrated use of security, political, development and humanitarian assets. The use of integrated approaches for HIs was initially resisted at the UN by the US and some other allied states that were generally unwilling to play the world's *humanitarian policemen.* However, the space and precedence set by the expanded legitimacy of *just forcible interventions* was closely watched within military circles that were rather more interested in co-opting soft power and assistance capabilities into their own defence strategies than in being co-opted into peacekeeping

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and peace-enforcement missions in, what seemed from a purely security driven policy perspective, inconsequential failed and failing states.

Unexpectedly, (and before these integrationist shifts in major donor countries represented by 3D policies [coordinated defence, diplomacy and development efforts] could work out effective patterns of mutually beneficial communication, coordination and cooperation) and just as the new normative frameworks were emerging onto the world's stage, the events of 9/11 occurred and the *war on terror* was launched. This resulted almost immediately in a number of defensive and pre-emptive war fighting missions that over time became heavily influenced by 3D approaches and which for the most part were quickly dressed in human rights and humanitarian clothing.

This paper will review the evolution of these integrated approaches as they pertain to humanitarians and seek to highlight the different responses to 3D policies by classic humanitarian organizations and multi-mandate development organizations. By providing an overview of past forcible interventions, but with a particular focus on the heightened difficulties present in Afghanistan, we will trace the practical and ideological challenges faced by aid agencies attempting to maintain quality independent programming in such contexts.

In so doing it will be suggested that the current forms of integrated or 3D missions emphasizing coherence between different instruments, while motivated by good intentions, have resulted in humanitarian and development aid programming becoming subordinated to political interests in counterproductive ways. In fact, we will see how the cooptation (both willing and otherwise) of soft power has led to reduced humanitarian assistance in a number of conflict settings - including those in the "War on

Terror"- and to increased insecurity for both populations in danger and for the very humanitarians trying to assist them.

It will also be argued that this state of affairs has led aid workers and NGOs to resist this bigger agenda, as they see it undermining the entire purpose and goals of humanitarianism and the motives that drive humanitarian and development work. Unfortunately by questioning the politicisation of aid and the notion of shared goals (commonly ascribed) amongst all 3D actors, humanitarians are now seen as obstructionist and antiquated by the political and military communities.

Multi-mandate organizations are caught in this paradox, as entities committed both to providing relief (according to independent humanitarian principles) and carrying out development programming which can be seen as supporting the political interests of host governments and /or of donor governments. As such they have had to adapt their principles and accept certain operational constraints in order to work in proximity to 3D missions. With presence, however, comes a duty to bear witness to the populations' suffering, and to uphold international humanitarian law (IHL) something which may conflict with short-term operational or strategic concerns of other members of the coordinated approach.

Ultimately, the article argues that there are limits to coherence and aims to give all 3D actors a better understanding of these limitations to deeper integration - especially in settings of open conflict and insecurity. As well, it hopes to promote a renewed sense of purpose to clarify and implement civil/military communication protocols that will protect both civilians and aid workers and truly respect and promote humanitarian space.

How We Got Here: From Humanitarian Assistance to Forcible Humanitarian Intervention

The 1990s would prove to be a period where humanitarianism was absorbed by politico/military responses to conflict, which some would argue often failed the very civilians the operations were ostensibly launched to protect. In this period, the inviolability of state sovereignty would be challenged and the concept of human security would emerge, eventually leading to forcible military intervention, not only to protect civilians in the short-term, but to set the stage for integrated, coordinated and coherent approaches to conflict transformation and democracy building.

In 1991, several hundred thousand Kurds fled to Turkey and Iran in response to brutal suppression by Saddam Hussein. The Security Council declared the situation a "threat to international peace and security" under chapter VII of the UN Charter.[2] The resulting military intervention deemed *humanitarian*' by the UN and by the British, French and American interveners[3] saw the establishment of a safe haven that provided humanitarian assistance to the displaced and allowed those who took refuge in neighbouring states to return home.

This politico/military/aid intervention in Northern Iraq came on the heels of the UN's own "International Humanitarian Commissions'" independent report of 1987, which stated that sovereignty should not be allowed to trump humanitarian considerations and that humanitarian corridors should be established by force if necessary to allow for the delivery of humanitarian assistance to the victims of armed conflict. What began as a defensive war to expel Iraqi forces from Kuwait was then turned into a so-called

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[2] Edward Mortimer, "Under What Circumstances Should the UN Intervene Militarily in a 'Domestic' Crisis?", in *Peacemaking And Peacekeeping For The New Century,* ed. Olara Otunnu & Michael Doyle (Maryland: Rowman & Littlefield, 1998), pp. 114-115.
[3] Adam Roberts, "Humanitarian War: military intervention and human rights," *The Journal of International Affairs* Issue 69 (1993): pp. 436-437.

humanitarian intervention, after the Kurdish forces, who were encouraged to rise up by their US benefactors, were abandoned by them militarily and then suffered harsh reprisals by the remnants of Saddam Hussein's forces.[4]

A number of NGOs who intervened to provide aid were thus either knowingly or unknowingly co-opted by the US forces in this effort to meet the Kurds very real needs. Unfortunately, as the donor and/or party to the conflict was complicit in creating these needs, the assistance should have been offered as compensation or fallen under the obligations of the party to the conflict, and should not have been portrayed as humanitarian in nature.[5]

Operation Provide Comfort was offered up as proof that political, military and aid actors could function together in a coordinated manner not only to reduce suffering, but more encouragingly, to protect civilian populations in danger. With what appeared as a successful precedent in hand, the way was now paved for the foundation of the integrated approach outlined in Boutros Boutros-Ghali's 1992 *Agenda for Peace* in which "the UNSG called for the mobilization of political, military and aid assets in a coherent manner to build peace and security."[6]

This Iraqi success story, however, was then followed by two colossal HI failures in Bosnia and Somalia, which would tragically show the limitations of traditional UN peacekeeping's ability to provide civilian protection and would highlight the unwillingness of states or coalitions to put their soldiers in harm's way for the cause of protecting civilians and ensuring access to humanitarian assistance.

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[4] Fiona Terry, *The Paradox of Humanitarian Action: Condemned to Repeat?* (Ithaca: Cornell University Press, 2002), p. 241.
[5] Terry, *Condemned to Repeat*, p. 241.
[6] Joanna Macrae & Nicholas Leader, "The Politics of Coherence: Humanitarianism and Foreign Policy in the Post-Cold War Era," *Humanitaire – enjeux, pratiques et debats* 1 (November 2000), p. 65.

Furthermore, the reluctance to deploy sufficient troop strength and the low tolerance for assuming casualties in such operations led to defensive or tentative postures and reliance on air power which can inflict a heavy toll on the very civilian population that the mission is intended to protect:

> There is a problem that seemed to stalk all interventions with a basically humanitarian purpose in the 1990s: The Western Powers that were willing to intervene militarily were reluctant to accept the risk of casualties. This leads to particular modes of operation, such as hesitant and temporary military involvements and reliance on air power, which may conflict with the supposed humanitarian aims of the operation.[7]

David Rieff suggests that the above-mentioned HI failures crystallized a new, albeit non-official intervention policy in which "instead of political action backed by credible threat of military force, the Western powers would substitute a massive humanitarian effort to alleviate the worst consequences of a conflict they wanted to contain."[8]

It is in this context that the tragedy of the Rwandan Genocide would thus be allowed to occur with the UN actually reducing troop numbers rather than strengthening the force (as Dallaire had recommended) prior to the height of the violence. This allowed the worst of the atrocities to unfold - witnessed by a woefully inadequate and ineffectual humanitarian community- sponsored by the donors' *check-book diplomacy*.

More moderate authors suggest that the "Rwandan inaction" actually forced the international community to admit that though it wished to intervene to stop human suffering (on purely humanitarian grounds), it could garner the funds, troop strength and political will needed only when the individual troop contributing nations had additional national interest based justifications for deploying troops and participating in the

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[7] Adam Roberts, "Humanitarian Principles in International Politics in the 1990s," in *Reflections On Humanitarian Action – Principle, Ethics and Contradictions*, ed. Humanitarian Studies Unit (London: Pluto Press, 2001), pp. 23-54.
[8] David Rieff, *A Bed for the Night – Humanitarianism in Crisis* (Toronto: Simon & Schuster, 2002).

humanitarian intervention or robust peacekeeping endeavour[9], such as maintaining regional influence or preventing refugee flows.

These early HIs and the experience of Rwanda set in motion a process of re-examination at the UN which would strengthen the idea of the *use of force* to guarantee civilian protection where it was seen wanting and to *enforce peace* and *fight wars*[10] when ethnic cleansing and genocide were suspected. In this way the UN and the community of nations would live up to the "never again" cries that followed the genocide.

By the end of the decade of the 1990s, HIs would make a comeback in which humanitarian actors would be confronted by the paradoxical means used by the international community to achieve these desired ends. In Kosovo, NGOs were confronted with the oxymoron of humanitarian war where aerial bombardments would initially increase the number of IDPs and add flame to the conflict. This does not imply that some wars are not just: humanitarians called for military intervention in Rwanda to stop the genocide because it was political, not humanitarian action that was required.[11] In Sierra Leone, agencies were discouraged from assisting thousands of acutely malnourished people held hostage along the border in Kailahun until political advances could be made allowing UN peacekeepers to return to the region. In Liberia, ECOMOG helicopters fired on MSF relief aid convoys, who were openly transgressing a UN sanctioned food aid blockade, imposed to weaken Taylor's regime.

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[9] Victoria Wheeler and Adele Harmer, ed., *Resetting the Rules of Engagement – Trends and Issues in Military-Humanitarian Relations,* Humanitarian Policy Group Research Report, Overseas Development Institute, Report 21 (March 2006) www.relief.web.int (accessed July 27th 2007), p. 22.

[10] The analogy is entirely suited, given that peace enforcement, (under chapter VII of the UN Charter) is actually another word for war fighting, although ostensibly carried out with the humanitarian intention of re-establishing the conditions for peace and for civilian protection. Philip Wilkinson , "Sharpening the Weapons of Peace," in *Peacekeeping and Conflict Resolution*, eds. Tom Woodhouse & Oliver Ramsbotham (London: Frank Cass, 2000), pp. 73-74.

[11] Terry, *Condemned to Repeat*, p. 242.

While Kosovo, Sierra Leone and Liberia ultimately have since been stabilized

and a new age of hope has resulted, in all cases the long term benefits of peace and

protection were often reached by sacrificing the emergency protection and assistance

needs of large segments of the population. This ethical dichotomy which promotes

peace ahead of the *humanitarian imperative* would leave lasting scars that would

ultimately divide the humanitarian community and shape its willingness to cooperate in

future interventions.

Before casting our attention to the progression from HIs to 3D policies, it is

perhaps best to focus our discussion on the aid agencies and their experience in

complex emergencies and in HIs.

The Trials & Tribulations Faced by Aid Agencies in War: and the Promise of Conflict Transformation.

Traditionally, international NGO (hereafter INGO) presence in war zones was

undertaken to provide humanitarian assistance to long-suffering civilian populations.

That populations have a right to assistance without discrimination is one of the

fundamental principles of the *humanitarian imperative* and is enshrined in both

International Humanitarian Law (IHL) and in the Geneva Conventions. In order to gain

access to war-zones and to create the *humanitarian space* necessary for delivering

assistance safely and for providing some degree of protection for the beneficiaries,

principles of neutrality, impartiality and independence were devised:

> This is because the fundamental principle of independence, impartiality
> and neutrality not only characterizes humanitarian action's single-minded
> purpose of alleviating suffering unconditionally and without ulterior
> motive...[these principles] also serve as operational tools that help in
> obtaining the consent of belligerents and the trust of communities for the

presence and activities of humanitarian organizations, particularly in volatile contexts.[12]

These classical humanitarians (now known as minimalists) were joined by increasing numbers of development NGOs in the complex emergencies and conflict zones in the post-Cold War period. As such, together they faced the challenges of obtaining mission security in intra-state conflicts and of negotiating humanitarian space with non-state actors, and they watched the horrors that resulted from ineffectual peacekeeping missions and the early HIs that were deployed. They also lived the high mortality rates in the Rwandan refugee camps, which they were unable to prevent, and watched as aid was appropriated by armed groups intent on using it for political gain.

As a result of these inadvertent negative impacts of humanitarian assistance, leading aid organisations came together to define codes of conduct in aid, "Best Practices" and minimum standards for assistance. The 1995 *Red Cross Code of Conduct* that emerged was established to uphold humanitarian behaviour and independence and to prevent against abuses and appropriation of humanitarian assistance including the overt politicisation of aid, which is spelled out in one of its principle tenets:

> We will never knowingly - or through negligence - allow ourselves, or our employees, to be used to gather information of a political, military or economically sensitive nature for governments or other bodies that may serve purposes other than those which are strictly humanitarian, nor will we act as instruments of foreign policy of donor governments.[13]

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[12] Nicholas de Torrente, "Humanitarianism Sacrificed: Integration's False Promise," *Journal of Ethics and International Affairs* 18: 2 (2004), p. 6.

[13] NB. The code, although conceived for disasters, also covers conflict interventions that are further regulated under IHL. IFRC "The Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Relief" Annex VI to the resolutions of the 26th International Conference of the Red Cross and Red Crescent, (Geneva, 1995):1. www.ifrc.org/Docs/idrl/I259EN.pdf (accessed September 24th 2007), pp. 1-6.

Under the code, agencies would still be able to implement programs in conjunction with governments, if the aid agencies' goals were respected (or co-aligned naturally as is often the case in responding to natural disasters), when the principle of allocating aid according to need was upheld, and when humanitarian motivations for assistance could be guaranteed. In addition to the code governing intentions, a convention dealing with aid effectiveness would set out minimum technical standards for aid delivery in order to ensure quality aid for the populations being assisted. The largest and most influential of these forums became known as the *Sphere project*.[14]

Interestingly, humanitarian *best practices* for aid delivery were established through medical evaluation, epidemiological studies, and years of field practice that were then compiled and used to set the standards for aid organisations responding in emergencies. (This is unlike some more recent additions to *best practice* in integrated approaches, which are more akin to *best theory*.) A recent study published in the "Lancet Medical Journal" attests to the fact that the last decade has witnessed a significant decrease in morbidity and mortality in refugee camp settings and attributes this to adherence to the emergency guidelines and standards promoted by the Sphere project.[15]

This introspective trend included the "Do No Harm" approach popularised by Mary B. Anderson. Anderson argued that aid should not only be delivered responsibly, minimizing its impact on the conflict, but that it should also "...help war to end by

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[14] The Sphere Project: Humanitarian Charter and Minimum Standards in Disaster Response was launched in 1997 and represents three things; a handbook, a broad process of collaboration and an expression of commitment to quality and accountability. http://www.sphereproject.org/ (accessed September 24, 2007)

[15] Peter Salama and others, "Lessons Learned from Complex Emergencies over the Past Decade," *The Lancet Medical Journal* 634 (2004): pp. 1801-1803.

lessening intergroup tensions and strengthening intergroup connections."[16]   Many INGOs operating in war zones have taken these ideas on board and are now "conflict proofing" their operations and seeking to empower local individuals and organisations.

Alongside the above-mentioned movement came the broadening of the conception of *security* from the classical state-centric view to one including the notion of *human security* where a populations right to safety and basic needs would be safeguarded, also known as the *human needs approach*. "The broadening of the concept of security also paved the way for the idea of aid as "peacemaker*". Analysis of the causes of conflict shifted from a focus on competing ideologies, to a focus on poverty, environmental decline and population growth; all areas in which aid actors could claim a particular competence."[17]

One of the main tenets underlying the coherent approach is the belief that only by tackling the root causes of conflict could wars be ended and peace restored. Integrated responses call for ending conflicts, maintaining peace, carrying out security and economic reforms etc…[18], in these responses the "humanitarian imperative" may be subsumed to the greater gains of long-term peace.

A number of development and multi-mandate organizations that were increasingly present in the complex-emergencies of the 1990s had become disillusioned with what has been termed as *mere humanitarianism*. Frustrated with temporary or band-aid solutions to long-term suffering and incensed by ineffectual peacekeeping missions that could offer precious little protection to the civilian populations or to the

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[16] Mary B Anderson, *Do No Harm, How Aid Can Support Peace-Or War* (London: Lynne Rienner, 1999), 67.
[17] Macrae and Leader, "The Politics of Coherence, p. 67.
[18] Joel Charny, "Upholding Humanitarian Principles in an Effective Integrated Response," *Journal of Ethics and Humanitarian Affairs* 18:2 (2004): p. 13.

development agencies trying to assist them, these agencies took comfort in the integrationist promises of not only effectively reducing suffering in the short term but of transforming these conflicts through long-term development and governance assistance.

Integrationist-leaning aid agencies believed that humanitarian space and security of civilians could most effectively be achieved by outside military interventions. This model garnered the most vocal support from British and American aid organisations, among which some had argued for strong military involvement to accompany conflict resolution, reconstruction and development.[19] These military, political and assistance missions were seen as potential conflict transformers; these builders of a new peaceful order and their intervention model have become known as advocates of the "maximalist" approach.

This being said, it is important to stress that when humanitarian NGOs called for forcible intervention to restore calm, protect civilians and assist aid delivery, "they are evoking a so-called police action of robust UN peacekeeping missions, not war."[20]

This "maximalist" approach emerged as human rights based agendas were gaining prominence, with liberal-minded governments in Washington, London and Ottawa in power and when stronger cooperation with government on policy fronts led to successes with the "campaign to ban landmines", the adoption of the International Criminal Court, and other similar initiatives. The governments in power were serious about the desire to consult with civil society organisations (CSOs) and wanted to tap into their credibility, knowledge, and their constituencies. For NGOs, accepting a seat at

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[19] Michael Pugh, "The Social-Civil Dimension", in *Regeneration of War-Torn Societies, ed. Michael Pugh* (London: Macmillan, 2000), p. 117.
[20] Rieff, *A Bed for the Night*, p.   328.

the table could lead to influence, better access to funding and most importantly, held out the promise of long-term impact through cooperation in integrated peacebuilding efforts.[21]

NGOs Working *in* Conflict and Working *on* Conflict

The approach of the "minimalists" or mitigation group of INGOs that concentrate their attention on securing humanitarian access, delivering quality assistance impartially, and reducing the unintended consequences of their aid - basically a mixture of classic humanitarianism influenced by the *Do No Harm* form of humanitarianism described above - has come to be known as "working in conflict".[22] These agencies rely on the primacy of the humanitarian imperative to guide their actions; conflict resolution or peace-building potential or benefits are positive side effects of their interventions and are not necessarily seen as goals in and of themselves.

In contrast, INGOs influenced by the "maximalist" or prevention ethic (which sometimes carry out the same types of programmes as the minimalists), are actively seeking to reduce violence and encourage peaceful mechanisms for dispute resolution. This new approach, which has become known as "working on the conflict", calls for refocusing assistance projects to deal with the root-causes of conflict, supporting mediation efforts and strengthening protection for civilians and respect for human rights.[23]

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[21] Lloyd Axworthy, *Navigating A New World, Canada's Global Future* (Toronto: Knoff , 2003), p. 153.
[22] Jonathan Goodhand with Philippa Atkinson, *Conflict and Aid: Enhancing the Peacebuilding Impact of International engagement,* International Alert (2001), 36. http://www.reliefweb.int/training/IA-Conflict-01oct.pdf (accessed Sept. 30, 2007)
[23] Goodhand and Atkinson, *Conflict and Aid,* p. 37.

This model rejects the old split between relief aid and development aid and suggests that properly placed development assistance can continue during the various phases of a conflict and can actually help to encourage the forces of peace.

Through the trials and tribulations of the 1990s both the "minimalist" and "maximalist" NGOs had become convinced of the need for better coordination of assistance in conflict areas and of the need to reduce the unintended negative consequences of aid. While classic humanitarians sought to perfect their aid delivery and reaffirm their independence, some "maximalists" were undertaking peacebuilding programs and prepared to take a seat at the table in order to influence long-term conflict transformation.

The Evolution of the Coherence Agenda: From UN integrated approach to 3D War

> Canadian interest in more integrated policy responses to fragile and post-conflict states reflects in large measure the perceived lessons of peace operations during the 1990s, particularly in the Balkans and Africa, which highlighted the limitations of uncoordinated approaches to security, governance, and development in war-torn societies.[24]

The whole-of-government approach (WGA)[25] or 3D approach as it was originally known in Canada, is intended to have sustainable impact and is focused on fostering peace, security, economic resurgence and good governance. Working together as equal partners, the various arms of donor governments and others (like aid agencies) are intended to act not only to resolve conflict but also to transform societies, lifting

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[24] Stewart Patrick and Kaysie Brown, "*Greater Than The Sum Of Its Parts: Assessing 'Whole of Government Approaches To Fragile States*" (New York: International Peace Academy, 2007), p. 58.

[25] While there are more constrictive uses of WGA referring exclusively to joined-up government departments we will hereafter use the term interchangeably with 3D, or coherent approach. We do so as government aid policy set according to WGA priorities influences the type and distribution of programming and defines the actors (including development agencies) that will carry them out. Additionally some commentators and institutes now use WGA when referring to 3D efforts.

failed and failing states into a new era of responsible governments that serve their people's best interests.

Patrick and Brown in their review of WGAs found that such partnerships worked best amongst "partnerships of equals" and found that the growing pains of different agencies coming together, building shared views and response strategies had been a slow and painful process on the ground. In fact while the actors may be attempting to cooperate and/or coordinate in a partnership model in good faith, there has yet to be agreement amongst them on both the definition and utility of the key organizing concept of a *failed state*.[26]

In fact in the absence of an agreed upon definition, development agencies and liberal minded governments were promoting a development agenda for failed states while conversely Departments of Defence (including Canada's) and more conservative governments were concentrating on the security dimensions.

In the US Defence Department's view, coherent approaches are actually nothing short of a new national security strategy aimed at overcoming new challenges and threats and winning the irregular and unconventional wars of the post-Cold War era. Having assessed its traditional military capacity as being ill-suited to face the new conflicts alone, it has called for a new "unified statecraft" which is "much more than mere coordination" it requires a "…seamless integration of Federal, state and local capabilities at home and among allies, partners and non-governmental organizations

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[26] "Generally speaking, the concept is most popular among development ministries, which use it to describe a subset of poor countries where weak governance and state capacity are impediments to pro-poor growth. Foreign and Defence ministries tend to be more sceptical, finding the term a distraction from concrete challenges and crisis response and post conflict reconstruction." Patrick & Brown, *Greater Than The Sum Of Its Parts*, pp. 128-129.

abroad."[27] Only in this way and by developing additional concepts of interagency and international cooperation will the US effectively meet the challenges of the 21st Century, it is argued.

Although perhaps shocking upon first review, the combined benefits of stability, democracy and economic opportunities that could in theory be created by such an approach could nonetheless still be seen as justified in exceptional cases by some "maximalists", should all partners have a voice and influence over the strategies and policies to be adapted and put into place. The massive asymmetries in both policy influence and resources that the US Department of Defence has over the US Agency for International Development (USAID) for example, ensures that no level playing field can exist and that the interests and priorities of the latter will almost always be subsumed to the primary player.[28] We will return to this theme later when dealing with the cooptation of the third "D" (that of development) under the war on terror, where defence actors seek to control rather than to consult the other actors involved in the WGA agenda.

For the non-aligned movement, the US defence department's viewpoint only served to confirm its long-held suspicions that Western human right priorities and HIs were nothing more than fronts for eroding state-sovereignty and for promoting largely northern defence priorities. With southern states voicing opposition[29] and with the

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[27]US Department of Defence, "Quadrennial Defence Review Report-Feb 6, 2006," www.defenselink.mil/qdr/report/Report20060203.pdf (accessed July 25th, 2007), pp. 83-84.

[28] Patrick & Brown, *Greater Than The Sum Of Its Parts*, p. 130.

[29] The non-aligned movement (which makes up 80% of the world's population) explicitly rejected the right to humanitarian intervention as a principle at their world summit in 2000 and again in 2003.

Noam Chomsky, *Hegemony or Survival* (New York: Henry Holt, 2003), p. 24.

controversial use of force in both Bosnian and Kosovo HIs still proving divisive, the future of UN-led HIs appeared to be in difficulty.

Sensing this state of affairs, Kofi Anan put out a call to "forge unity" around the issue of HIs. The result was the International Commission on Intervention and State Sovereignty (ICSS) report of September 2000, which sought to establish guidelines for military interventions and promoted the concept and indeed the responsibility of member states to intervene to protect populations in danger from their own governments.[30]

Canada realized early on that forcible interventions could be used to "do harm" as well as to "do good" and that the rules and practices governing its implementation would be key in setting the normative policy framework for its usage.[31] It sought to position itself at the forefront of efforts to formalise the rules governing future HIs, an effort which eventually would lead to the UN adoption of the *Responsibility to Protect* (R2P) doctrine.[32]

Unfortunately the culmination of these efforts by Canada and other like-minded governments came inauspiciously in the aftermath of 9/11. As a result the R2P draft approved would see the inclusion of threat based interventions and would entrench the Security Council as the ultimate decider of interventions (rather than the General Assembly as was initially intended). Arguably, the very intent to prevent and protect populations from suffering at the hands of their own governments and the effort to instil a duty on the part of nations to intervene in failed states on humanitarian grounds was

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[30] Wheeler & Harmer, "Resetting the Rules of Engagement," p 22.

[31] Axworthy, N*avigating A New World*, p. 199.

[32] Erin Simpson & Brian Tomlinson, "Canada: Is Anyone Listening," in *Reality of Aid: Focus on Conflict, Security and Development Cooperation* (2006) www.realityofaid.org (accessed July 26th, 2007), p. 20.

seen to have been subsumed to the "West's concerns for its own population's safety and national security".[33]

It was at this juncture that the treatment of "failed states" openly became driven by national security agendas and where the fissure separating the varied definitions of failed states was erased, with poverty reduction, development and the rights-based approach officially being subordinated to wider strategic imperatives. While this may have been inevitable, it nonetheless exposed a lack of shared goals amongst the 3D actors and would further erode their ability to coordinate effectively in theatre.

While the US had long viewed WGAs on security grounds, as did many national defence and security agencies (including Canada's[34]), the emergence of a new global threat allowed the normative justification and precedents for humanitarian interventions to be appropriated by the security agenda and to be used as a vehicle for pre-emptive and defensive war. For the US administration and the military, humanitarians were to serve as *force multipliers (*as famously stated by Secretary of State Colin Powell[35]*)* in these new conflicts, and their actions coordinated and controlled to ensure strategic benefit and force acceptance.

Even oversees development aid (ODA), which has been a staunch supporter of the rights of the poor, has been distorted by the "security lens" through which many Western governments now view the world and its failed and failing states.

In the post 9/11 world security-centric era, poverty and violent conflict in the south are viewed increasingly as 'threats' to the security of the North.

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[33] "War to Peace Transitions", A Conference Report of the 8th Peacebuilding and Human Security Consultations, (Ottawa, Canada, April 2005).

[34] Canada's International Policy Statement, "A Role of Pride and Influence in the World - DEFENCE" *Department of National Defence*, www.forces.gc.ca (accessed August 26th 2007).

[35] Colin L. Powell, "Remarks to the National Foreign Policy Conference for Leaders of Nongovernmental Organizations," Washington, DC, October 26, 2001, http://www.yale.edu/ (accessed Sept 25th 2007).

> Development assistance is once again seen through the lens of northern foreign policy interests, as a tool for rich countries to defend themselves against these 'threats'.[36]

It was precisely this type of national security and *threat lens* which prompted many nations to join the International Security Assistance Force (ISAF) which would come in support of the US-led War on Terror in Afghanistan: their primary task to seek to redress the failed state in order to prevent a relapse into the chaos which had reigned seemingly unchallenged under the Taliban.

Transforming Afghanistan –from the War on Terror to Peacebuilding

Following the initial success of the US-led invasion of Afghanistan, a two year opportunity for reconstruction and development existed and was essentially wasted by the interveners:

> A window of opportunity existed between 2002 -2004 even in the Pashtun tribal areas for the UK & US to have made marked impact on development and reconstruction. 1 Billion (dollars) was delivered much of it usurped by contractors, and warlords. The population's frustration began to grow and boiled over with the winter of 2004 (the coldest in 20 years) in which thousands of Afghans, many of them children, perished while the West continued security payments to the warlords and attention turned to other adventures.[37]

Much like the earlier US-led operation in Northern Iraq, the invasion of Afghanistan has gone from being seen as a combat operation called "Operation Enduring Freedom" to being seen as a UN-sanctioned, NATO-led, whole of government, forcible, military intervention aimed at stabilizing a failed state, reconstructing a war-ravaged country and

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[36]Simpson & Tomlinson, "Canada: Is Anyone Listening," p. 5.
[37]Vani Cappelli, "Alienated Frontier," *ORBIS* (Fall 2005): 723-24. www.fpri.org/orbis (accessed July 26th 2007),

giving economic opportunity, good governance and the rule of law to the long suffering Afghan population.

For NGOs – and arguably for most peacebuilding practitioners – peacebuilding is seen as a transversal process with an emphasis on grassroots or bottom-up (track III) inclusive, common ground activities which complement Track I activities like peacekeeping, governmental negotiations and planning, and Track II mediation and facilitation work conducted by NGOs, religious leaders and academics.[38]

An argument can even be made that while all levels of peacemaking and peacebuilding are important, most recent transitions towards peace have resulted from pressure that was "bubbling up from the grassroots."[39] In Afghanistan, however, we are witnessing an attempt at predominantly top-down societal transformation, imposed largely from the outside, coupled with the supporting role of the newly elected Afghan government.

The peace-enforcement and peace-building talked about is a bit of a misnomer as large parts of the country remain embroiled in full-scale conflict. Whether or not a negative peace (the absence of war) can be achieved militarily and positive peace (overcoming the issues which lead to or could lead to renewed hostilities) secured through economic benefits of assistance remains to be seen. And while there is a belief amongst some practitioners that one can encourage conflicts to subside, the majority believe that a conflict must play itself out before a situation can be ripe for peacebuilding.

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[38] Hugh Miall, Oliver Ramsbotham & Tom Woodhouse, *Contemporary Conflict Resolution* (Cambridge: Polity Press, 2004), p. 20.
[39] Miall, Ramsbotham & Woodhouse, *Contemporary Conflict Resolution*, pp. 58-59.

In the past, both peacekeepers and NGOs have come under scrutiny for reinforcing *the natural order* that created the conflict in the first place leading to a severe questioning of UN-sanctioned peacebuilding and forcible interventions.[40] The latter are now more contentious as it is seen as reinforcing the culture of violence – where the lesson retained is that the biggest guns win. As a result, for some NGOs there is a question of confidence in the international efforts' ability to succeed in Afghanistan under these assumptions.

The Dilemmas for Multi-Mandate Organizations

Multi-mandate organisations, that is those that work on both relief and development, are further affected as they attempt to promote peacebuilding and implement government sponsored programming in more secure areas of the country. This dual role – not unlike the duality inside the UN agencies themselves – means such organisations are attempting to "work in conflict" by delivering humanitarian aid and to simultaneously "work on the conflict" itself through participating in, for example, the reintegration phase of the Disarmament Demobilisation and Reintegration (DDR) process.

Furthermore, with conflict resolution and peacebuilding activities, agencies are looking to "work on the conflict" itself and, as such, take on an additional set of risks as Lederach points out:

> To be directly involved in peacebuilding activities in settings of violent conflict supposes a certain level of precariousness and risk (as in danger), and involves balancing very complex relationships. Peacebuilding

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[40] Miall, Ramsbotham & Woodhouse, *Contemporary Conflict Resolution*, p. 59.

> represents sensitive, delicate and at times, very confidential work where
> lives are on the line and affected by the actions taken.[41]

Even such seemingly benign and commonly practiced activities by conflict sensitive aid agencies as "conflict mapping" in order to better understand how aid may interact with the conflict, may be misinterpreted by local actors, who may not understand why INGOs are looking into what appear to be strategic and military matters. The difficulties in responding to these challenges adequately, are heightened under the integrated or strategic approach in Afghanistan where the line between politics, the military intervention and humanitarian assistance becomes deliberately blurred as assistance is used as a tool[42] to support the desired peace:

> The distinction between humanitarian, political and military action
> becomes blurred when armed forces are perceived as being humanitarian
> actors, when civilians are embedded into military structures, and when the
> impression is created that humanitarian organizations and their personnel
> are merely tools within integrated approaches to conflict management.[43]

Multi-mandate organisations involved in peacebuilding in Afghanistan, must thus take increased care to ensure they do not further blur the lines by creating the impression that they are one with the political military project underway.

The Challenges to Aid: Humanitarian & Development Actors in the War on Terror

Unfortunately the challenges for humanitarians (to say nothing of those to the

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[41] John Paul Lederach, *Building Peace: Sustainable Reconciliation in Divided Societies* (Washington: United States Institute for Peace Press, 1997), p. 132.

[42] Haneef Atmar, Sultan Barakat, Arne Strand, ed., *From Rhetoric to Reality, The Role of Aid in Local Peacebuilding in Afghanistan* (New York: INTRAC, 1998), pp. 36-38.

[43] Raj Rana, "Contemporary Challenges in the Civil-Military Relationship: Complementarity or Incompatibility?" *International Review of the Red Cross* 86:855 (2004): p. 586.

general population) in Afghanistan have largely outweighed the benefits brought by the 3D approach to the conflict. Among the most important challenges faced have been:

1) Co-opting of aid for security purposes

2) Carrying out peacebuilding and development efforts – in the War on Terror

3) Safeguarding humanitarian principles and ethics; and

4) Civilian protection and use of force issues

The *Reality of Aid* report, which comments on the state of global development by combining the views of some 30 countries, dedicated its 2006 issue to examining the impact of security and conflict on aid. Its authors concluded that donor-led Whole of Government Approaches (WGAs) to interventions have "largely subsumed diplomacy and development interests and favoured defence or military responses" for managing conflict and for meeting the strategic goals defined by the donor governments involved.[44] This, they point out, is not only true in Haiti, Sudan and Iraq but in Afghanistan as well! This is something that aid agencies on the ground know all too well.

Co-opting of Aid for Security Purposes

"The incentives to dress hard military objectives in soft humanitarian clothing have been present from the start, regardless of the party in charge."[45]

From the outset in Afghanistan, the US-led effort paid little heed to the laws of war, be it to the Geneva conventions or to IHL[46]; it is thus not surprising that there

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[44] "Reality of Aid," (2006) www.realityofaid.org (accessed July 26th, 2007), p. 1.

[45] Taylor Owen & Patrick Travers, "3D Vision, Can Canada reconcile its defence, diplomacy and development objectives in Afghanistan," *The Walrus* (July/August 2007), p. 49.

[46] Wheeler & Harmer, "*Resetting the Rules of Engagement,*" p. 21.

should be a lack of respect for the existing civil/military cooperation guidelines or experience worked out in earlier UN forcible military interventions and integrated missions. Aid, it seems, was to be conceived as nothing more than a weapon in the war against terror.

Non-uniformed special services officers - intentionally or not - camouflaged themselves by adopting the white land-cruisers associated with aid agencies and by addressing local leaders and elders with promises of aid and assistance. These officers were also the eyes and ears of the military and utilised the access gained to collect information. In some areas pamphlets were also dropped promising aid in exchange for providing information on the Taliban. "The confusion over the role of humanitarian workers that resulted from these and similar incidents severely jeopardized their security."[47]

The resulting confusion caused by this blurring of the lines between humanitarian and military action was seen as a primary factor in the assassination of 5 MSF aid workers in 2004. Following their deaths, a Taliban spokesperson stated that aid organisations were working for American interests and had thus become legitimate targets, which led MSF to quit Afghanistan after 24 years of presence.[48]

The above mentioned semi-clandestine operations have now largely been replaced with a more formalized form of co-opting aid for essentially political and military purposes called provincial reconstruction teams (PRTs). These US-designed units (now adopted by the militaries comprising ISAF) were originally tasked with coordinating humanitarian aid and aid actors, and often operated outside of pre-existing UN

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[47] Owens & Travers, "3D Vision," pp. 44-49.
[48] Owens & Travers,,"3D Vision," p. 46.

coordination mechanisms, and while their initial job descriptions did not mention carrying out aid projects themselves they soon began functioning as "military-relief hybrids".[49]

> The CF (Coalition Force) is both a fighting force actively engaged in an anti-insurgency shooting war and a "hearts and minds" operation that provides relief and services to the local population in a manner that is functional to its military objectives.[50]

After their launch by the US in 2002, both the British and American forces openly considered their PRTs' so-called humanitarian aid as an instrument in the war against terror.[51] In their classic form, the PRTs reflect the theoretical construct of the *Three Block War (3BW)* that US General Charles Krulack posited in the late 1990s, in which the military would effectively be conducting combat operations on one block, separating belligerents (or peacekeeping) on another, and distributing humanitarian aid on a third - all in the same theatre and all within a few hours.[52]

Both the US and Canadian forces adopted this untested construct believing that the "third block" of visibly placed development would buy consent and force security. Unfortunately they failed to realize that proper development requires both a skill set and know-how that their members may not necessarily possess, and requires broad-based community consent from the outset. Learning these lessons the hard way has resulted in situations like the rebuilding of the Parwan school 3 times, first by the US following

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[49] Isabelle Bercq, "La militarisation de l'action humanitaire en Afghanistan," Note D'analyse (*Groupe de recherche et d'information sur la paix et la sécurité,* 9 mai 2005), 2. www.grip.org/bdg/g4572.htlm (accessed August 20th 2007).

[50] Antonio Donini and others, "Mapping the Security Environment: Understanding the Perceptions of Local Communities, Peace Support Operations and Assistance Agencies." A report commissioned by the UK NGO–Military Contact Group. Feinstein International Famine Center, Tufts University: Medford, MA, USA. (2005), p. 12.

[51] Bercq, "La militarisation de l'action humanitaire en Afghanistan". p. 1.

[52] "The rubric of 3BW offers the military a logical framework for the variance of their work in a way which makes sense to a combat-centric. However, 3BW was never developed as an operational strategy, but was a framework to try and understand the complexity of contemporary armed conflicts and other insurgencies." Sarah Jane Meharg, "Three Block Wars and Humanitarians – Theory Policy and Practice," Final Report (Ottawa, Pearson Peacekeeping Centre, 2006), p. 7.

the invasion – and then twice by the Canadian PRT, once after it was burned by the Taliban and a second time after Canadian forces destroyed it during renewed fighting.[53] While rebuilding a school it had bombed might appear as a good-will gesture by some – the wisdom of doing so in the wake of Human Rights Watch's report recommending not to build schools after 200 had been subject to attacks (including threats, beatings, executions, and buildings being burned) by those opposed to the politico/military project underway,[54] must surely be questioned. Militaries engaging in *hearts and minds* type projects are in essence struggling for control of the civilian population; something which can end up making them targets in the on-going hostilities and should therefore be avoided.[55]

It must also be said that other states, like the Dutch and Norwegians, have attempted to separate military roles from humanitarian tasks and to have their PRTs prioritise building, not buying, consent for their mission, though strengthening relations with local officials and promoting pro-peace initiatives. The British forces, while maintaining the right to carry out quasi-development projects under their civilian-military coordination (CIMIC) activities, have civilianised their PRTs in order to guarantee better quality programming and to ensure that their activities are coordinated, and do not occur in areas already served by aid agencies.[56]

While some measured improvements have come about and improved dialogue between NGOs and military actors in Kabul is now taking place, many militaries have

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[53] Story collected by the Author (under Chatam house rules) Calgary, 20th of March 2007.
[54] Human Rights Watch "Lessons in Terror – attacks on Education in Afghanistan" (July 2006). http://www.hrw.org/reports/2006/afghanistan0706/index.htm (accessed Aug 2007).
[55] It is my understanding that the Canadian, British and UK militaries continue to have school construction targets to meet at this time.
[56] Domini and others, "Mapping the Security Environment," p. 14.

refused efforts to be bound by constraints on their PRTs' quasi-development efforts. Thus despite efforts to limit the *blurring of the lines* between military and humanitarian assistance by some militaries involved in NATO's peacebuilding mission, other member states and the ongoing OEF continue to transgress the line for tactical and strategic benefits.

In an effort to maintain their independence and in order to protect themselves from the perception of assisting the military projects in Southern Afghanistan, some agencies refused to consider funds to extend project activities there until the Canadian military agrees to conduct only security and policing activities there.[57] Meanwhile, in addition to the recent spate of largely politically-motivated killings and kidnappings of aid workers in Afghanistan, a new trend has been reported to us by the Afghanistan NGO Security Office (ANSO), in which aid workers are being stopped at unofficial insurgent checkpoints and searched (including computers and mobile phones) for any signs of cooperation with the government or coalition militaries.

The damage done is perhaps already irreparable; the perceptions that aid actors are merely emissaries of their countries' intervening military forces will not soon fade. Tragically, dozens more humanitarians have been killed and the consent-based, impartial NGO assistance model worked out over decades has been erased, further reducing assistance and development prospects for the population.[58] One commentator suggests that:

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[57] Rick Westhead, "Relief Groups reject Afghan projects," *Toronto Star,* 19th of October 2006.

[58] "There has been a sharp rise in attacks against aid workers (28 NGO workers killed from January to August 2006 compared with 31 aid workers killed during the whole of 2005) and conversely, a reduction in areas where agencies are prepared to work…This has triggered a vicious circle: the insecurity is preventing reconstruction and this in turn is fuelling the population's distrust of both the international community and the government". Holly Ritchie, "Aid Effectiveness in Afghanistan At a Crossroads," ACBAR Briefing Paper (Nov 2006): p. 5. www.reliefweb.int/library/document/2006.acbar-afg-oinov.pdf (accessed July26th 2007).

> Any political-military intervention that has a humanitarian component instantly stigmatises humanitarians and puts them in danger. The stigma remains long after the military has departed, affecting trust and confidence with which humanitarians are perceived, literally adding years to the process of reconstruction, reconciliation and prosperity.[59]

Despite such grim prospects, the increased risk to aid workers, and the reduction in areas where they can safely and effectively work, a number of NGOs have stayed on and attempted to carry out their assistance missions under the less than favourable conditions afforded by the 3D approach in Afghanistan.

Carrying out Peacebuilding and Development Efforts – In the War on Terror

> *"Humanitarians would never deny that the creation of a stable peace is in everyone's best interest. However, they would also assert the need for humanitarian action to exist alongside peacebuilding efforts in order to uphold the principle of humanity and the protection of civilian life as the conflict rages."[60]*

Inside Afghanistan there are largely two realities. The first reality exists in the central, north and western regions where humanitarian agencies and multi-mandate organisations are, despite the relative insecurity, still able to carry out humanitarian assistance, development initiatives and peacebuilding ventures.

In these areas, the world's focussed attention on Afghanistan has, despite the challenges, resulted in a number of successes that are often over-shadowed by the obstacles that remain. Government-led, donor-sponsored and often NGO-implemented programmes have resulted in more than 350,000 families accessing microfinance and micro-credit initiatives, and 12,000 of Afghanistan's 24,000 municipalities benefiting

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[59] Ted Itani, "Politicization of Aid," in *On Track 12:1* (Spring 2007), Conference of Defence Association Institute, p. 3.
[60] Erin A Weir, "Conflict or Compromise: UN Integrated Missions and the Humanitarian Imperative," KAIPTC Monograph N0.4 www.trainingforpeace.org (accessed Sept. 2007), p. 37.

from the establishment of community development counsels and the implementation of locally managed development initiatives made possible by the Afghan Government's National Solidarity Program.

The second reality concerns eastern, southern and other areas of the country where, aid agencies have largely had to withdraw or reduce their programming to insufficient *remote-controlled efforts* due to security constraints related to the ongoing war on terror:

> Reconstruction has been very slow in the South. The food aid system has failed, causing a severe famine. Much of the population of Southern Afghanistan is alienated from ISAF. Unless these circumstance change, the Canadian mission in Kandahar will become less and less acceptable to the local population. Time is not on NATO and Canada's side.[61]

Perhaps as a result of such portrayals, the general consensus emerging is that the 3-Ds are not working in Afghanistan and, furthermore, that its failings can largely be attributed to the ineffectual and uncooperative development "D".

Ultimately NGOs receive and implement between 10 and 15% of donor aid arriving in the country. Yet they are increasingly being held responsible for all the development failures in the Afghan context. A "blame game" has arisen in which each actor points to the other as being responsible for the apparent failures of the WGA approach in Afghanistan.

Development projects funded through external support and often directed through private contractors and/or PRTs have been singled out as being particularly

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[61] Gordon Smith and others, "Canada in Afghanistan: Is it Working?" *Canadian Defence & Foreign Affairs Institute,* (2007) www.cdfai.org (accessed Aug 2007), p. 14.

costly, wasteful, lacking in quality and often not taking into account community needs.[62] As well, government-led efforts have been stalled by a nascent and corrupt bureaucracy that has been overloaded by donor funding, despite its inability to manage, and support such a heavy programming burden.[63]

ISAF and NATO have felt let down by all the above as they decry the lack of visible development benefits, which they believe would shore up the population's support following their hard won victories on the battlefields.

According to Jack Granatstein, "the enemy has been strong enough that the government's and the Canadian Forces' commitment to the 3D approach has not been able to receive a fair trial" and the blame falls to the fact that the open war fighting has constrained the PRTs to spending more time protecting themselves than assisting the Afghan people, to CIDA for being ineffectual, and to Canadian NGOs for refusing to cooperate with the military.[64] For Granatstein, the pushing of the other non-consequential "D's" to the background during times of strategic necessity – or when the battles rage - is simply a logical state of affairs and to be expected. For him, like many integrationists, the benefits of peace-enforcement will arrive once the battles have been won.

For many NGOs and peacebuilders alike it is precisely this type of *security first* logic that is at the heart of the problem and ultimately leads to what some term a *state-building paradox.*[65] This refers to the fact that short-term gains on the counter-insurgency, counter narcotics, and war on terror fronts continually undermine

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[62] Hamish Nixon, "Aiding the State? International Assistance and the Statebuilding Paradox," in *Afghanistan Research and Evaluation Unit- Briefing Paper* Series (Kabul: AREU, 2007), p. 9.

[63] Ritchie, "Aid Effectiveness in Afghanistan at a Crossroads," p. 6.

[64] J.L. Granatstein, *Whose War Is It? How Canada Can Survive in the Post 9/11 World* (Toronto, Harper Collins, 2007), 214-215.

[65] Nixon, "Aiding the State," p. 1.

community-based peacebuilding efforts and development initiatives that are ultimately required for a more peaceable future, and, for the coalitions' eventual success. This paradox is especially acute when coalition operations have led to large-scale loss of civilian life and property, have fostered anti-government and anti-NATO sentiment and have ultimately either ignored and/or been complicit in the reduction of humanitarian space.

Safeguarding Humanitarian Principles of Independence/Neutrality/Impartiality

> "Reconciling military, diplomatic and humanitarian objectives may be a more effective way of stabilizing failed and fragile states, but it also creates inevitable trade-offs and requires a high degree of collaboration."[66]

The question is what trade-offs to make and how much can one agree to suspend its own morality and principles in order to arrive at the greater good? What has also been shown through the Afghan experiment is that the degree of collaboration needed sometimes remains higher than agencies can afford without becoming complicit in the militaries' agenda. The same difficulties can sometimes also arise when collaborating with governments in development and peacebuilding efforts.

To remain independent, agencies must remain in charge of where, and with whom, they work. Yet in government or military led peacebuilding efforts, agencies sometimes have little control over the types of projects and or locations where they will be implemented.

What is often not understood is that many multi-mandate agencies have already sacrificed a portion of their neutrality, impartiality and independence by acting as

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[66] Owen & Travers, "3D Vision", p. 46.

implementing agencies for various Afghan ministries. Agencies have done this to ensure their ability to assist and to participate in the peacebuilding activities funded by the donors under the WGA logic.

In fact more than 80% of NGO activities in the country are already tied to government programmes. While good donorship principles oblige that a majority of funds be directed through multilateral organisations or into direct budgetary support to the host government, this shift has further disenfranchised many beneficiaries and shut down "key services not covered under the remit of the current government programmes."[67]

In the south, the few NGOs still able to function have clearly been unable to meet the lifesaving needs of the civilian population. Defence actors have both offered to extend protection to aid agencies[68] and have tried setting up "Priority Development Zones"(PDZs) in which security would be maintained by the coalition members. From the humanitarian side there is little belief in the solutions offered, something that perplexes the military and further fixes the stereotype that humanitarians are somehow antiquated and that they selectively use neutrality as an excuse to avoid working with the military.

Yet in Southern Afghanistan, CARE's local partners have been approached and told:

> "Your aid is good for the local community and may continue. However if you or the programmes you implement become associated with NATO forces, then you will make yourself a target."

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[67] Ritchie, "Aid Effectiveness in Afghanistan At a Crossroads," p. 7.

[68]"At the other extreme, a few agencies and donor representatives chose to embed themselves with the PRTs or to travel alongside CF convoys for their protection. This approach was chastised as dangerous by most assistance agencies." Domini and others, "Mapping the Security Environment," p. 15.

This is not an idle threat. During my recent visit, four Afghan de-miners protected by ISAF and four armed UN security guards protecting a reconstruction engineer were killed the same week.

CARE is responsible for the lives of some 800 national staff and their families, and is helping hundreds of thousand of Afghans in 12 provinces. We do this successfully under the traditional model of arranging safety through community acceptance and local integration. In this scenario, one must weigh very carefully the expansion of ones' activities into areas where the conditions for safe and successful delivery of assistance programming no longer exist.

The reality is that aid agencies would make themselves targets by working in PDZs as they would be seen to have taken sides, thus evaporating the consent-based security and community acceptance model on which they rely to carry out their programming. It is thus no wonder that, "aid agencies are very nervous about working side by side with the military. When that happens, their impartiality in the eyes of the community has been lost"[69] and with it, their ability to safely and effectively carry out bottom-up, inclusive programming for the benefit of all.

Compromising on impartiality leads to the conditionality of assistance and the discrimination towards victims that has become a hallmark of the way the WGA and the Afghan government distributes and relates to development issues and assistance.

> As with many aid efforts, however, help for the displaced has been hampered by the Afghan government itself. Last March, the government declared that support for the camp dwellers should stop, so the people would be encouraged to return home. The WFP now plans to use its CIDA

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[69]Rick Westhead, "Relief Groups reject Afghan projects," *Toronto Star,* 19th of October 2006.

money to help get people out of the camps and back into their homes, with food-for-work-incentives.[70]

Using food aid as a weapon to force civilians back into un-safe areas is clearly not something that any aid agency should support, yet contravening the ban risks bringing the ire of the Afghan authorities. That the WFP would be complicit in this, points to the abrogation of its humanitarian mandate in favour of short-term political priorities.

In dealings the author had with one Afghan Ministry (which will remain anonymous), when looking to begin programming in the volatile southern region, he was informed that the Ministry intended to guarantee the organisation's safety through the use of armed emissaries provided by the communities themselves. In cases where it was understood that security could not be guaranteed as a result of Taliban presence, the information would be transmitted back to ISAF and the Afghan National Army so that they could "clean up the area", after which assumedly we would be encouraged to commence our programming. Extending the writ of the government's programming, and assisting to rout out the Taliban, thus went hand in hand for the high-level Ministry official in question.

These kinds of practices - cooperating in such a government program, using food aid as a weapon, or carrying out programs together with the PRTs - would put us in direct contravention of the Red Cross Code of Conduct that humanitarians and development agencies signed back in 1995 precisely to guard against the politicisation and instrumentalisation of aid. That our organisation could not follow through with such an unethical bargain was never in question. It did, however, show the limits of deep

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[70]Graeme Smith, "'We have to act faster' CIDA says. Officials concede Canadian aid flows slowly in Afghanistan" *The Globe and Mail*, Wednesday 21st of January 2007.

integration and reconfirmed the wisdom of reaffirming the core humanitarian principle of

independence of action.

Civilian Protection/ Use of Force Issues (Just War and HIs)

> In the long history of legal debates about humanitarian intervention there has been a consistent failure to address directly the question of the methods used in such interventions. It is almost as if the labelling of an intervention as humanitarian provides sufficient justification in itself, and there is no need to think further about the aims of the operation or the means employed.[71]

UN mandated and/or sanctioned forces, such as NATO's ISAF, become party to the

conflict by engaging in forcible humanitarian interventions and peace-making efforts and

as such they must respect the rules of IHL. Therefore *just means,* proportionality of

response to threats presented and avoiding civilian targets and institutions when

possible must accompany the other IHL duties of promoting independent humanitarian

assistance, otherwise the UN and its allies will be in contravention of IHL and as such

will forfeit the legitimacy of these HIs themselves.[72]

Following a spate of well publicized incidents in which US and/Coalition

bombardments have led to high numbers of civilian casualties, the UN released a report

stating that so far in 2007 more civilians deaths were caused by allied & Afghan forces

than by the insurgents.[73]   The vast majority of recent civilian deaths in Afghanistan,

however, are not related to individual soldiers reactions on the ground in the *fog of war*.

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[71] Roberts, "Humanitarian War," p. 51.

[72] Francoise Saulnier-Bouchet, "Action Humanitaire entre droit de la guerre et Maintien de la Paix," *Les cahiers de Mars* No. 166 (3rd trimester 2000) : 6-7. www.msf.fr (accessed Feb 2005).

[73]   A recent United Nations report said 593 Afghan civilians have been killed by violence linked to insurgents this year. But more of those deaths -314-were caused by ISAF or Afghan security forces than by insurgents." Kim Barker, "Afghan Civilians Caught in Crossfire" *Chicago Tribune*, Sunday 08 July 2007.

Civilian deaths are largely due to the coalition's increasing reliance on aerial bombardments[74] and long-range artillery support (as was done in Kosovo) to compensate for limited troop numbers[75] and in order to minimize coalition casualties:

> Scores of civilian deaths over the past months from the heavy U.S. and allied reliance on air strikes to battle Taliban insurgents are threatening popular support for the Afghan government and creating severe strains within the NATO alliance.[76]

In addition to the loss of life, increased coalition activity in the south has led to an increase in IDPs and has caused wide-scale damage to civilian houses, wells and other infrastructure thus further aggravating the humanitarian situation on the ground. One such attack near Herat this past summer led to dozens of deaths (including civilians), created over 2000 IDPs, and left 170 houses wholly or partially destroyed.

The US and NATO have now both acknowledged the problem - although arguably they see the problem more in terms of losing *hearts and minds* and potential ramifications for their own force security than one of following IHL and of guaranteeing civilian protection. There is also a steady stream of apologies issued from NATO and the US forces, which are generally followed by the justification that the insurgents are taking sanctuary or hiding amongst civilians. Such behaviour on the part of the insurgency is clearly a breach of IHL as are many other tactics it uses (such as suicide bombings which must be condemned unreservedly). However, even in such cases as

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[74] "This year in Afghanistan, American aircraft have dropped 987 bombs and fired more than 146,000 cannon rounds and bullets in strafing runs, more than was expended in both categories from the beginning of the American-led invasion in 2001 through 2004, the Air Force said. " David S. Cloud, "US Airstrikes Climb Sharply in Afghanistan", *The New York Times*, Friday, 17 November 2006.

[75] "Western Forces in Afghanistan - Unfriendly Fire," *The Economist*, June 23rd 2007, p. 51.

[76] Carlotta Gall and David E. Sanger, "Afghan civilian deaths damaging NATO," *International Herald Tribune,* Sunday, May 13, 2007.

shielding, proportionality must be taken into account in the response, while this indeed is a high standard, to maintain its legitimacy it must nonetheless be upheld by the HI.[77]

There is some cause for hope here in the so-called "European exception": Holland, France and other continental nations see their presence in Afghanistan more in terms of keeping the peace and nation building and thus are said to be uncomfortable with the force posture and collateral damage being caused.

The sanctity of human life and the right to assistance and protection are fundamental constructs of the humanitarian endeavour. When these are transgressed, and humanitarians are present, they have a duty to give voice to the victims and to bear witness to the suffering observed.

> Where there is contact with the victims of catastrophe that is instigated or made worse by the direct or structural oppression by some humans or others, the ethical mandate of bearing witness in favour of the victims arises spontaneously.[78]

The Afghanistan Coordination Body for Afghan Relief (ACBAR), which includes both Afghan NGOs and international NGOs, has now felt it necessary to explicitly underline breaches in IHL it deems to have resulted from the means and use of force employed by the coalition and the OEF, while resolutely condemning the indiscriminate methods used by the insurgency.

> We strongly condemn operations and force protection measures carried out by international military forces in which disproportionate or indiscriminate use of force has resulted in civilian casualties. Such operations have frequently been by carried out by forces or agencies

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[77] Michael, N. Smith, "War Technology, and International Humanitarian Law," *HPCR Occasional Paper Series, (Harvard University, Program on Humanitarian Policy and Conflict Research, summer 2005),* p. 37.

[78] Xabier Etxeberria, "The Ethical Framework of Humanitarian Action," in *Reflection on Humanitarian Action* (London: Pluto Press. 2001), p. 93.

> outside NATO command, often American forces in Operation Enduring Freedom, and sometimes in conjunction with Afghan forces.[79]

Ultimately agencies that remain despite the challenges, have a duty to advocate or witness on the victim's behalf. They do so in hopes that the military and political leaders will put in place policies and practices which will allow the soldiers on the ground to conduct their activities in ways that will better protect the civilian population, something which ultimately should enhance rather than take away from the mission's general objectives of restoring peace and security, and ultimately stabilizing the failed state.

Conclusion

The co-optation of aid for political and military purposes in Afghanistan has resulted in an ever expanding area of the country suffering from a politically aggravated, acute humanitarian emergency that largely goes unreported and unattended. Both *humanitarian minimalists* and *multi-mandate maximalists* (including Afghan NGOs and INGOs) have largely had to abandon the heaviest conflict areas, as their consent-based presence was eroded and their safety undermined by the coalition forces that posited aid conditionality, used aid as a tool, and unwisely took on the appearance of aid workers.

The numerous challenges faced by aid agencies under the 3D approach have been greater than in previous HIs and have, at times, seriously strained relations amongst the various actors. This has led many aid agencies to conclude that the moral overlap of goals to which they subscribed in order to participate in shared conflict

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[79] Agency Coordinating Body for Afghan Relief, "Protecting Afghan Civilians: Statement on the Conduct of Military Operations," 19 June 2007, http://www.acbar.org (accessed August 24th, 2007).

transformation agendas is unworkable in heavily militarised 3D approaches, and untenable in *War on Terror* settings.

Humanitarians and development agencies have thus had to distance themselves from the deeper coordination, and command and control agendas of other actors in the integrated approach, and to reaffirm their adherence to humanitarian principles and the code of conduct in order to create ever shrinking pockets of humanitarian space where they can still function. In future, multi-mandate NGOs and others who have taken on the *working on conflict* agenda, must remain more vigilant of their independence and retain the lesson that such activity (unless conducted for both sides) can have consequences which can negatively affect both their own ability to carry out humanitarian relief activities, and the ability of traditional humanitarian agencies who never subscribed to these "maximalist" goals.

Whilst maintaining independence, all actors involved in the 3D in Afghanistan must continue to forge a strong culture of communication. Sharing the same terrain as they do, development, defence and diplomatic actors will all be better served through improved understanding of respective mandates, positions and operational cultures. While some may be disappointed that deeper coordination, coherence, or control by one lead actor are not possible or desirable, it was in fact entirely predictable from the moment the security agenda overtook the protection agenda as the lead motive for intervention.

Predictably the 3D approach has been dominated by the Defence "D". Whether this is due to its advantage in size and funding or its "can do" mentality can still be debated. What is less in doubt is that PRTs based on the 3BW concept (which pre-

dates the war on terror) were deployed early on in the conflict and were seen as essential components in the heavily militarised solution to Afghanistan's problems. They did not originate spontaneously as a result of the failings of the other D's as is sometimes maintained.

While research suggests that equal partnership amongst actors in the coherent approach is the key to success, it is increasingly difficult to see how such a level playing field could ever be created in Afghanistan. In setting out the failure of leading with a heavily militarised solution to dealing with failed states and transforming these states through forcible transformation, Axworthy writes. "If one wants recent proof of the problems with this approach, just look at what happened in Afghanistan, were the warlords reign supreme. The population is faced with constant threats to their security, development is stymied and the export of heroin is setting new records.[80]" The pessimistic view of progress to date was not, as seems likely, penned in the past months, but almost five years ago.

Regrettably Canadian politicians continue to echo Colin Powell's view of NGOs as "force multipliers" by selling the war at home as a combined 3D/humanitarian mission.[81] Instead of promoting such dangerous and short-sighted rhetoric, our politicians should instruct the military commanders to devise policies and practices which promote civilian protection and which safeguard humanitarian space.

Use of force issues are actually intensifying the population's suffering, and undermining the coalition's efforts in Afghanistan. As a result, special care must be taken to reduce displacement, destruction and death caused by aerial bombardments in

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[80] Axworthy, N*avigating A New World,* p. 194*.*
[81] Maxime Bernier, "Why were in Afghanistan," (Oped) *National Post*, Monday Sept 24th, 2007.

civilian areas. A serious review of rules governing use of force could ultimately reduce civilian casualties and would, at minimum, ensure the respect of the *just means* principle which is essential for maintaining the legitimacy of the NATO- and UN-sanctioned mission

Consent, it seems, cannot be easily purchased through visible PRT-led reconstruction projects, even if they are well intentioned, as they are often shortsighted and can lead to civilian targeting by the insurgency. Both these facts are increasingly being registered by the soldiers on the ground and by the command structures of progressive minded militaries which are beginning to alter their military and donor policies.

While the civilianisation of military PRTs is a step in the right direction, it would be preferable for the military to completely break with the militarisation of aid. Even if properly conducted, bringing aid in one hand with a gun in the other will continue to politicise the assistance provided, and lead to perceptions that will ultimately further reduce humanitarian space. This is where the limits to civil/military guidelines and cooperation lie, as militaries are unwilling to discuss or forgo their ability to conduct such quasi-development activities in conflict settings. As a result, and until such a time as the theoretical 3D construct can make room for an independent and operational humanitarian "H", it may indeed be best to simply remove the Development "D"[82] from the equation.

While Afghanistan is the central issue today, much more is at stake. The very legitimacy of humanitarian interventions could be lost if the international community is not careful to safeguard the core principle of *humanity*. Morality matters and both right

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[82] Itani, "Politicization of Aid," p. 3.

intentions and just means are essential to upholding the legitimacy of HIs. Hopefully Canada, as one of the lead architects behind the *Responsibility to Protect* doctrine with its potential to avoid conflict, alleviate suffering, and protect civilians from the abuses of their own governments, will heed the warning signs before it's too late. What is abundantly clear is that since the war on terror, there has yet to be an effective and justified intervention that can be called *humanitarian;* and this should give all 3D actors (defence, diplomacy and development) cause to pause and reflect.

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Acronyms

3BW	=Three Block War
3D	= Defence, Diplomacy and Development
ACBAR	= Agency Coordinating Body for Afghan Relief
ANSO	=Afghanistan NGO Security Office
CSO	= Civil Society Organisation
DOD	=Department of Defence
HI	= Humanitarian Intervention
HLP	=High Level Panel
ICRC	=International Committee of the Red Cross
IDPs	=Internally Displaced Peoples
ISAF	=International Security Assistance Force
INGO	= International Non-Governmental Organization
MDGs	= Millennium Development Goals
MSF	= Médecins Sans Frontières
NGO	=Non Governmental Organisation
OEF	=Operation Enduring Freedom
PRTs	= Provincial Reconstruction Teams
R2P	= Responsibility to Protect
SSR	= Security Sector Reform
UN	= United Nations
US	= United States
UNAMA	= United Nations Assistance Mission to Afghanistan
WGA	=Whole of Government Approach

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