

**RESPECT FOR CULTURE AND  
CUSTOMS IN INTERNATIONAL  
HUMANITARIAN ASSISTANCE:**

**IMPLICATIONS FOR  
PRINCIPLES AND POLICY**

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# ABSTRACT

A concern with respect for local culture, practices and customs emerged in international humanitarian assistance in the 1990s. This concern is clearly necessary as humanitarian assistance operations have frequently suffered from an inadequate appreciation of the local context, which has negatively affected the effectiveness and efficiency of humanitarian aid, as well as the security of aid workers. The emergence of respect for culture, however, also raises questions about the relationship of this norm to the traditional humanitarian principles, and in particular of the possibility that some cultural norms and practices may run into an irresolvable conflict with the normative framework underpinning international humanitarian assistance.

The issue of culture in the humanitarian context has thus far been under-researched. The purpose of this thesis is to clarify the conceptual and practical implications of the commitment to respect culture for international humanitarian assistance both at the level of principles and policy. First, the existing normative framework underpinning international humanitarian assistance is described through an examination of international legal documents, and aid organisations' statements of principle and professional guidelines. Second, the emergence of the norm of respect for culture in international law, in the principles and guidelines of aid organisations, as well as in academic research is discussed. Third, the conceptual tools of normative political theory are applied in order to examine the interaction between the existing normative framework, on one hand, and the norm of respect for culture, on the other. In particular, types of potential conflict between the two, and possible ways of addressing such conflicts are discussed. Fourth, the implications of respect for culture for gender issues in the humanitarian context are also examined. Finally, the findings from the conceptual analysis are brought onto an operational level through a discussion of their implications for humanitarian policy and practice.



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## INTRODUCTION

*Food packets presently dropping over Afghanistan inspire memories of similar US generosity in other war zones. The Afghan parcels, bearing a message of friendship written in English to a largely illiterate population, contain items like peanut butter and jam, and include moist towelettes, presumably for a touch of dining etiquette. So it was in the 1992 intervention in Somalia, when the Americans attempted to win hearts and minds by distributing hot water bottles, teddy bears and tins of baked beans with pork sausages.<sup>1</sup>*

The above quote illustrates but one of the more recent examples of international humanitarian assistance that is inappropriate to the culture and customs of its recipients (which is not to say that this is the only axis along which the deliveries of assistance by the US Government in Afghanistan could conceivably be criticised<sup>2</sup>). It is precisely because of problems like these that (at least the non- and inter-governmental) practitioners of international humanitarian assistance have recently become increasingly aware that understanding of, and respect for, local culture and customs is an intrinsic part of the successful provision of humanitarian assistance. A variety of examples of such increasing awareness can be cited: training courses for humanitarian aid workers now often include

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<sup>1</sup> 'Towelettes for Afghans,' *Prospect* (November 2001), p. 6.

<sup>2</sup> For example, it has been pointed out that the American aid packages were at least initially the same colour – yellow – as the unexploded cluster bombs that the US-led forces also dropped from their planes, with the ensuing confusion endangering the lives of the people trying to collect aid packages.

components entitled something like ‘cultural awareness’,<sup>3</sup> and the International Committee of the Red Cross (ICRC) organised a seminar in 1998 for non-governmental organisations on ‘Humanitarian Standards and Cultural Differences’.<sup>4</sup> Perhaps most significantly, however, this concern with culture and customs was given explicit normative status in 1994, when the signatories to an interagency agreement on professional standards for humanitarian aid workers, the *Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organizations (NGOs) in Disaster Relief* (hereafter *Code of Conduct*), made an explicit commitment ‘...to respect the culture, structures and customs of the communities and countries we are working in’.<sup>5</sup> The inclusion of this norm in the Code of Conduct is significant, as it is possibly the most important contemporary attempt to express what may be described as the present normative consensus underpinning international disaster relief, applicable both during peacetime disasters and in armed conflict.

The cultural and customary norms and practices of the recipients of humanitarian assistance are something that humanitarian practitioners must engage with in their day-to-day work. For this reason, it is important to understand both the

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<sup>3</sup> This was the title of such a segment in the Finnish Red Cross’s *Basic Training Course for Future Delegates*, which I attended in 1999.

<sup>4</sup> See ICRC Seminar for Non-Governmental Organizations on Humanitarian Standards and Cultural Differences, 14 December 1998 (a Summary Report of the seminar proceedings is available via <http://www.icrc.org>).

<sup>5</sup> *Code of Conduct for the International Red Cross and Red Crescent Movements and Non-Governmental Organizations (NGOs) in Disaster Relief* (1994) [hereafter *Code of Conduct*]. The full text of the *Code of Conduct* is available at <http://www.ifrc.org/publicat/conduct>. For background of the *Code of Conduct*, see e.g. Nick Cater, ‘Setting Standards,’ *Red Cross, Red Crescent: The Magazine of the International Red Cross and Red Crescent Movement* (No. 1, 2002), pp. 12-13.

possibilities and problems that 'respect for culture and customs' may create for international humanitarian assistance. On one hand, respect for culture and customs is clearly important for the successful provision of international humanitarian assistance. All too often, mistakes made in international humanitarian aid operations have been the result of an inadequate understanding of, and/or respect for, the local context, including culture and customs. Sometimes these mistakes may have been relatively trivial ones, while at other times they may have made the difference between life and death. One need only to consider the practical implications of providing pork as the only source of protein to a devout Muslim population to bring home the seriousness of the concern. Moreover, even if many such errors seem more like honest mistakes than anything else, it is important to consider what such mistakes tell us about the relationship between the donor and recipient communities.

On the other hand, respect for culture and customs, however necessary, may also create problems in international humanitarian assistance. It seems conceivable, indeed probable, that there may be cultural or customary norms and practices that conflict with the norms and principles on which international humanitarian assistance is based. What are the implications of 'respect for culture and customs' in such situations? The issue is further complicated by the fact that 'culture and customs' are anything but precise categories. This means that beliefs, norms and practices may be classified under the category of 'culture and customs' in a manner that render the norm of 'respect for culture and customs' vulnerable to abuses of power, as it can at times be very difficult to distinguish between

genuinely shared cultural norms, on one hand, and oppressive practices serving the interests of the few, on the other.

The purpose of this thesis is to examine and clarify some of the implications that respect for culture and customs may have for the principles and policies of international humanitarian assistance. This is an important topic to which very little systematic attention has been devoted thus far. I have chosen to use the concepts and methods of contemporary political theory to address this issue. Two main types of reasons can be identified for using political theory to address the issue of respect for culture in humanitarian assistance: on one hand, humanitarian assistance can contribute to normative political theory in the sense that it provides a fresh angle to a central issue area (i.e. the problem of culture) in contemporary political theory; on the other hand, the thesis seeks to utilise the methods of political theory to clarify some of the basic concepts and choices associated with international humanitarian assistance, both specifically in relation to the issue of culture as well as more generally. Let me now examine these two aspects in more detail:

On one hand, the project may be seen as a practical ‘case study’ within the more general, and abstract, debate regarding universalism and particularism (or cosmopolitanism and communitarianism, as it is also known) in international political theory.<sup>6</sup> I believe that international humanitarian assistance has

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<sup>6</sup> The major features and participants of this debate are by now well known. Thus, I will not enter into a discussion of them here. For an introduction to the general philosophical issues at stake, but with primary emphasis on the domestic context, see Stephen Mulhall and Adam Swift, *Liberals*



characteristics that make it particularly suited for such a case study. For one, humanitarian assistance is a rare international activity in that it is based on explicitly stated universalistic ethical norms, in particular on humanity and impartiality.<sup>7</sup> As the content of these norms is discussed at length in the following chapter of the thesis, it will suffice to say here that the principle of humanity refers to the call to save lives and prevent or alleviate human suffering, while the principle of impartiality is a distributive principle according to which every human being is equally entitled to humanitarian assistance, qualified only by the extent of his or her needs. The interaction between these universalistic principles and local cultural and customary norms is an intrinsic and unavoidable part of the practice of international humanitarian assistance, as humanitarian assistance is one of the few international activities that directly involves 'ordinary' citizens, as opposed to members of political or economic elites. Moreover, because it explicitly deals with matters of life and death, humanitarian assistance is also likely to bring the implications of the different ethical approaches under extreme circumstances into sharp relief, something that does not usually occur in non-emergency contexts. The picture is further complicated by the fact that, in the context of humanitarian assistance in armed conflicts, during the past decade concepts such as culture, tradition, and ethnicity have gained an increasingly significant role (at least at the level of rhetoric) in the conflicts themselves.

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*and Communitarians*, Oxford: Blackwell Publishers, 1992; for an introduction to this debate specifically in the international context, see Chris Brown, *International Relations Theory: New Normative Approaches*, Hemel Hempstead: Harvester Wheatsheaf, 1992.

<sup>7</sup> These norms appear, for example, in the *Fundamental Principles of the Red Cross and Red Crescent Movement* (available, for example, at <http://www.redcross.org.uk/index.asp?id=10>), in the *Code of Conduct* (available at <http://www.ifrc.org/publicat/conduct/index.asp>), and in the interagency *Sphere Project* (available at <http://www.sphereproject.org>).

On the other hand, the introduction of the concepts and methods of (international) political theory can also add clarity to contemporary debates within humanitarian assistance. In particular, they can be seen as providing a more general conceptual network with regard to elements of the contemporary international system, within which the principles and practice of humanitarian assistance can be located in relation to other related but distinct activities and actors, such as international distributive justice, as well as the state and the states system. It is, after all, primarily in relation to and by contrast with other activities and actors, both real and potential, that it is possible to define the nature of a particular activity or actor, in this case that of humanitarian assistance and the humanitarian aid community. Thus, locating humanitarian assistance within the 'big picture', as it were, in this manner can also go some way in helping humanitarians to address some of the central contemporary debates within humanitarian assistance, such as the ones about accountability and quality, which at bottom may be seen as being about what contemporary humanitarian assistance both descriptively is and normatively ought to be. In this context, one of the questions that may be raised is whether, or to what extent, this thesis helps practitioners to make correct, or at least better, decisions with regard to culture. Even though the argument is made with reference to concrete cases and decisions throughout the thesis and in particular in the final chapter, it should be emphasised that I have not set out to offer a code of conduct in respect for culture or even to improve those codes that already exist (and that are discussed at length in this thesis), and thus I do not expect to improve practitioners' decisions in any direct way. Rather, my aim has

been to clarify the general guiding principles of humanitarian assistance in light of their wider context, and thus to get practitioners to think more clearly about the problems of applying these principles giving due respect to culture.

## CONTEXT

Despite the potential for bringing together two different academic literatures (i.e. political theory and humanitarian assistance) that this topic presents, as was described above, it is nonetheless important to emphasise that my primary interest in this issue is not academic but practical. In international humanitarian assistance, cultural and customary norms and practices pose concrete problems that aid workers must somehow resolve in their day-to-day work. One of the aims of this research is to use some of the conceptual tools of the existing academic discourse regarding universalism and particularism to make sense of phenomena confronting practitioners of international humanitarian assistance. Working as Desk Officer for Western and Southern Africa in the International Aid Department of the Finnish Red Cross, I was struck by the – often tragicomic – stories recounted by experienced aid workers, where their efforts had in one way or another run into conflict with the culture and customs of the local population. While these examples are anecdotal, they can be seen as reflecting a more general phenomenon, namely the emergence of a norm of respect for culture and custom in international humanitarian assistance, as well as the sometimes problematic implications that this concern may have for the other norms governing humanitarian assistance:

In one case, an aid agency had included spaghetti in the food aid it had sent to a certain part of Somalia. The consequence was that the recipients proceeded to laboriously turn the spaghetti into flour, as it, rather than pasta, was part of their normal diet. Another case involved an European aid worker ordering hundreds of mattresses for a group of Afghan nomads who had no use for them, simply because he had incorrectly interpreted their needs (presumably on the basis of what his own needs would have been in their situation). I think it bears emphasising that the 'spaghetti-for-Somalia' episode and others like it may appear trivial but have in fact very serious implications as they have been got wrong so often. These examples, far from isolated ones, illustrate failures on the part of aid workers and agencies in understanding local culture and customs. It is examples like this that have, quite justifiably, prompted the emerging concern with respect for culture and custom in international humanitarian assistance.

There are, however, other kinds of stories about the interaction between local culture and customs and the norms of humanitarian assistance as well. Probably the most striking one for me was that of an African woman, recounted by a highly experienced European aid worker. The aid worker had been involved in an aid operation where he was responsible for the distribution of food aid, where the method – today increasingly common – of giving aid to village elders to be distributed further had been used. Because the local distribution of food customarily went through male heads of the family, an old woman, a widow, had been left completely without and was starving to death. Even though there was no

## Introduction

indication that this was a situation where anyone had to die (i.e. it was not a case of distribution of scarce resources in a situation where not everyone could be saved), this was accepted by her fellow villagers because they considered her, as a widow, to be effectively dead already. The aid worker who told the story said that his choice in this situation had been not to become involved, so as not to interfere with the local culture. In doing so, however, his decision appeared to fly in the face of the basic rationale for humanitarian aid, namely the saving of lives and alleviation of suffering of all persons. It was this example in particular that prompted me to think whether there were limits to how far the respect for culture and custom should go, or how the importance of this norm should be 'ranked' if and when irreconcilable conflicts between it and the other norms of international humanitarian assistance arose. This example also illustrates the problems that can arise when the practical implications of normative commitments such as the one to respect culture and customs are left to the intuition of individual aid workers rather than being systematically examined and clarified. Obviously, it is very difficult to give conclusive answers to many of these questions, as much depends on the specific circumstances encountered in the field. I believe, however, that simply raising questions and highlighting concerns is useful.

Having explained above some of the context and motivation from which this thesis arises, let me now go on to make some remarks about some of the central definitions related to the subject matter of the thesis. In doing so, my aim is also to locate this research in the broader context of some major contemporary debates surrounding international humanitarian assistance.

## DEFINITIONS AND DEBATES

It is customary to begin this kind of research exercise by defining the subject matter at hand. The purpose of offering such definitions is to clarify both the content as well as the boundaries of the research exercise in question; in other words, to identify the kinds of issues that the particular research project seeks to address as well as those left outside of its remit. In the context of the present exercise, the most important concepts that require definition are ‘international humanitarian assistance’, on one hand, and ‘culture’, on the other. I will therefore say something of each of them in turn.

### International humanitarian assistance

As traditionally defined, *international humanitarian assistance refers to the deployment of relief by international aid organisations or agencies to alleviate suffering and prevent deaths resulting from an emergency or a disaster.*<sup>8</sup>

Arguably, this definition continues by and large to reflect the activities and self-image of most contemporary aid agencies and aid workers and therefore will be used as a starting-point for this thesis. At the same time, it should be noted that this definition has in recent years come under challenge from various directions; some of the major challenges will be discussed below. Let us first unpack the elements of this definition, however:

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<sup>8</sup> For an example of this ‘traditional’ definition, see for example Peter Macalister-Smith,

(1) *Relief* refers to the provision of assistance in kind, by way of financial contributions, or through the services of trained personnel, aimed at compensating for the abnormal situation created by the disaster and helping to bring the affected people's lives 'back to normal'.

(2) *International aid agencies* refer to organisations that provide disaster relief in at least one country outside of their origin. Most international humanitarian aid agencies are based in Western Europe or North America, although many of them operate globally, either independently or in co-operation with locally-based agencies. Such agencies may be intergovernmental (for example, United Nations High Commissioner for Refugees (UNHCR), World Food Programme (WFP), and European Community Humanitarian Office (ECHO)) or non-governmental (for example, CARE, Caritas, Oxfam, Médecins Sans Frontières (MSF), and the different parts of the Red Cross Movement).<sup>9</sup> It is also possible, even if in practice rare, for a single government to directly engage in disaster relief in a country other than its own (for example, the US government's recent assistance efforts in Afghanistan and Iraq could be seen as cases in point – however, it should be noted in this context that many would argue that assistance can only be considered properly humanitarian if the disaster in question is not in any sense of one's own

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*International Humanitarian Assistance*, Dordrecht: Martinus Nijhoff Publishers, 1985, pp. 1-7.

<sup>9</sup> For a detailed, even if partly outdated, description of the different humanitarian aid organisations, see Yves Beigbeder, *The Role and Status of International Humanitarian Volunteers and Organizations: The Right and Duty to Humanitarian Assistance*, Dordrecht: Martinus Nijhoff Publishers, 1991.

making<sup>10</sup>).

(3) *Disasters* are events or developments resulting in loss of life, great human suffering and distress, and large scale material damage. The definition of any particular situation as a disaster depends on a complex set of variables. This is because an objectively measurable event – for example, an earthquake of a particular magnitude – may or may not constitute a disaster depending on whether or not it occurs in a highly populated area, the time of day it occurs (e.g. whether people are mainly outside or inside buildings), whether or not the buildings affected have been constructed to withstand earthquakes, and so on. Moreover, a crucial dimension of a disaster is that the needs created by the disastrous event or development are such that they overwhelm the locally existing resources and capacities. The decision of when and how such capacities are overwhelmed is, however, to a large extent a political one, rather than dependent on the presence of some objectively measurable phenomena.

Disasters are usually classified etiologically, in other words according to their cause; the basic division is between natural and man-made disasters.<sup>11</sup> Natural disasters are those resulting from the effects of natural phenomena (for example, floods, droughts, earthquakes, hurricanes, volcanic eruptions, mudslides,

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<sup>10</sup> For example, according to Henry Shue, '[i]f there is indeed a disaster, but one is the cause of it, or has deep complicity in it because one has inflicted harm in violation of a fundamental moral constraint, then any assistance one provides is more accurately thought of as compensation for the harm done than humanitarian assistance.' Henry Shue, 'Morality, Politics and Humanitarian Assistance,' in Bruce Nichols and Gil Loescher (eds.), *The Moral Nation: Humanitarianism and U.S. Foreign Policy Today*, Notre Dame, IN: University of Notre Dame Press, 1989, p. 22.

<sup>11</sup> See e.g. Macalister-Smith, *op. cit.*, in note 8, pp. 2-3.



tsunamis, tornadoes, typhoons, cyclones, avalanches, or fire). Man-made disasters can be divided into those that arise accidentally or as the result of negligence (for example, chemical or nuclear accidents) and those that are the result deliberate actions (for example, armed conflict). Disasters may also be the result of a combination of natural and man-made factors (for example, many famines); it is with reference to disasters of this type that the term 'complex emergencies' has emerged in recent years. Indeed, disasters need not have a single cause; instead, there may be multiple independent causes or they may occur as the cumulative effects of a series of linked events. Disasters and the resulting need for assistance can appear suddenly (for example, earthquakes) or develop incrementally over long periods of time (for example, famine or armed conflict), and can be long or short term in duration. They can involve large or small numbers of people (though international humanitarian aid agencies usually only become involved when the numbers affected are relatively large).

As was already mentioned above, this understanding of what international humanitarian assistance involves, or ought to involve, has in recent years come under a number of challenges.<sup>12</sup> Having offered a brief description of what I have described as the 'traditional' definition of international humanitarian assistance above, let me now turn to examining some of the contemporary challenges to this definition. In part, these challenges can be seen as relating to the question of whether the above description accurately reflects the reality of what contemporary

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<sup>12</sup> For another discussion of such challenges, see for example Joanna Macrae, 'The Origins of Unease: Setting the Context of Current Ethical Debates,' paper presented at *Ethics in Humanitarian Aid: Non-Governmental Organisations Forum*, Dublin, 1-10 December 1996.

humanitarian assistance *is*, while in part they are about what humanitarian assistance *ought to be*. Both aspects are relevant for the present exercise: questions of the first type (i.e. about what humanitarian assistance *is*) relate to the issue of whether it makes sense to discuss international humanitarian assistance as a distinctive practice – as is assumed to be the case in this thesis; whereas questions of the second type (i.e. about what humanitarian assistance *ought to be*) raise the more fundamental question of whether humanitarian assistance in its traditional form is even in fact something desirable – after all, if it is not, it would make more sense to seek to develop alternatives to it rather than waste one's time discussing it in its present form.

### *Humanitarian assistance vs. global redistribution of resources*

Let me begin with what presents perhaps one of the most fundamental challenges – in the sense of questioning its entire *raison d'être* – to humanitarian assistance today. This challenge arises from the conviction that vulnerability to disasters, as well as the capacity to respond to them, reflects at bottom an unjust international distribution of resources. There is something obviously persuasive about this idea, as it is certainly possible to see much of the suffering and death in the world, whatever its proximate causes, as ultimately the outcome of poverty. Indeed, it is difficult to see how else could it be explained that humanitarian assistance relatively consistently flows from the rich countries of the North to the poor ones in the South, and hardly ever in the opposing direction. If poverty is indeed the key variable behind the need to engage in humanitarian assistance, at face value at

least it would seem to make sense to seek to prevent the suffering and deaths in the first place by concentrating on dealing with the underlying problem of poverty, understood in the sense of inequalities in the international distribution of resources, instead of applying the admittedly temporary and inadequate 'band-aid' of humanitarian assistance. Indeed, humanitarian assistance can even be accused of helping to uphold the existing inequalities, in the sense that it serves as a means of simultaneously staving off the guilt of the rich as well as pacifying the poor by dealing with the worst excesses resulting from an unequal international distribution of resources, while leaving the basic institutional structures untouched. Along these lines, for example, B. S. Chimni has argued that '[h]umanitarianism is *the* ideology of hegemonic states in the era of globalisation marked by the end of the Cold War and a growing North-South divide. ...[T]he ideology of humanitarianism mobilises a range of meanings and practices to establish and sustain global relations of domination'.<sup>13</sup>

Thus, the nature of this challenge is that it is argued that, rather than giving humanitarian assistance at their discretion as they currently do, the rich states actually have an obligation to transfer resources to the poorer ones as a matter of justice. An obligation to transfer resources internationally could be defended in a variety of ways: for example, as compensation for past wrongs, as an equal right to ownership of natural resources, as a human right, or as a mutual obligation

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<sup>13</sup> B. S. Chimni, *Globalisation, Humanitarianism and the Erosion of Refugee Protection*; RSC Working paper No. 3, Oxford: Refugee Studies Centre, Oxford University, February 2000, p. 2.

deriving from alliance.<sup>14</sup> Moreover, at least in the more extreme versions of this argument, the corollary of this assertion is taken to be that humanitarian assistance should be abolished, either right away (because it serves to uphold the inequalities by making them more tolerable) or at the very least by the time a just international redistribution of resources has been achieved.

The distinction that is usually drawn to illustrate the difference between humanitarian aid and such resource transfers is that between charity and justice. Charity is something that is freely given, laudable but not necessarily required, and where the extent of the giving is dependent on the discretion of the giver. This implies that those doing the giving as a matter of charity can exercise control over the resources handed over, and impose conditions on their use; by contrast, whatever is owed as a matter of justice is obligatory rather than voluntary, its extent is not discretionary, nor can it be made conditional. For example, one of the practical implications of being able to show that something would be owed internationally as a matter of justice would be that it could then be made the subject of coercive taxation irrespective of the will of the individual taxpayers, whereas charitable donations ought by definition to be voluntary.

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<sup>14</sup> Various arguments along these lines have been described in what is known as the 'global justice' literature. The term 'global justice' is probably most predominantly associated with Ian Shapiro and Lea Brilmeyer (eds.), *Global Justice*, New York: New York University Press, 1999. There are also other works that could be seen as falling under this heading, however. See, for example, Charles Beitz, *Political Theory and International Relations*, Princeton: Princeton University Press, 1979; Charles Beitz, 'Justice and International Relations,' in Charles R. Beitz *et al.*, *International Ethics: A Philosophy & Public Affairs Reader*, Princeton, NJ: Princeton University Press, 1985, pp. 282-311; Charles Jones, *Global Justice: Defending Cosmopolitanism*, Oxford: Oxford University Press, 1999; Onora O'Neill, *Faces of Hunger*, London: Allen & Unwin, 1986; and Henry Shue, *Basic Rights: Subsistence, Affluence and U.S. Foreign Policy*, Princeton, NJ: Princeton University Press, 1996.

In this context, it should be noted that the idea of humanitarianism as charity is sometimes rejected on the grounds that when something is charitably given, on the discretion of the giver, that means that ‘anything goes’. This usage of the term ‘charity’ is reflected, for example, on the International Federation of the Red Cross and Red Crescent Societies (IFRC) website: ‘[t]here is still an assumption in many countries that disaster relief is essentially “charitable” work and therefore anything that is done in the name of helping disaster victims is acceptable.’<sup>15</sup> It is not clear to me, however, why this should necessarily be the case; after all, if we are giving humanitarian assistance at all, we ought to set out to do the task as well as we can. Thus, humanitarianism and professionalism for the purposes of the present context should not be seen as opposites. Moreover, the distinction between humanitarianism and global justice drawn here should not be taken to imply that governments have no moral and/or legal obligations to provide at least a minimum level of protection and welfare for the populations under their control, or that – where a state for one reason or another fails to provide such protection or welfare – there are no international obligations to provide humanitarian assistance. Indeed, such obligations, in particular as derived from international law, will be discussed in detail in Chapter 1 of the thesis.

For the purposes of this thesis, at least the more extreme versions of this argument – i.e. the ones that suggest that humanitarian assistance should be abolished entirely either now or later – are rejected for a number of reasons. Let me begin with the argument which seems to be implied at least by Chimni’s position,

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<sup>15</sup> International Federation of Red Cross and Red Crescent Societies, ‘Introduction,’ *Code of*

namely the idea that, were it not for the ‘softening’ effects of humanitarian assistance on the worst excesses of the existing international economic order, the unbearableness of the circumstances would somehow push people to overhaul the existing structures and replace them with better ones. Therefore, the argument goes, it would in the long-term at least be better (even if considerable suffering might be the short-term outcome) if humanitarian assistance were to be abolished. The problem with this argument, however, is that – unless we hold some sort of crude Marxist determinist views about the necessary course of historical progress – there are simply no guarantees that withdrawing humanitarian assistance entirely would necessarily mean that the structures would be changed, let alone that they would be changed for the better; all that would be guaranteed is that suffering and death would go on unabated.

Having said this, there does not seem to be anything about humanitarian assistance that would preclude *combining* it with measures aimed at alleviating poverty. Indeed, as a way of dealing with concerns regarding human welfare, international humanitarian assistance is clearly inadequate on its own: it would be a very thin conception of human welfare indeed that would be limited to ensuring survival and alleviating (physical) suffering, which are after all the activities humanitarian assistance tends to focus on. In this context, it may be helpful to employ the distinction between ideal and non-ideal theory introduced by John Rawls. Simply put, ideal theory seeks to answer the question of what a perfectly just society (or, in this case, international system) would be like, whereas non-

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*Conduct* (<http://www.ifrc.org/publicat/conduct/index.asp>).

ideal theory is adjusted to 'natural limitations and historical contingencies'.<sup>16</sup> Now, on one hand, both humanitarianism and the idea about the obligation to redistribute resources globally can be seen as alternative ideal theories. In this case, humanitarianism may rightly be accused of being intrinsically conservative of the existing international order by comparison to the global transfers of resources. On the other hand – and this is the argument adopted in this thesis – rather than as an alternative 'ideal theory', humanitarian assistance can also be seen as an auxiliary or complement to measures aimed at dealing with long-term structural problems, such as poverty, with humanitarian assistance concentrating on addressing unexpected crises or disasters. In addition, in the present situation where the international community is nowhere near to agreeing what, if anything, ought to be done regarding poverty, let alone taking effective measures towards that goal, humanitarian assistance would seem to defend its place as a means of alleviating suffering and preventing deaths. Indeed, humanitarian assistance seems in principle compatible with a wide variety of conceptions of appropriate social order; what it is concerned with is simply keeping people alive in an emergency situation, in the hopes that they will eventually be able to return to some form of normalcy, where more comprehensive social arrangements – however conceived – will again become possible.

In addition, it should be noted that it is not clear that the need for international humanitarian assistance would be completely eliminated in a world even with a perfectly equitable international distribution of resources. As Brian Barry – an

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<sup>16</sup> John Rawls, *A Theory of Justice*, Oxford: Oxford University Press, 1973, p. 245-246.

advocate of international redistribution himself – has pointed out, while

*[t]he need for humanitarian aid would be reduced in a world that had a basically just international distribution[,] [i]t would still be required to meet special problems caused by crop failure owing to drought, destruction owing to floods and earthquakes, and similar losses resulting from other natural disasters. It would also, unhappily, continue to be required to cope with the massive refugee problems that periodically arise from political upheavals.*<sup>17</sup>

In other words, while a more equitable international distribution of resources would probably improve the capacity of many states to prevent disasters and respond to them, it could not eliminate the need for humanitarian assistance completely. This is due to a number of factors: natural disasters are not always predictable, nor can they necessarily be prevented even where they can be predicted. Moreover, it seems overly reductionist to assume that even a perfectly equitable international distribution of resources could completely eliminate all political conflicts. Indeed, recent studies about Angola and Sierra Leone, two countries where large segments of the population have had to rely on international humanitarian assistance for their basic survival needs for years – or, in the case of Angola, decades – have demonstrated that it may in fact have been their resource wealth (in oil and diamonds, respectively) rather than resource poverty that has

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<sup>17</sup> Brian Barry, 'Humanity and Justice in Global Perspective,' in his *Democracy, Power and Justice: Essays in Political Theory*, Oxford: Clarendon Press, 1989, p. 461.



fuelled the conflict in these countries.<sup>18</sup> Indeed, the term 'complex emergencies' was coined precisely because it was acknowledged that conflict-generated emergencies by their very nature have complex, multiple causes. And, even with the improvement in disaster response capacities that a more equitable international distribution of resources could bring, sometimes the scale of the emergency can simply be overwhelming. Finally, there is of course also the unhappy possibility that governments may simply not concern themselves with the survival of all or some segment of their population. For all these reasons, humanitarian assistance as currently understood would seem to defend its place even in a world with a (more) equitable international distribution of resources.

In conclusion, to summarise the argument that has been presented above, the position taken as the starting point of this thesis is that, rather than being an (inferior) alternative to efforts aimed at alleviating global poverty, as has been suggested by some advocates of global redistribution of resources, international humanitarian assistance serves a purpose distinctive of, even if often complementary to, such efforts.

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<sup>18</sup> On Sierra Leone, see Ian Smillie, Lansana Gberie and Ralph Hazleton, 'The Heart of the Matter: Sierra Leone, Diamonds and Human Security,' Ottawa: Partnership Africa Canada, January 2000 (available at [http://www.partnershipafricacanada.org/docs/diamond\\_doc.doc](http://www.partnershipafricacanada.org/docs/diamond_doc.doc)); on Angola, see 'A Crude Awakening: The Role of the Oil and Banking Industries in Angola's Civil War and the Plunder of State Assets,' London: Global Witness, December 1999 (available at <http://www.globalwitness.org/campaigns/oil/reports.php>); on the economics of civil conflict more generally, see also, for example, Paul Collier and Anke Hoeffler, 'Greed and Grievance in Civil War,' 21 October 2001 (available at <http://www.worldbank.org/research/conflict/papers/greedandgrievance.htm>).

### *Humanitarian assistance and the 'consequentialist' challenge*

In addition to the challenge that the *raison d'être* of international humanitarian assistance has faced from at least some advocates of the global justice perspective, there is also another challenge that potentially puts in question the desirability of humanitarian assistance. In the contemporary literature, this challenge is usually referred to as 'consequentialism', which is contrasted with a view of humanitarianism described as 'deontological'.<sup>19</sup>

Deontology and consequentialism are of course terminology not limited to the humanitarian context but rather used in moral philosophy and ethics more generally. Briefly described, those approaches to moral philosophy and ethics that hold that certain acts are morally right or wrong in themselves, independent of their consequences, are said to be deontological. As a result, deontologists tend to emphasise the role of duty and intention in moral behaviour. Immanuel Kant and Kantian theories, e.g. theories of human rights, are examples of deontology. Deontology is usually contrasted with consequentialism: for consequentialists, the rightness or wrongness of any act depends on its consequences, i.e. whether it in fact does any identifiable good or harm. Thus, a consequentialist – in particular an act-consequentialist – would argue that one should act in whatever way would

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<sup>19</sup> The deontology-consequentialism distinction has been employed in the humanitarian context by Mark Duffield, *Global Governance and the New Wars*, London: Zed Books, 2001, Ch. 4; Des Gasper, 'Drawing a Line: Ethical and Political Strategies in Complex Emergency Assistance,' *European Journal of Development Research* (Vol. 11, No. 2, 1999), pp. 87-114; Hugo Slim, 'Doing the Right Thing: Relief Agencies, Moral Dilemmas and Moral Responsibility in Political Emergencies and War,' *Disasters* (Vol. 21, No. 3, 1997), pp. 244-257; and Hugo Slim, 'Claiming a Humanitarian Imperative: NGOs and the Cultivation of Humanitarian Duty,' paper presented at the 7<sup>th</sup> Annual Conference of Webster University, entitled Humanitarian Values for the Twenty-

bring about the best overall state of affairs. Probably the best-known consequentialist moral theory is utilitarianism. It should be noted that deontology is not the same as absolutism, according to which certain acts are right or wrong, whatever the consequences. Deontologists do not entirely disregard consequences, and can allow that in exceptional circumstances it may not be wrong to break a rule. For example, in cases where two rules conflict, the weightier principle trumps the lesser, e.g. that you ought to break a promise to meet a friend for a drink in order to save a life. This should, however, not be interpreted so much as overruling the principle for the sake of the consequences but rather as treating the saving of life as the more important principle than the particular promise. Thus, faced with having to choose between the two, deontologists will tend to give priority to rules, principles and intentions over consequences. In a similar manner, consequentialists do not necessarily reject the moral significance of rules and principles, but tend to interpret them as guidelines based on previous consequences.

The main problem with deontological approaches is that it is not clear what ultimately is the source of the moral authority of the rules that deontological theories posit we ought to follow. Earlier deontological theories drew of course on the will of God, or that of some other metaphysical being, as the source for determining what was morally right or wrong. In the contemporary, secular era, this is no longer seen as an option by many people. Some have suggested that a more appropriate source for moral rules is what people can agree upon. The

problem here is, of course, that people do not as a matter of fact agree upon that much. This is true both within a domestic context, and certainly even more so when dealing with issues of an international or global scope, such as international humanitarian assistance. At the same time, as committed deontologists often point out, the counter-argument to this could be that moral argument should not be confused with anthropology; the role of the moral argument is to persuade people, not to document their agreements.

The consequentialist position is attractive because it bases its judgement of whether an action is right or wrong on its real effects on human welfare. There are, however, also a number of problems with it. For one, it is not clear how the different consequences are to be measured and evaluated against one another. Thus, its usefulness as an actual guide for action is questionable. This is the problem, for example, with Peter Singer's well-known attempt to justify the obligation to provide international famine relief on the basis of a consequentialist (utilitarian) argument.<sup>20</sup> Briefly, Singer argues in favour of the obligation to provide famine relief on the basis of two assumptions: first, that 'suffering and death from lack of food, shelter and medical care are bad', and second, that 'if is in our power to prevent something very bad from happening, without thereby sacrificing anything morally significant, we ought, morally, to do it.'<sup>21</sup> He then offers the following example to illustrate his argument:

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<sup>20</sup> See Peter Singer, 'Famine, Affluence, and Morality,' in Charles R. Beitz *et al.* (eds.), *International Ethics: A Philosophy and Public Affairs Reader*, Princeton, NJ: Princeton University Press, 1985, pp. 247-261.

<sup>21</sup> *Ibid.*, p. 249.

*If I am walking past a shallow pond and see a child drowning in it, I ought to wade in and pull the child out. This will mean getting my clothes muddy, but this is insignificant, while the death of the child would presumably be a very bad thing.*<sup>22</sup>

Adding that the second assumption is unaffected by proximity/distance and that ‘it makes no distinction between cases in which I am the only person who could possibly do anything and cases in which I am just one among millions in the same position’, Singer concludes that the acceptance of these assumptions commits us to the position that rich countries have a moral obligation to help the people in poor ones.<sup>23</sup> However, as Brian Barry has pointed out, it is not clear why, on the basis of the utilitarian calculus, the scales would necessarily tip in favour of an obligation to provide famine relief: ‘for a Benthamite utilitarian, for example, even getting one’s trousers muddy would be in itself an evil – not one comparable to the death of the child, but an evil none the less. Even Singer’s chosen case would be eliminated on this criterion, let alone any more strenuous sacrifices.’<sup>24</sup>

In addition, a further problem with consequentialism is that it fails to take the individual person’s well-being seriously: it thinks nothing of sacrificing the welfare of an individual, including his or her life, if that contributes to maximising

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<sup>22</sup> *Ibid.*

<sup>23</sup> *Ibid.*, pp. 249-250.

<sup>24</sup> Barry, *op. cit.* in note 17, p. 439.

the overall welfare. This latter feature of the consequentialist position is a particularly serious problem when we are dealing with matters of life and death as humanitarian assistance does. Having said this, it is not clear to what extent the humanitarian ‘consequentialists’ are in fact committed to a consistent consequentialist position. Rather, it seems to me that, while they may be disappointed that saving lives here and now has turned out to be much more complicated than the thoroughly positive exercise it appears at first sight to be, they are still basically committed to the humanitarian principles. This is a different position from one that explicitly seeks to maximise overall welfare even at the expense of individual lives.

A deontological take on the ethics of international humanitarian assistance would be that saving lives and alleviating suffering is a good thing in itself, irrespective of its consequences. For a long time, humanitarianism was what could probably best be described as ‘unselfconsciously deontological’; however, since the 1990s, increasing attention has been paid to the fact that emergency relief may also have negative unintended consequences.<sup>25</sup> ‘Consequentialism’ in the humanitarian context therefore refers to a cluster of concerns, raised primarily from a political economy perspective, as a result of the realisation that ‘[t]ime after time, aid that was meant as simple, neutral, and pure ‘act of mercy’ becomes tainted by subsequent negative ramifications’.<sup>26</sup> In particular, the consequentialist concern

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<sup>25</sup> See, for example, Mary B. Anderson, *Do No Harm: How Aid Can Support Peace – Or War*, Boulder, CO: Lynne Rienner Publishers, 1999.

<sup>26</sup> Mary B. Anderson, ‘“You Save My Life Today, But for What Tomorrow?”: Some Moral Dilemmas of Humanitarian Aid,’ in Jonathan Moore (ed.), *Hard Choices: Moral Dilemmas in Humanitarian Intervention*, Oxford: Rowman & Littlefield Publishers, 1998, p. 137.

has focused on two issues: first, that emergency relief may in fact fuel, and therefore exacerbate and/or prolong, armed conflict, and second, that it may create dependency in its recipients. Let me briefly discuss what each of these concerns involves:

There are a multitude of ways in which relief may fuel or exacerbate conflict. During an armed conflict, combatants may steal or extort relief goods for many reasons: in order to trade them for other assets (such as weapons), to provide the basic necessities for combatants, to prevent emergency relief from reaching a specific non-combatant population, to attract displaced people to a particular area in order to kill them, to attract new conscripts, or to trade in for sexual favours.<sup>27</sup> Combatants may also receive money for providing protection for aid workers and their warehouses, or for allowing access to certain roads, airfields or ports.<sup>28</sup> And, even where emergency relief assistance actually goes to the civilian population rather than falling into the hands of combatants, it may indirectly contribute to the war effort. Relief supplies can free resources, otherwise needed for civilian welfare, for military purposes. This reduces the need for the combatants to be accountable to the population they claim to represent, a phenomenon that can also be described as undermining the social contract.<sup>29</sup>

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<sup>27</sup> Thomas G. Weiss and Cindy Collins, *Humanitarian Challenges and Intervention*, Boulder, CO: Westview Press, 2000, pp. 133-134.

<sup>28</sup> *Ibid.*, p. 134.

<sup>29</sup> See, for example, Alexander de Waal, *Famine Crimes: Politics and the Disaster Relief Industry in Africa*, Oxford: James Currey, 1997, pp. 137-138 (de Waal uses the term 'political contract').

The second problem regarding the consequences of humanitarian aid is its potential to create dependency in its recipients. In this context, aid may be provided either too soon or for too long. In the first case, it may displace existing coping mechanisms, and in the second case it may encourage people to give up productive activities in order to acquire relief goods and services.

To the extent that the consequentialist position is understood as suggesting a complete rejection of humanitarian assistance in the face of the potential negative consequences, it is clearly flawed. Indeed, as Mary B. Anderson – a leading exponent of consequentialism in humanitarian aid herself – has pointed out, ‘[d]emonstrating that aid does harm is not the same as demonstrating that no aid would do no harm. Nor does the conclusion that aid does harm justify the conclusion that providing no aid would result in good’.<sup>30</sup> In other words, the argument made above against Chimni’s position applies equally here: the withdrawal of humanitarian assistance is no guarantee that things will change for the better; all that can be guaranteed is that suffering and death will go on unabated. Therefore, while completely eliminating humanitarian assistance cannot be the answer to the consequentialists’ concerns, what humanitarians can and ought to do is to remain aware of the potential dangers outlined by the consequentialists, and attempt to minimise them to the best of their ability. At the same time, it should be noted that it is not clear whether the problems identified by the consequentialists can ever be wholly eliminated in international humanitarian assistance; in particular, as will be argued at a greater length in

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<sup>30</sup> Anderson, *op. cit.*, in note 26, p. 138



Chapter 1, the ‘undermining of the social contract’ may reflect something of an inherent tension in humanitarian assistance, and as such may to some extent be unavoidable. As far as the potential for humanitarian aid to create dependency is concerned, however, the idea of relief-development continuum, to be discussed below, has been proposed in part as a response to this problem.

### *Relief vs. development*

In recent years, many people have increasingly started to question the usefulness of sharply distinguishing between emergency relief, on one hand, and long-term rehabilitation and development assistance, on the other.<sup>31</sup> In part, this has been the result of the concern with the potential of humanitarian aid to create dependency, discussed in the previous section. Moreover, it has also been pointed out that the depiction of emergencies as short-term, transitory phenomena often does not accurately reflect reality. Indeed, there are many countries – such as Angola until recently or Colombia – where the emergency situation has continued for several decades, and in fact in many ways become the norm, rather than being the exception that it has traditionally been assumed to be. In such situations, international humanitarian assistance may effectively become the only form of public welfare that a generation of people has ever experienced.<sup>32</sup> Thus, it is

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<sup>31</sup> For the dimensions of these debates, see for example Jonathan Moore, ‘The Humanitarian-Development Gap,’ *International Review of the Red Cross* (No. 833, 31 March 1999), pp. 103-107, or Hugo Slim, ‘Dissolving the Difference between Humanitarianism and Development: The Mixing of a Rights-Based Solution,’ *Development in Practice* (Vol. 10, No. 3 & 4, August 2000), pp. 491-494.

<sup>32</sup> Mark Duffield has called this phenomenon the ‘internationalisation of public welfare’. See Mark Duffield, ‘The Political Economy of Internal War: Asset Transfer, Complex Emergencies and

questioned whether humanitarian assistance in its traditional form, focusing on saving lives and alleviating physical suffering as it does, is really adequate in situations like these, or whether a more full-fledged, 'developmentalist' approach to human welfare might be a more appropriate response to the needs of the people affected. In addition, there is also the problem that, since emergency relief tends to be far more dramatic than development assistance and, as such, provides a better chance for scoring political points, many donor governments appear to prefer it to the lower-profile development assistance. In this context, it has been pointed out that the need to resort to relief activities may often be a direct result of a failure to develop local capacities and resources to either prevent disaster altogether, or to respond to it adequately.

As a remedy to problems like these, the idea of the relief-development continuum, or linking relief, rehabilitation and development (LRRD) has been proposed. The idea of LRRD is that relief, rehabilitation and development should be seen as being intrinsically related activities that support one another, rather than being treated as entirely separate tasks, as has often been done in the past. Thus, the aim is to design relief interventions in a way that supports – or at least does not undermine – longer term rehabilitation and development goals and, *vice versa*, includes disaster prevention and preparedness measures in development programmes in order to prevent, or at least diminish, the effects of disasters. On the face of it, this seems like a perfectly reasonable expectation. It should also be noted, however, that LRRD may be more difficult to achieve in practice than it

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International Aid,' in Joanna Macrae and Anthony Zwi (eds.), *War and Hunger: Rethinking International Approaches to Complex Emergencies*, London: Zed Books, 1994, p. 57-63.

would seem at first sight. For one, humanitarians may sometimes be faced with genuine trade-offs between saving lives, on one hand, and figuring out how such an activity fits into the development agenda, on the other, in terms of both time and resources. In such a situation, as the survival of the population would appear to be a basic precondition for the success of any development programme, it would seem that a choice in favour of the humanitarian goals over the development agenda would be justified. Moreover, the issue is further complicated by the fact that, even if there are sufficient time and resources available, it is not clear that there is 'a' development agenda with which humanitarians could straightforwardly align their activities: instead, there seem to be many competing and contested ideas regarding both what constitutes development as well as how that could be achieved.

Having said this, it should be emphasised that there is nothing in this thesis that requires the wholesale rejection of the relief-development continuum. Nonetheless, even if the categories of relief and development activity cannot be kept rigidly separate, the position taken in this thesis is that relief and development are currently – for better or for worse – distinct practices, involving a distinctive set of actors. For one, due to the mandates of aid organisations as well as donor preferences, emergency and development funding is usually not fungible: in other words, funds earmarked for emergency assistance cannot be used for development or reconstruction, and *vice versa*.<sup>33</sup> More importantly, the activities that are undertaken under one or the other heading tend to be

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<sup>33</sup> See Weiss and Collins, *op. cit.*, in note 27, p. 143.

substantially different. Humanitarian assistance is first and foremost about the delivery of essential resources to ensure survival, while development assistance incorporates a wide array of measures intended to promote socio-economic development broadly conceived. Often there is also a difference in duration: humanitarian assistance tends to be short-term while development assistance tends to be of longer time-scale. It should be emphasised, however, that duration is only one factor in the emergency-development distinction. Even where a political emergency goes on for decades, it still remains in important respects an emergency: the immediate survival of the population is still constantly under threat and the overall situation is usually too volatile for development programmes proper to have any real chance of long-term success. Finally, both the separate sources of funding and the differences in the activities undertaken (and the different skills and training therefore required) mean that aid organisations tend either to focus on one or the other side, or – in those organisations that engage in both – different people tend to be assigned responsibility for emergency relief and development assistance, respectively. Therefore, it should be emphasised that what I am interested in are the norms and principles that govern the practice of relief assistance, as understood by the organisations and individuals that work within that practice. For this reason, issues related to development assistance will not be addressed in detail in this thesis.

In sum, what all the challenges discussed above share is the concern that humanitarian assistance has failed to resolve – and may at times even have reinforced – the long-term structural problems that arguably contribute to the

emergence and/or prolongation of many disasters and/or the ability of local authorities to respond to them. What I have argued above is that – while these challenges raise important questions for humanitarian assistance that should be taken seriously – insofar as their claim is that what I have called the ‘traditional’ understanding of humanitarian assistance is either descriptively inaccurate or normatively fundamentally undesirable, they are less than persuasive. While the capabilities of humanitarian assistance may be limited, the basic assumption from which this thesis proceeds is that it is nonetheless a both distinctive and necessary practice.

Indeed, much of the criticism discussed above may at least in part be seen as reflecting inflated expectations of what contemporary humanitarian assistance is capable of delivering, based on a misunderstanding of the aims and role of humanitarian assistance, on one hand, and what should be expected from other actors and institutions, on the other. As Hugo Slim has expressed this point,

*...in recent years ... perhaps more ink has been spilt by or about humanitarians and their responsibility for death and violence than about the responsibility of warlords, violent politicians and international negligence or collusion in the violence of today's wars or genocides. ... At times, this has created the absurd impression that it is humanitarians rather than politicians, war criminals and other powerful forces who should be in the dock for today's war and inhumanity.<sup>34</sup>*

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<sup>34</sup> Hugo Slim, ‘Sharing a Universal Ethic: The Principle of Humanity in War,’ *The International*

These inflated expectations are not necessarily limited to the critics of humanitarian assistance but may be held by some of its proponents as well: as Mark Duffield has pointed out, '[t]here is a certain narcissism of aid at work in which relatively small inputs are credited with powers and effects beyond reasonable expectation'.<sup>35</sup> Indeed, to refer back to the earlier discussion on humanitarian assistance and global justice, there is a sense in which many people seek to measure the success or failure of humanitarian assistance on the basis of criteria more appropriately used to evaluate a comprehensive attempt to bring about international or global justice. Indeed, it sometimes seems that (at least some of) the critics of humanitarianism may sometimes expect things from humanitarian assistance that even justice, or justice and humanitarianism in conjunction, simply cannot deliver. Neither justice nor humanity, nor the two together, are a *panacea* that can solve all the ills of the world; it is simply impossible to help all of the people in all ways all of the time, not least because finite resources mean that there are trade-offs to be made and priorities to be set.

### *Humanitarian assistance vs. humanitarian intervention*

In addition to the challenges described above, all of which have been made primarily from a political economy perspective, another issue that anyone discussing humanitarian assistance today needs to take a stance on is the question

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*Journal of Human Rights* (Vol. 2, No. 4, Winter 1998), p. 30.

<sup>35</sup> Duffield, *op. cit.*, in note 19, p. 98.

of what is, or ought to be, the relationship between humanitarian assistance and military intervention. In recent years, the essentially contestable nature, ambiguity, or plasticity of the term 'humanitarian' has been frequently remarked on.<sup>36</sup> As is the case with terms like 'democracy', the positive associations with the term 'humanitarian' invite its use in the context of a broad array of practices. Some of these uses may be deliberately manipulative, whilst others are more sincere. In particular, in recent years, concern has been expressed about the way in which military interventions – for example the one in Afghanistan and, perhaps to a somewhat lesser extent, the more recent one in Iraq – have been justified at least in part with reference to humanitarian intentions. Moreover, a related but distinct question that has sometimes been raised when I have presented my research has been why humanitarian assistance in the context of an armed conflict could not conceivably include providing arms to the belligerents, to allow them to reach a solution to their dispute, 'once and for all'. Although such a question may seem almost blasphemous to many humanitarians, it should at least be given serious consideration.

The relationship between humanitarianism and military action is clearly complex. While many contemporary humanitarians see themselves as pacifists, it is difficult to see how humanitarians could categorically reject the use of military means for humanitarian purposes, not least because the history of humanitarian ideas is firmly located within the just war tradition. Just war theory takes the middle position between pacifism ('war is always wrong') and militarism ('morality has

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<sup>36</sup> See, for example, Hugo Slim, 'Violence and Humanitarianism: Moral Paradox and the

no place in war; it is legitimate to use all means necessary when engaged in war'): its stance is that there may be both legitimate and illegitimate reasons for engaging in a war (*jus ad bellum*), on one hand, and means of fighting a war (*jus in bello*), on the other. Indeed, the latter is the central assumption of the Geneva Conventions, the major normative document on which contemporary humanitarian assistance during armed conflict is based. Thus, humanitarianism is not intrinsically an anti-war or pacifist doctrine, even if individual humanitarians may hold these beliefs.

Having said this, it seems clear that it is possible to distinguish between humanitarian assistance and humanitarian (military) intervention as currently separate practices.<sup>37</sup> This is because, even if the lines in recent years have occasionally become partially blurred, humanitarian aid agencies and military organisations remain for most practical purposes distinct actors, with distinctive mandates, command structures, funding sources, and activities. Thus, this thesis will strictly focus on humanitarian assistance as traditionally understood and leave the issues of military intervention, however important, aside. In this context, it should also be said that, although encompassing relief efforts both during armed conflict and peace, the scope of this research in relation to armed conflict is limited to humanitarian assistance to *civilians*, rather than including the broader category of non-combatants (which includes, in addition to civilians, wounded,

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Protection of Civilians,' *Security Dialogue* (Vol. 32, No. 3, 2001), p. 331.

<sup>37</sup> On humanitarian intervention, see for example Adam Roberts, 'Humanitarian War: Military Intervention and Human Rights,' *International Affairs* (Vol. 69, No. 3, 1993), pp. 429-449; or Michael J. Smith, 'Humanitarian Intervention: An Overview of the Ethical Issues,' *Ethics & International Affairs* (Vol. 12, 1998), pp. 63-79.



sick and shipwrecked soldiers, as well as prisoners of war), who are also objects of assistance. This is for reasons of both space and clarity; the provisions of international humanitarian law in relation to the non-civilian categories of non-combatants are both complex and somewhat distinct from those relating to civilians. At the same time, it is important to remain cognisant of the fact that in contemporary armed conflicts it is increasingly difficult to distinguish civilians from the other categories. It is also not possible to enter here into a discussion of the special protection mandates of the UNHCR or the ICRC. Thus, only those aspects of the UNHCR's or the ICRC's work in which they resemble other relief organisations will be addressed here.

## Culture

In addition to offering a definition of what is meant by 'international humanitarian assistance', as has been done above, it is equally important to make some remarks about what is understood by the term 'culture' in this thesis.

Culture is a term that is used frequently in every-day language as well as in academic writing; yet, it is extremely difficult to define precisely. For the purposes of this thesis, culture is understood broadly to encompass the way of life and worldview of a particular group of people. This reflects a common contemporary understanding of what constitutes a culture in disciplines such as anthropology and sociology. Under this definition, culture incorporates both the values and beliefs of people, as well as their behaviours and artefacts. Culture is

always a property of groups, not individuals; these groups may be large or small, however. Culture is also something learned rather than natural. This distinction may be illustrated with the help of the following example: the fact that people eat is not cultural, whereas the types of food a group of people eat, as well as the methods used to obtain, prepare and consume that food are cultural. Moreover, culture is not static, but rather changes over time, both as a result of factors internal to the culture as well as through its contact with other cultures. In the social sciences, culture has traditionally been understood as the entire way of life of a people, covering their material, intellectual and spiritual beliefs and values, supposed to be forming a complex whole. In this way, the term culture has been used to refer collectively to all the factors that come together as the 'shaping of the human mind' in a particular society. More recently, this idea of cultures as unified complex wholes has come under question, however. This is because of the realisation that the elements making up a culture may be internally poorly harmonised and that some aspects of a culture may be followed by some members without strong identification, or with ambiguity. Having said this, it seems clear that there will be obvious cases of what a particular group's practice is supposed to be in regard to food, or some other aspect of their lives, and the humanitarian practitioner has to decide how to deal with these cultural claims if a conflict with the humanitarian principles arises.

Notwithstanding the above remarks, which are intended to help the reader by providing some very basic 'goal posts' about what culture is and is not generally thought to encompass, it should nonetheless be emphasised that the term culture is

primarily defined in this thesis through the way that it has been used in the humanitarian discourse. In other words, the definition of culture utilised here is an immanent one (i.e. internal to a particular discourse, as well as subjective) rather than an objective or pre-existing one. This is because the thesis examines the implications of two potentially contradictory commitments *within the humanitarian discourse*, i.e. the commitment to humanitarian principles, on one hand, and the commitment to respect for culture, on the other, for the constantly evolving practice of humanitarian assistance, rather than the meeting of humanitarian assistance and culture as somehow objective and immutable phenomena. Therefore, the definition of culture emerges as the argument evolves, rather than being fixed on the outset. In this context, it should also be said that part of the problem with the commitment to respect for culture, as it is expressed in contemporary humanitarian texts, is that the meaning of culture does *not* tend to be clearly defined within these texts. One of the aims of this thesis is therefore to illustrate that this lack of definition poses certain problems in the humanitarian context, and show that there are in fact a number of different types of phenomena that can fit under the general heading of 'culture', which may in fact have radically different implications for humanitarian assistance. In addition, the issue of culture is also further complicated by the fact that there is not necessarily a singular 'local culture' that humanitarian aid workers can relate their approach to, but that in most societies there are several, contested 'cultures'. In many armed conflict situations, the internal cultural tension may in fact be a factor in the conflict itself. More generally, social breakdown, whatever its cause, often changes the conditions of 'cultural coexistence' in a particular society. In addition,

it is important to note that humanitarian assistance also has its own 'cultural baggage'. This baggage is made up of two related but distinct elements: on one hand, in a general sense, humanitarian assistance can in many ways be seen as a part of the tradition of Western universalism. On the other hand, humanitarian assistance is in practice always administered through a particular cultural lens, which may be a local one, just as well as being a Western one. Thus, humanitarian assistance is not simply a matter of foreign aid vs. local culture (in the singular) and the relations and impacts between the different cultural elements are likely to be complex.

### CHAPTER STRUCTURE

The purpose of this introductory chapter has been to describe the context of, and reasons for, choosing this topic of research, to offer definitions of some of the central terms used in this thesis, and to locate the present approach in the context of some of the major debates in the existing literature on international humanitarian assistance. In doing so, its aim has been to set the stage for, as well as sketching the boundaries of, this project. Finally, before embarking on the thesis itself, let me present a brief overview of the structure of the thesis:

Chapter 1 describes the normative framework underpinning contemporary humanitarian assistance through an examination of international legal documents and statements of principle by aid agencies. The purpose of the chapter is to present the first half of the background to the discussion that follows in Chapters 3

and 4.

Chapter 2 provides the second half of that background by describing the emergence of the concern with ‘respect for culture and customs’ in international humanitarian assistance as it can be traced in international legal documents, statements of principle and operational guidelines of aid organisations, as well as academic literature. In doing so, it also presents a review of the existing literature – both practitioner-oriented and academic – on this topic.

Chapter 3 brings together on a conceptual level the two elements – namely the normative framework underpinning international humanitarian assistance and the emergent norm of respect for culture – examined in the previous two chapters. A typology of the different kinds of relationships that may exist between the principles of humanitarian assistance, on one hand, and cultural norms and practices, on the other, is presented. Different approaches to conflicts between the humanitarian principles and cultural norms and practices are also examined.

Chapter 4 discusses the relationship between humanitarian assistance, gender and culture. Following a brief overview of the contemporary literature on gender and humanitarian assistance, the relationship between gender concerns and respect for culture and customs in humanitarian assistance is examined. In particular, the chapter discusses different approaches to potential conflicts between gender equality/equity and respect for culture in humanitarian assistance. Finally, the debates surrounding gender are utilised as an entry-point to the more general

question of what the justifiable scope of social intervention by international humanitarian assistance is.

Finally, Chapter 5 draws conclusions for humanitarian policy and practice from the discussion that has taken place so far. First, ways in which humanitarians can inform themselves about cultural norms and practices in the environments where they operate are discussed. Second, the chapter addresses the issue of ways in which it is possible to support, or at least not undermine, cultural norms and practices in humanitarian aid operations. Third, specific operational considerations raised by situations where cultural norms and practices conflict with humanitarian principles and practice are examined. Finally, the chapter concludes with a discussion of the role of stakeholder participation and cultural considerations in hiring and training of humanitarian aid workers.

# **Humanity and Impartiality: The Contemporary Normative Framework Underpinning International Humanitarian Assistance**

## **INTRODUCTION**

The purpose of this chapter within the context of the thesis as a whole is to describe some of the central elements of the overall normative landscape of international humanitarian assistance. As a result, the approach of the chapter is more descriptive than argumentative. Such a description is, however, necessary in order to provide the context for the examination of the implications of the principle of respect for culture that follows.

At the same time, I believe that an examination of some of the central values of humanitarian assistance may in itself also be a valuable exercise. The normative framework underlying international humanitarian assistance is not only of interest to academics but also has very real implications for practitioners. This is not least because, in recent decades, the business of international humanitarian assistance has grown exponentially in terms of the numbers of recipients involved. Humanitarian assistance is given in two primary contexts, namely armed conflicts

and natural disasters.<sup>1</sup> In 2001, on average 520,000 people (including Internally Displaced People (IDPs) and residents) affected by armed conflict received food and other assistance every month from the International Committee of the Red Cross (ICRC) – which has been mandated under international law to provide protection and assistance to victims of armed conflict – alone.<sup>2</sup> And, at the start of 2002, the number of people ‘of concern’ (including refugees, returnees, asylum seekers and IDPs) to the United Nations High Commissioner for Refugees (UNHCR) – the organisation with the mandate to protect and assist people falling under the definition of refugee under international law - was 19.8 million.<sup>3</sup> To these figures can be added natural disasters, which affect approximately 250 to 300 million people annually, and this figure is growing at a rate of about 10 million per year.<sup>4</sup> There has also been a corresponding proliferation of organisations engaging in international humanitarian assistance. For example, in the autumn of 1994, there were over 140 humanitarian agencies registered in Kigali, the capital of Rwanda.<sup>5</sup> It has also been reported that at least 180 agencies were involved in the initial aid effort in 1999 in Kosovo.<sup>6</sup> Yet, until recently, many of these agencies have operated in a virtual regulatory vacuum. As one

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<sup>1</sup> The term ‘humanitarian assistance’ is sometimes limited to assistance in armed conflicts, whereas aid given to victims of natural disasters is described as ‘relief’. I refer to both in the context of this thesis as humanitarian assistance.

<sup>2</sup> International Committee of the Red Cross, *ICRC Annual Report*, Geneva: ICRC, 2002, p. 7.

<sup>3</sup> United Nations High Commissioner for Refugees (UNHCR), *Refugees by Numbers: 2002 Edition*, Geneva: UNHCR, 2002 (available via <http://www.unhcr.ch>).

<sup>4</sup> International Federation of the Red Cross and Red Crescent Societies, ‘Introduction’, *Publications: Code of Conduct* (available at <http://www.ifrc.org/publicat/conduct/index.asp>).

<sup>5</sup> *Ibid.*

<sup>6</sup> Rebecca Johnson, ‘Humanitarian Resources: Training the Kosovo Aid Workers,’ *People*



observer has pointed out:

*[t]he proliferation of NGOs in particular (which has been an inevitable consequence of Western donor policy in recent years) has led to wide differences in the ethical maturity and political sophistication of various organisations which are all competing to work in the same emergency. Anyone surveying the swarm of NGOs delivering primarily governmental humanitarian assistance in many of today's emergencies would be unwise to accept them all as equally principled and professional.<sup>7</sup>*

Of course, there are those aid agencies that have a strong mandate derived from international law, namely the above-mentioned ICRC and UNHCR, as well as long-standing agencies with established internal philosophies and regulatory devices, such as the International Federation of Red Cross and Red Crescent and its members, the national Red Cross and Red Crescent societies, Médecins Sans Frontières, and so on. But there are also a large number of agencies that do not fall under either of these categories. Only within the last decade have some efforts at regulating all humanitarian aid agencies begun to emerge, most notably the 1994 *Code of Conduct*, the 1997 interagency Sphere Project, as well as the Humanitarian Accountability Project (HAP – formerly the Humanitarian Ombudsman Project).

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*Management* (15 July 1999), p. 34.

<sup>7</sup> Hugo Slim, 'Relief Agencies and Moral Standing in War: Principles of Humanity, Neutrality, Impartiality and Solidarity,' *Development in Practice* (Vol. 7, No. 4, November 1997), p. 344.

This combination of, at best, emergent formal regulation in the field of humanitarian action as a whole with the enormous impact of humanitarian assistance on the lives of millions of people, has raised serious questions regarding issues such as quality and accountability. An examination of the normative justification underlying international humanitarian assistance, as well as discussion of how these norms can best be translated into action, is necessary if these questions are to be addressed at all. It is impossible to speak about 'quality' without addressing the question what humanitarian assistance fundamentally is or aims to be; moreover, if international humanitarian assistance is to be held accountable to both of its two main constituencies, namely those that it seeks to assist and those that donate its resources, a discussion of the purposes of humanitarian assistance and a corresponding evaluation of the effectiveness and efficiency of the means employed to reach those aims is called for.

In this context, it should be mentioned that these attempts at self-regulation by humanitarian aid agencies have also received a fair share of criticism from within the humanitarian aid community. These criticisms focus on three main issues: (1) that the universal scope of these regulatory efforts overlooks the complexity and variety of operational contexts in which humanitarian aid organisations operate; (2) that the idea of a 'humanitarian imperative', combined with a narrow focus on technical standards, fails to take into account the broader consequences of humanitarian assistance, and in particular the potential of humanitarian assistance to do harm (e.g. by prolonging the emergency it aims to alleviate); and (3) that the emphasis on the duties of aid organisations evident in these documents may

undermine international law, in particular by re-allocating responsibilities that properly belong to states to non-governmental actors.<sup>8</sup> I will address the first two criticisms below, while the third will be dealt with later on in the chapter.

Some humanitarian practitioners have voiced the concern that regulation threatens the operational flexibility that aid agencies need in order to be able to carry out their work effectively in the widely varying contexts in the field. In this vein, for example, the Quality Platform, perhaps the best-known group of critics of the current regulatory efforts, writes: '[u]niversal benchmarks ignore the fact that each humanitarian emergency is unique, and each calls for different, perhaps original, responses.'<sup>9</sup> There is clearly something to this concern, and it should be kept in mind whenever issues of regulation are discussed. This criticism, however, does not seem to be wholly justified if we take a closer look at the current regulatory efforts. For example, the authors of the Sphere Handbook seem only too aware of the need to take into account contextual considerations:

*Agencies' ability to achieve the Minimum Standards will depend on a range of factors, some of which are within their control, while others such as political and security factors, lie outside their control. Of particular importance will be the*

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<sup>8</sup> For other discussions of these criticisms, see for example Hugo Slim, 'Claiming A Humanitarian Imperative: NGOs and the Cultivation of Humanitarian Duty,' paper presented at the Seventh Annual Conference of Webster University, entitled Humanitarian Values for the Twenty-First Century, Geneva, 21-22 February 2002 (available at <http://www.hapgeneva.org/pdf/H%20slim%20on%20Duties.pdf>), as well as Koenraad van Brabant, 'Regaining Perspective: The Debate over Quality Assurance and Accountability,' *Humanitarian Exchange* (No. 17, October 2000), pp. 22-25 (available via <http://www.odihpn.org>).

<sup>9</sup> François Grünewald, Claire Pirotte and Veronique de Geoffroy, 'Debating Accountability,' *Humanitarian Exchange* (No. 19, September 2001), pp. 35-36 (available via

*extent to which agencies have access to the affected population, whether they have the consent and cooperation of the authorities in charge, and whether they can operate in conditions of reasonable security. Availability of sufficient financial, human and material resources is also essential. This document alone cannot constitute a complete evaluation guide or set of criteria for humanitarian action.*<sup>10</sup>

The problem with shying away from attempts to regulate humanitarian assistance completely for the fear of losing ‘operational flexibility’ is that it may simply serve to reinforce the still widely-shared notion that humanitarian assistance is essentially an act of ‘charity’, understood in this context to mean that any effort to help the victims of disasters is as good as any other. Indeed, the criticism about lack of attention to broader consequences of assistance can be rejected at least in part on these grounds: the motivation for the regulatory efforts lies precisely in the experience that well-intentioned but unprofessional would-be helpers can in fact make matters worse for those that they seek to assist. Moreover, the drafters of these documents seem in fact quite aware of the potential of humanitarian aid to do harm as well as good. This is testified by the inclusion of what has been described as a ‘Do No Harm’ clause – reflecting the influence of Mary B. Anderson and other ‘consequentialists’, who have challenged traditional forms of humanitarian assistance on the basis of a political economy analysis (see

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<http://www.odihpn.org>).

<sup>10</sup> ‘Introduction,’ *The Sphere Project: Humanitarian Charter and Minimum Standards*, Geneva: The Sphere Project, 2000, p. 2 (available at <http://www.sphereproject.org>).

Introduction to this thesis) – in the Sphere Humanitarian Charter:<sup>11</sup> ‘...the attempt to provide assistance in situations of conflict may potentially render civilians more vulnerable to attack, or may on occasion bring unintended advantage to one or more of the warring parties. We are committed to minimising any such adverse effects of our interventions...’<sup>12</sup>

In this context, it is also important to point out that the most vocal opposition to the current regulatory efforts is primarily limited to the Francophone humanitarian community, thus reflecting important differences in the traditions of humanitarian action in the Francophone and Anglophone (and Nordic) contexts. It has been observed that

*[i]n France, the NGO community is much more sceptical of governmental action [than in the Anglophone or Nordic countries], fiercely guarding its independence from the state. One facet of this is an interpretation of the process of ‘professionalisation’ of aid, including humanitarian aid. While in Anglophone countries the term is used positively to denote competence and experience, in France it has become associated with the risk of institutionalising civil action and so losing the authenticity of international solidarity. Thus voluntarism remains a grounding principle in many French NGOs, particularly humanitarian NGOs.*<sup>13</sup>

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<sup>11</sup> See Slim, *op. cit.*, in note 8, p. 9.

<sup>12</sup> ‘Humanitarian Charter,’ *The Sphere Project*, *op. cit.*, in note 10, p. 8.

<sup>13</sup> Joanna Macrae, ‘Foreword,’ in Claire Pirotte, Bernard Husson and François Grünewald (eds.), *Responding to Emergencies & Fostering Development: The Dilemmas of Humanitarian Aid*, London: Zed Books, 1999, p. xix.

In sum, while it is important to acknowledge the existence of these critical voices, the validity of their criticisms in relation to the current regulatory efforts is at best debatable. Moreover, the weight of these views within the humanitarian community as a whole should not be exaggerated. Thus, it seems possible to examine the commonalities between international legal principles and those of humanitarian agencies, in particular as expressed in the Fundamental Principles of the Red Cross and in the most significant recent interagency statements of principle, namely the above-mentioned *Code of Conduct* and the Sphere Project, in order to describe what represents a relatively broad normative consensus within the field of international humanitarian assistance.

In the first section of this chapter, I will provide a brief overview of the documents that make up the normative framework underpinning international humanitarian assistance, while in the second section, I will discuss the major principles arising out of these documents.

### **REVIEW OF EXISTING DOCUMENTS**

This section presents a brief introduction to the documents that can be seen as expressing the broad normative framework underpinning contemporary international humanitarian assistance. I will begin with international legal documents, go on to interagency agreements between humanitarian organisations, and conclude with the principles of the Red Cross.

In principle, there are three major bodies of international law that are relevant to international humanitarian assistance:

- (1) international humanitarian law (IHL),
- (2) international human rights instruments, and
- (3) international law on refugees and internally displaced persons (IDPs).<sup>14</sup>

I will briefly comment on the background, as well as the relevance for humanitarian assistance, of each of these bodies of law in turn:

IHL consists of two 'streams', namely the 'Hague' and 'Geneva' law. Hague law, codified in a series of treaties and declarations following the first Hague Peace Conference of 1899, deals with the conduct of hostilities (e.g. prohibiting the use of certain types of weapons) and thus has at most indirect relevance to international humanitarian assistance, which focuses on the treatment of the victims of war. Therefore, the legal instruments discussed here under the heading of IHL fall under Geneva law, which deals with the treatment of the victims of war. The four Geneva Conventions of 1949 (on the wounded and sick in armed forces in the field, on the wounded, sick and shipwrecked members of the armed

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<sup>14</sup> Recently, the United Nations' Office for the Coordination of Humanitarian Affairs (OCHA), the International Committee of the Red Cross (ICRC) and the International Federation of Red Cross and Red Crescent Societies (IFRC) have also initiated efforts to develop an international law on disaster response. See Chapter 8: 'Towards an International Disaster Response Law,' in the *World Disaster Report 2000*, Geneva: International Federation of Red Cross and Red Crescent Societies, 2000, pp. 145-157. It should also be noted that many countries also have national legal instruments applicable to humanitarian assistance. See *Directory of National Emergency Response Offices, Disaster Emergency Plans and Legislation, and Regional- and Sub-Regional Agreements*

forces at sea, on prisoners of war, and on civilian persons) and the two Additional Protocols of 1977 (on international and non-international armed conflicts) constitute the primary instruments of Geneva law. In particular, the provisions of IHL applicable to international humanitarian assistance to civilians are expressed in the Fourth Geneva Convention (on the protection of civilians) and the two Additional Protocols. Moreover, the 1948 Convention on the Prevention and Punishment of the Crime of Genocide contains provisions that may also be relevant to humanitarian assistance.

The major international human rights instruments with bearing on international humanitarian assistance include the Universal Declaration of Human Rights of 1948, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), both of 1966. Conceptually, humanitarian assistance is particularly closely connected to the economic and social rights, as what is at issue is the claim for a right to the positive provision of goods and services, rather than the primarily negative freedoms from interference of civil and political rights. The Convention on the Elimination of All Forms of Discrimination Against Women of 1979 and the Convention on the Rights of the Child of 1989 also contain provisions that may be relevant to humanitarian assistance, as does the Convention Against Torture and Cruel, Inhuman or Degrading Treatment or Punishment of 1984. The relevant regional human rights treaties include the European Convention on Human Rights of 1950, the American Convention on Human Rights of 1969, and the African

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*for Disaster Assistance*, UNDRO, 1992. The directory lists the legislation of 64 countries.



Charter on Human and People's Rights of 1986.

Finally, the smallest body of international law – at least in terms of the number of existing documents – with relevance to humanitarian assistance is the international law applicable to refugees and IDPs, which consists of the 1951 Convention Relating to the Status of Refugees, the 1967 Protocol relating to the Status of Refugees, and the 1998 United Nations Guiding Principles on Internal Displacement. The Refugee Convention was created both to consolidate international refugee law as well as to deal with the hundreds of thousands of European refugees created by the Second World War, and its scope of application was initially limited to those who had become refugees prior to 1951. The Refugee Convention constitutes the key legal document in defining who is a refugee, their rights and the legal obligations of states. The Protocol relating to the Status of Refugees, adopted by the UN General Assembly in 1967, removed the earlier 1951 deadline and the geographical restrictions while retaining other main provisions of the instrument. Finally, the Guiding Principles on Internal Displacement, while not a formal interstate agreement like the Refugee Convention, represents an attempt by the United Nations to afford IDPs – who do not fit within the definition of a refugee because they have not crossed an international border, and whose protection therefore remains legally the responsibility of their governments – similar rights as the Refugee Convention has granted to refugees proper.

Each of these bodies of law has a different scope of applicability. Most provisions

of IHL come into force only during armed conflict, while human rights law applies primarily during conditions of peace.<sup>15</sup> In this context, it should also be noted that there is something of a legislative vacuum in situations, now increasingly common, of widespread violence that fails to fulfil the relatively narrow legal criteria for armed conflict, but which nonetheless induces the state in question to declare a state of emergency and suspend most of the human rights it has otherwise committed itself to respect.<sup>16</sup> And, although international law on refugees and IDPs applies both during peace and armed conflict, it only does so with regard to the protection and assistance of people that fit within the – again fairly narrow – legal definition of a refugee or an IDP.

Moreover, it should be emphasised that, despite the apparent relevance of the subject matter of each of these three bodies of international law to humanitarian assistance, the provisions directly related to the relief activities of aid agencies are at best limited in all of them. This is because the main subjects of international law are states (and, to a more limited degree, intergovernmental organisations), meaning that the bulk of the rights and obligations of international law are addressed to them, rather than to the mostly non-governmental humanitarian agencies. Thus, the main task of IHL is to regulate the conduct of the (primarily

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<sup>15</sup> The legal definition, and thus the scope of applicability of the Geneva Conventions, of armed conflict encompasses 'declared war or ... any other armed conflict which may arise between two of the [state parties to the Geneva Conventions], even if a state of war is not recognised by one of them' as well as 'all cases of partial or total occupation of the territory [of a state party] even if the said occupation meets no armed resistance'. Common Article 2 to the Geneva Conventions.

<sup>16</sup> See Louise Doswald-Beck and Sylvain Vité, 'International Humanitarian Law and Human Rights Law', in the *International Review of the Red Cross* (No. 293, 30 April 1993), p. 94-119.

state) parties to an armed conflict toward victims of that conflict.<sup>17</sup> Similarly, international human rights instruments apply to the relations of states to their citizens at peacetime, and the international legal instruments on refugees and IDPs define the obligations that states have towards these two groups of people. This does not mean that these legal instruments have no bearing at all on the activities of humanitarian aid agencies. For instance, they may help them in their advocacy work and provide arguments in support of the right of access to beneficiaries. Nonetheless, the primary concern in this chapter is with the norms that govern actual relief activity. In the next section, I will highlight those elements of international law – however few – that apply directly to this aspect of the work of international humanitarian agencies.

As was already mentioned above, in the relative absence of a legal framework to offer substantive guidance to many of their activities, international humanitarian aid agencies have during the past decade undertaken a number of efforts toward self-regulation. The discussion here will focus on two of these efforts, arguably representing the broadest consensus, namely the *Code of Conduct* and the Sphere Project. Indeed, the *Code of Conduct* and the Sphere Project's Humanitarian

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<sup>17</sup> In so far as IHL reflects customary law, it is binding on all states and non-state parties to the conflict, whether or not they have ratified the Geneva Conventions or the Additional Protocols. Moreover, when a state has ratified a Convention or Protocol, the provisions relating to non-international armed conflict are automatically binding on the non-state parties to conflicts occurring on its territory. The four Geneva Conventions themselves are generally accepted as international customary law and, in any case, have been virtually universally ratified. With the exception of Common Article 3 (which applies to non-international armed conflict), however, they apply only to international armed conflict. The Additional Protocol II, which applies to non-international armed conflict, is not considered to be part of international customary law. See Kate Mackintosh, *The Principles of Humanitarian Action in International Humanitarian Law*, Humanitarian Policy Group Report, London: Overseas Development Institute, March 2000, pp. 4-5.

Charter and Minimum Standards in Disaster Response have in a relatively short time become so important for the humanitarian community that they have been described as almost having reached the status of 'soft law'.<sup>18</sup> In addition to these two, the better-known recent normative documents involving interagency input also include the *Mohonk Criteria for Humanitarian Assistance in Complex Emergencies* (Mohonk Criteria), produced by the Task Force on Ethical and Legal Issues in Humanitarian Assistance of the World Conference on Religion and Peace of 1994.<sup>19</sup> The Mohonk Criteria have not, however, in effect received the endorsement of the majority of humanitarian agencies. The primary reason for this is probably that the Mohonk Criteria include military intervention as a possible means for providing humanitarian assistance, while most humanitarian agencies categorically reject this option.<sup>20</sup> In any case, the general principles of the Mohonk Criteria essentially replicate the core elements of the Fundamental Principles of the Red Cross (discussed below). Thus, they do not contribute much that is new to the understanding of the basic principles of humanitarian assistance.

The *Code of Conduct* is perhaps the most significant attempt to date to express the normative framework underpinning international disaster relief. It consists of a set of ten principles that establish professional standards of behaviour for non-governmental humanitarian agencies, as well as of three sets of recommendations

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<sup>18</sup> Slim, *op. cit.*, in note 8, p. 2.

<sup>19</sup> The full text of the Mohonk Criteria is available at <http://www.wcrp.org/whatsnew/Humanitarian.html>.

<sup>20</sup> Personal communication with Dr. Heike Spieker, Head of Division for International Humanitarian Law and Red Cross Ethics, German Red Cross, April 2001.

(to governments of disaster affected countries, donor governments, and intergovernmental organisations) on the kind of working environment that non-governmental humanitarian agencies would like to see created in order to facilitate their work.<sup>21</sup> The *Code of Conduct* was prepared in 1994 by the IFRC and the ICRC, in consultation with the members of the Steering Committee for Humanitarian Response (SCHR), which incorporates eight of the world's largest non-governmental disaster response agencies, and has thus far been signed by over 140 agencies.<sup>22</sup> It is a voluntary code that any NGO working in disaster relief can commit itself to and, as such, it is self-enforcing; in other words, no sanctions can be applied to those who fail to abide by it. The *Code of Conduct* applies both during peacetime and in armed conflict, although in armed conflict the provisions of IHL take precedence.

The Sphere Project, launched in July 1997, is even more broad-based than the *Code of Conduct* in that it is the result of the collaboration of humanitarian NGOs, donor governments and UN agencies.<sup>23</sup> Whereas the *Code of Conduct* aims to set

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<sup>21</sup> The full text of *The Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organizations (NGOs) in Disaster Relief* is available at <http://www.ifrc.org/publicat/conduct/>.

<sup>22</sup> The original eight agencies include Caritas Internationalis, Catholic Relief Services, the International Federation of Red Cross and Red Crescent Societies, International Save the Children Alliance, Lutheran World Federation, Oxfam, and the World Council of Churches. The International Committee of the Red Cross has observer status.

<sup>23</sup> The Sphere Project was led by two non-governmental networks, the Steering Committee for Humanitarian Response (SCHR) and InterAction, with VOICE (a consortium of European Voluntary Organisations in Cooperation in Emergencies), ICVA (International Council of Voluntary Agencies) and the ICRC holding observer status on the Project Management Committee. UN agencies, including UNHCR, OCHA, UNICEF, WFP and WHO, also participated in the project. In addition to the initial funding from the Management Committee NGOs themselves, donor organisations from Australia, Belgium, Canada, Denmark, the Netherlands, Spain, Sweden, UK and USA, and the European Union have also provided funding for the project.

general standards of professional conduct for humanitarian aid agencies, the Sphere Project seeks to articulate a concrete set of operational minimum standards for the provision of goods and services in disaster relief. The purpose of the Sphere Project is to improve the quality of humanitarian assistance and the accountability of humanitarian agencies by developing minimum standards for five core areas of humanitarian operations, including water and sanitation, nutrition, food aid, shelter and site planning, and health. Its scope covers both armed conflict and peacetime. The Sphere Project does not aim to create new standards; rather, it seeks to consolidate and present a consensus of existing ideas by drawing on the experiences of over 228 organisations and over 700 individual aid-workers in over sixty countries. Thus far, the main product of the Sphere Project has been the Sphere Handbook.

The Sphere Handbook consists of two parts: a humanitarian charter and minimum standards in disaster response. The humanitarian charter, drawing from international human rights law, international humanitarian law and refugee law, singles out three core principles, one from each body of law: (1) the right to life with dignity (2) the distinction between combatants and non-combatants (i.e. that non-combatants should be immune from attack), and (3) the principle of *non-refoulement* (i.e. that refugees cannot be sent (back) to a country where their life is threatened because of their race, religion, nationality, membership in a particular social group or political opinion, or where there are substantial grounds to believe that they would be subject to torture). Like the *Code of Conduct*, the Sphere humanitarian charter is voluntary and self-enforcing. The goal of the Sphere

Project is that, by signing the humanitarian charter, aid organisations publicly commit themselves to the basic principles as well as the minimum standards. For their part, the minimum standards seek to outline the material conditions that the realisation of the right to life with dignity would at minimum involve. Thus, for example, with regard to water supply and sanitation, the Sphere Handbook establishes minimum standards for quantity and quality of water supply, excreta disposal, vector control, waste disposal and hygiene. Similarly, in relation to nutrition and food aid, the Sphere Handbook establishes standards for nutritional support for the general population as well as specifically targeted needs, for analysis of the conditions creating food insecurity, and for methods for fair and equitable distribution. There are similar minimum standards for shelter and site planning, as well as for health services.

Finally, the seven *Fundamental Principles of the International Red Cross and Red Crescent Movement* have been included in the examination here as they constitute probably the best-known statement of principles by any single humanitarian aid organisation.<sup>24</sup> Indeed, the Red Cross principles have probably been the greatest single influence on the normative framework underpinning humanitarian assistance to date.<sup>25</sup> Although reference to the Fundamental Principles appears in

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<sup>24</sup> The Red Cross Movement is made up of three distinct although interrelated parts: (1) the International Committee of the Red Cross, the founding element of the movement, which is primarily responsible for protection and assistance to victims of armed conflict, (2) the National Red Cross and Red Crescent Societies which have the primary responsibility for disaster relief both during peacetime and armed conflict in their respective countries, and (3) the International Federation of Red Cross and Red Crescent Societies, which serves to coordinate international Red Cross response to natural disasters.

<sup>25</sup> The full text of the Fundamental Principles is available on the Internet, for example, at the following British Red Cross website: <http://www.redcross.org.uk/index.asp?id=10>.

the Statutes of the International Red Cross as early as 1921 and in oral tradition even earlier, the principles were formally established by the International Conference of the Red Cross in 1965 and were modified to their present form in 1986.<sup>26</sup> Unlike the operating principles of any other humanitarian agency, they are also recognised in international humanitarian law. The Geneva Conventions refer to the manner in which the activities of the Red Cross are governed by its principles, even using them as a standard with which the legitimacy of the activities of other humanitarian agencies can be evaluated.<sup>27</sup> The Fundamental Principles apply to Red Cross Movement activities during both peacetime and armed conflict.

An additional Red Cross document with relevance in the context of disaster relief is the *Principles and Rules for Red Cross and Red Crescent Disaster Relief*.<sup>28</sup> The Principles and Rules were first approved by the International Conference of the Red Cross in 1969 and, with the subsequent revisions and additions (the latest of which were approved by the International Conference of the Red Cross in 1995), govern all Red Cross and Red Crescent relief operations. The Principles and Rules are binding on the IFRC and the National Red Cross and Red Crescent Societies.

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<sup>26</sup> For the history of the principles, see Jean Pictet, *The Fundamental Principles of the Red Cross: Commentary*, Geneva: Henri Dunant Institute, 1979, pp. 7-10.

<sup>27</sup> Article 63 of the Fourth Geneva Convention states that, except in exceptional situations involving the security of the occupying power, '[r]ecognised National Red Cross (Red Crescent, Red Lion and Sun) Societies shall be able to pursue their activities in accordance with Red Cross principles, as defined by the International Red Cross Conferences. Other relief societies shall be permitted to continue their humanitarian activities under similar conditions'.

<sup>28</sup> International Federation of Red Cross and Red Crescent Societies (IFRC), *Principles and Rules for Red Cross and Red Crescent Disaster Relief* as endorsed by the XXVI International Conference of the Red Cross, Geneva, 1995. The full text of the Principles and Rules is available at <http://www.ifrc.org/what/response/rulesdr.asp>.



As both the Fundamental Principles and the Principles and Rules were adopted by the International Conferences of the Red Cross, at which governments participate and vote, they also have some validity in negotiations with governments.

In the preceding section, I have sought to provide a brief overview of the most significant documents that, taken together, arguably constitute the main elements of contemporary normative framework underpinning international humanitarian assistance. In the following section, I will discuss some of the central substantive elements of the ethical framework articulated in these documents.

### PRINCIPLES

In this part of the chapter, I will describe the content of the fundamental principles constituting the normative framework that underpins contemporary international humanitarian assistance. In essence, the aim of humanitarian assistance is to save lives and alleviate human suffering, whatever its cause. The argument here is that the normative framework on which this activity is based can be expressed through two fundamental principles, namely humanity and impartiality.

The ideas expressed through the principles of humanity and impartiality are by no means unique to humanitarian assistance; rather, they express general ethical principles that also appear, for example, in medical ethics. For the purposes of humanitarian assistance, these principles were originally articulated in the Fundamental Principles of the Red Cross, and the different parts of the Red Cross

Movement have probably contributed most to the definition and analysis of their content. At the same time, the commitment to these principles is by no means limited to the Red Cross Movement. Indeed, I would argue that humanity and impartiality are the only principles on which there appears to be a consensus among the majority of the significant humanitarian actors today. While most people involved in humanitarian assistance would probably accept humanity and impartiality as fundamental principles of humanitarian assistance, however, some might argue that other principles, perhaps most importantly independence and neutrality, should also be added to this list. I do not share this conviction, however. Before embarking on a discussion of the central elements of the principles of humanity and impartiality, I will briefly explain why I do not see independence and neutrality as being part of the normative consensus underpinning contemporary international humanitarian assistance.

The principle of independence refers to the idea that humanitarian agencies should not become instruments of foreign policy (unless that policy happens to coincide with the independently defined aims of the agency). The problem with independence, however, is that it appears somewhat superfluous as long as the principles of humanity and impartiality are rigorously applied as the primary principles governing humanitarian assistance. In other words, if the argument about the fundamental nature of the principles of humanity and impartiality is accepted, any 'humanitarian' action that is based on something other than these two principles, whether that be as a result of serving the self-interested foreign policy goals of a state or for any other reason, would by definition not be

defensible within the normative framework of humanitarian assistance. Thus, the articulation of independence as a separate principle can perhaps best be seen as giving added emphasis to the implications of humanity and impartiality in a particular context that has proven especially problematic in practice. Moreover, I would argue that, in practice, the principle of independence cannot even be said to represent a consensus between the majority of humanitarian agencies. Independence is by definition primarily a concern of the non-governmental actors in international humanitarian assistance, whereas the relationship of intergovernmental humanitarian agencies (such as the European Community Humanitarian Office (ECHO), the United Nations' World Food Programme (WFP) and the United Nations High Commissioner for Refugees (UNHCR)) to the principle of independence is necessarily somewhat more ambiguous. In particular, UN-based bodies may have difficulty with the principle of independence in the context of armed conflict because '... not only the UN Security Council may be sanctioning one party or supporting another, but also because within the UN there are pressures for humanitarian activities to fall more firmly under political direction'.<sup>29</sup> Indeed, the actual relationships of intergovernmental agencies to the foreign policies of their member states are complex enough to warrant a separate study, and thus could not be done justice in the space available here.

The principle of neutrality refers to 'not tak[ing] sides in hostilities or engag[ing]

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<sup>29</sup> Adam Roberts, 'Humanitarian Principles in International Politics in the 1990s,' in Humanitarian Studies Unit (eds.), *Reflections on Humanitarian Action: Principles, Ethics and Contradictions*, London: Pluto Press, 2001, p. 42.

at any time in controversies of a political, racial, religious or ideological nature'.<sup>30</sup> Thus, neutrality is a principle that has more resonance in the context of armed conflict than in peacetime disasters. There is a clearly consensual element to neutrality in the sense that virtually all humanitarian agencies would see knowingly supplying resources that could contribute to the war effort of any party to an armed conflict as fundamentally inimical to the purposes of humanitarian assistance. At the same time, there is also substantial disagreement within the humanitarian community regarding the principle of neutrality. This disagreement centres mainly on the controversial practice of some humanitarian agencies of publicly assigning blame for the suffering that they witness, usually through the use of the media. Thus, as with independence, the relationship of different agencies to neutrality varies, with some agencies favouring relatively outspoken advocacy, others insisting on maintaining their neutrality even in cases where the blame can with relative certainty be attributed to one party or another, and some agencies falling somewhere in between.<sup>31</sup> The most important pro-advocacy humanitarian aid agency has traditionally been Médecins Sans Frontières (MSF) – which was in fact founded by a group of doctors who, on the basis of their experience in Biafra, were dissatisfied with the ICRC policy of neutrality – while the ICRC is usually seen to be the archetypal proponent of neutrality. While this categorisation may in some respects be overly simplistic (even the ICRC

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<sup>30</sup> 'Neutrality' as defined in the Fundamental Principles of the International Red Cross and Red Crescent Movement.

<sup>31</sup> See e.g. Larry Minear, 'The Theory and Practice of Neutrality: Some Thoughts on the Tensions,' *International Review of the Red Cross* (No. 833, 31 March 1999), pp. 63-71, as well as Thomas G. Weiss, 'Principles, Politics and Humanitarian Action,' *Ethics & International Affairs* (Vol. 13, 1999), pp. 1-22.

sometimes makes public condemnations, even if only as a last resort<sup>32</sup>; moreover, the MSF stated in 1997 that its approach in Biafra had been a 'salutary mistake' and had in fact served to prolong the crisis and increase starvation<sup>33</sup>) there is enough truth to it to support the claim that the principle of neutrality cannot be said to represent a consensus among humanitarian agencies today. Another, perhaps even more important reason for excluding neutrality from what I have described as the normative consensus underpinning humanitarian assistance is that there are grounds for doubting whether even the ICRC sees neutrality, in the sense of categorically refraining from public condemnation, as having intrinsic value. Indeed, I would argue that, even for its strict adherents, neutrality is primarily a pragmatic means towards realising the more fundamental principles of humanity and impartiality. In a world where, rightly or wrongly, sovereignty and non-interference in the internal affairs of states still have considerable currency, neutrality is more often than not a practical condition that humanitarian agencies must accept in order to gain and maintain the consent of the local authorities for their activities.

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<sup>32</sup> For examples of such cases, see Yves Beigbeder, *The Role and Status of International Humanitarian Volunteers and Organizations: The Right and Duty to Humanitarian Assistance*, Dordrecht: Martinus Nijhoff Publishers, 1991, pp. 167-175. On the ICRC position on neutrality more generally, see also Denise Plattner, 'ICRC Neutrality and Neutrality in Humanitarian Assistance,' *International Review of the Red Cross* (No. 311, 30 April 1996), pp. 161-179, as well as Cornelio Sommaruga, 'Humanity: Our Priority Now and Always,' *Ethics & International Affairs* (Vol. 13, 1999), pp. 24-25.

<sup>33</sup> Médecins Sans Frontières (ed.), *World in Crisis: The Politics of Survival at the End of the 20<sup>th</sup> Century*, London: Routledge, 1997, p. xxi. For a more detailed discussion of MSF's position on the humanitarian principles, see also Joelle Tanguy and Fiona Terry, 'Humanitarian Responsibility and Committed Action,' *Ethics & International Affairs* (Vol. 13, 1999), pp. 29-34; and on the evolution of MSF's approach over time, see also Tim Allen and David Styan, 'A Right to Interfere?: Bernard Kouchner and the New Humanitarianism,' *Journal of International Development* (Vol. 12, No. 6, August 2000), pp. 825-842.

Having offered some reasons for the exclusion of independence and neutrality from the description of the normative consensus regarding international humanitarian assistance, I will now turn to discuss the principles of humanity and impartiality, which I believe do represent such a consensus.

### Humanity

*If the Red Cross were to have only one principle, it would be this one.*<sup>34</sup>

The above statement by Jean Pictet can be extended from the Red Cross Movement to apply to virtually all actors engaging in international humanitarian assistance; the principle of humanity is the fundamental principle of humanitarian assistance. In this section, I will first discuss the definition of the principle of humanity, then go on to address some issues regarding its justification, and finally comment on the kinds of claims for rights and duties that the principle of humanity creates in international humanitarian assistance.

Let me begin by addressing the issue of definition. Following Red Cross usage, I have chosen to use the term 'humanity' to describe this principle. By comparison to the related term 'humanitarianism', 'humanity' has the advantage of conveying the dual idea of an attitude and behaviour (humaneness or benevolence), on one hand, and the object of that behaviour (humankind as a whole, simply by virtue of

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<sup>34</sup> Pictet, *op. cit.*, in note 26, p. 22.

its human attributes) on the other. In essence, the principle of humanity can be defined as the call to save lives and prevent or alleviate suffering. Thus, the Fundamental Principles of the Red Cross define humanity as ‘prevent[ing] and alleviat[ing] human suffering wherever it may be found’ and ‘protect[ing] life and health and ensur[ing] respect for the human being’.<sup>35</sup> In a similar manner, the *Code of Conduct* states that ‘the prime motivation of our response to disaster is to alleviate human suffering’.<sup>36</sup> Likewise, the Sphere Project’s Humanitarian Charter describes what it calls the ‘humanitarian imperative’ as ‘the belief that all possible steps should be taken to prevent or alleviate human suffering arising out of conflict or calamity’.<sup>37</sup>

In this context, it should be noted that the principle of humanity is not explicitly stated in the documents pertaining to refugees and IDPs. This is probably not least because the relevant body of international law focuses on a specific, narrowly defined group of people, refugees and IDPs, and not even in principle on humanity as a whole. Having said this, however, the underlying normative idea behind this body of law is arguably not that far removed from the principle of humanity. It simply seeks to include a particularly disadvantaged group of people, refugees and IDPs – who by definition are excluded from the protection that people under most circumstances can expect to receive from their state – within the scope of a very basic form of protection and assistance.

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<sup>35</sup> ‘Humanity’ as defined in the Fundamental Principles of the Red Cross and Red Crescent Movement.

<sup>36</sup> *Code of Conduct*, *op. cit.*, in note 21, p. 5.

<sup>37</sup> *The Sphere Project*, *op. cit.*, in note 10, p. 6.

The basic definition of the principle of humanity – as a call to save lives and prevent or alleviate suffering, no matter what its cause – is straight-forward and represented in a relatively uniform manner throughout the documents examined here. Its justification, or the answer to the question ‘why ought we to save lives and alleviate suffering?’ is, however, a more complicated matter.

In the existing literature, three main approaches to the question of justification can be identified. First, many humanitarian aid agencies (for example, the Catholic Relief Services, Caritas, and the Lutheran World Federation) justify the principle of humanity with reference to Christian beliefs. For example, Catholic Relief Services explicitly states that ‘[its] work is founded on the belief that each person possesses a basic dignity that comes directly from God’.<sup>38</sup> By contrast, other organisations – for example the Red Cross Movement – effectively refuse to commit themselves to any one justification, arguing instead that the principle of humanity may be arrived at via a number of different religious or philosophical routes. Thus, according to Jean Pictet,

*[t]he wellspring of the principle of humanity is in the essence of social morality which can be summed up in a single sentence, Whatsoever ye would that men should do to you, do ye even so to them. This fundamental precept can be found, in almost identical form, in all the great religions, Brahminism, Buddhism, Christianity, Confucianism, Islam, Judaism and Taoism. It is also the golden rule*

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<sup>38</sup> Catholic Relief Services, *Catholic Relief Services Guiding Principles* (available at



*of the positivists, who do not commit themselves to any religion but only to the data of experience, in the name of reason alone. It is indeed not at all necessary to resort to affective or transcendental concepts to recognize the advantage for men to work together to improve their lot.*<sup>39</sup>

Similarly, in the words of a more contemporary ICRC ‘ideologue’:

*It has rightly been said that the International Red Cross and Red Crescent Movement does not stand for any specific philosophy or moral doctrine. .... [t]he Movement adheres to no particular ideology or political system. On the contrary, its universality enables it, with varying degrees of success, to adapt to or even influence various political regimes or tendencies in order to promote humanitarian aims.*<sup>40</sup>

In other words, the Red Cross deliberately refuses to anchor its principles to any particular justification, in order to keep the Movement open to people subscribing to as wide a variety of religious and philosophical doctrines as possible.

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<http://www.catholicrelief.org/believe/index.cfm>).

<sup>39</sup> Pictet, *op. cit.*, in note 26, p. 33; for a case study of humanitarian principles in a non-Western context, see for example Ly Djibril, ‘The Bases of Humanitarian Thought in the Pulaar Society of Mauritania and Senegal,’ *International Review of the Red Cross* (No. 325, 31 December 1998), pp. 643-653.

<sup>40</sup> Jean-Luc Blondel, ‘The Meaning of the Word “Humanitarian in Relation to the Fundamental Principles of the Red Cross and Red Crescent,’ *International Review of the Red Cross* (November-December 1989), p. 507. See also Marion Harroff-Tavel, ‘The Doctrine of the Red Cross and, in particular, of the ICRC,’ *Dissemination* (No. 2, August 1985). Both Blondel and Harroff-Tavel were at the time of their writing working in the ICRC Division for Principles and Relations with the Movement.

Some humanitarian practitioners go even further than this and reject talk about principles, let alone their justification, altogether. This ‘non-justification’ represents the third frequently occurring approach to justifying the humanitarian principles. In this context, the argument is usually that humanitarianism is primarily a practical rather than philosophical undertaking, in other words, that it is first and foremost about humanitarian *action* rather than about humanitarian *principles*.<sup>41</sup>

Each of these approaches to justification carries some problems with it. The traditional justification of the principle of humanity on the basis of the teachings of Christianity appears problematic as it seems necessary that the ethical justification of humanitarian assistance as a global activity be grounded on something with a significantly broader appeal than Christianity. After all, while most of the donor and aid agencies are based in the predominantly Christian countries of Europe and North America, many of their beneficiaries are not Christian, nor are many of the governments that control access to these beneficiaries. Thus, humanitarian aid agencies must – on both philosophical and pragmatic grounds – be able to justify their action in a way that does not require Christian faith.

As a way of circumventing this problem, many humanitarians resort to the argument that similar principles appear in all the major world religions and philosophical doctrines. This approach is also not without problems: the fact that

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<sup>41</sup> See e.g. Blondel, *op cit.*, in note 40, p. 508.

the argument needs to be made at all, coupled with the historical record of the problems of access that humanitarian assistance has faced (discussed in more detail below), would seem to suggest that the presence of the principle of humanity in all the major religions or philosophies, or at least its order of priority in relation to other considerations, is not anywhere near as self-evident as the proponents of this argument would like to claim. Moreover, any actual attempts to identify the principle of humanity in each of these religions will run into the problem that there is unlikely to be a single authoritative version of the teachings of any given religion, but rather a variety of different interpretations. Some of these interpretations may well include something resembling the principle of humanity as formulated here, while others may not. As religious belief is a matter of accepting an other-worldly truth as an article of faith rather than a question of human agreement, there seems to be no way of choosing between the different interpretations that would be acceptable to everyone. Nonetheless, if the expectation that a universal consensus can be found is dropped and more modest targets are set instead – for finding partial common grounds on the basis of contingently shared beliefs – this approach to justifying the humanitarian principles may be the best humanitarians can in actual practice do.

In the face of uncertainty about the foundations of humanitarian beliefs, it is not unnatural to want to drop the discussion about abstract principles altogether, and focus instead on concrete action, as those taking the third view to justification identified above would like to do. It seems difficult to draw a line between action and principles in this manner, however. This is because principles provide a way

of distinguishing appropriate from inappropriate forms of action within a particular practice. Even the advocates of the ‘action-over-principles’ argument would probably not concede that any action is just as good as any other in the context of humanitarian assistance. At one extreme, killing people or inflicting pain on them are undeniably forms of *action*; yet, if the definition of the principle of humanity as a call to save lives and prevent or alleviate suffering is accepted, we would not include these actions within the definition of *humanitarian action*. It is not even necessary to go this far to see that there are many forms of action that would be either detrimental or irrelevant to the business of saving of lives and preventing or alleviating suffering. Moreover, not only principles for action but also the underlying arguments offered in their justification have very concrete implications. For one, people can take the same course of action for very different reasons. At the same time, these different reasons can result in different courses of action in different contexts. For example, both a humanitarian agency which sees itself as bound by a universal duty to alleviate human suffering wherever it may be found (let’s say, for the sake of argument, that this duty is derived from some interpretation of Christianity), and another agency, of the kind that is usually described as ‘solidaristic’ because it sees its duty to be to assist those who share its religious or political beliefs,<sup>42</sup> may provide assistance to the victims of a particular disaster in a virtually identical manner, provided that the victims belong to the same religious or political group as the latter organisation. Yet, the solidaristic organisation will not turn up to provide assistance to victims of an

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<sup>42</sup> Most people who have been involved with humanitarian assistance can probably think of several concrete examples of solidaristic agencies; I will not identify this approach with any particular group because of the risk of incorrectly representing their beliefs.

identical disaster elsewhere if those affected by that disaster are of a different faith or political conviction. This is by no means the only kind of effect that different justifications can have, but rather simply an illustration of the point that principles and their justification can have very concrete consequences and are therefore important to academics and practitioners alike. For these reasons, the ‘we are doers rather than thinkers’ dichotomy advocated by some humanitarian practitioners must be seen as ultimately incoherent. Humanitarians can and should talk about the values and principles that guide their action, even if the best that they can do is to try to understand their own – at bottom contingent – beliefs better.

Having addressed some questions regarding the justification of the principle of humanity above, I will now turn to discussing the implications of this principle for different actors, i.e. the kinds of claims of obligations and entitlements that the principle of humanity is seen to create in international humanitarian assistance.

From the legal point of view, the primary obligation to save lives and prevent and alleviate suffering falls first and foremost on the state. During peacetime disasters, this can be grounded on, for example, the International Covenant on Economic, Social and Cultural Rights, which obliges the state parties to the Covenant to work towards the realisation of the right of everyone to ‘adequate food, clothing and housing’, to ‘be free from hunger’ and to ‘the highest attainable standard of physical and mental health’.<sup>43</sup> And, even if many human rights commitments may

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<sup>43</sup> ICESCR, Articles 11 and 12.

be suspended during armed conflict, international humanitarian law imposes obligations regarding the welfare of the populations under their control on (mainly state) parties to the conflict, although these obligations are limited by various conditions.<sup>44</sup> Even non-governmental humanitarian aid agencies have been keen to emphasise that the primary responsibility to save lives and prevent or alleviate suffering rests with the state. Thus, for instance, the Sphere Project ‘acknowledge[s] the primary role of the state to provide assistance when people’s capacity to cope has been exceeded’.<sup>45</sup> This can be interpreted both as an acknowledgement of the sovereignty, in the sense of freedom from interference, of state authorities within their jurisdiction, as well as a reminder of the duties that must be fulfilled in order for that sovereignty to remain legitimate. At the same time, many humanitarian agencies also see themselves as being bound by a duty to provide humanitarian assistance. The *Code of Conduct* provides perhaps the broadest argument along these lines, stating that ‘as members of the international community, we recognise our obligation to provide humanitarian assistance wherever it is needed’.<sup>46</sup> Similarly, according to the Principles and Rules for Red Cross and Red Crescent Disaster Relief, the Red Cross and Red Crescent ‘has a

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<sup>44</sup> The Fourth Geneva Convention obliges states only with regard to the welfare of enemy civilians under its control during international armed conflict, thus excluding the state’s own citizens as well as non-international armed conflicts from its scope. In relation to non-international armed conflict, Article 18 of Additional Protocol II provides some basis for an obligation on the parties to the conflict to alleviate the hardship suffered by the civilian population as a result of the conflict. Similarly, during international armed conflict, Additional Protocol I creates some obligations on the party to the conflict in relation to all civilians in need in territory under its control (including its own citizens).

<sup>45</sup> *The Sphere Project, op. cit.*, in note 10, p. 8.

<sup>46</sup> *Code of Conduct, op. cit.*, in note 21, p. 5.

fundamental duty to provide relief to all disaster victims'.<sup>47</sup>

Indeed, as was already mentioned earlier, there is an ongoing debate among humanitarians on whether making such commitments does not serve to undermine international law and in fact help states to abdicate the responsibility for the wellbeing of their populations. In this vein, for example, the Quality Platform alleges that the Sphere Project's humanitarian charter '...endangers existing texts and laws, and allocates to NGOs responsibilities that are not theirs'.<sup>48</sup> Similarly, it has been argued that '[f]rom Sphere, through the Codes of Conduct and finally to the Ombudsman, the onus of responsibility for assisting vulnerable people shifts from states to humanitarian organisations, and finally to the victims themselves'.<sup>49</sup> Arguably, however, the critics are once again barking up the wrong tree, for at least two reasons. First, insofar as they accuse aid agencies that see themselves as bound by a humanitarian duty as undermining international law – which is understood to place the duty to provide humanitarian assistance squarely with each state within its jurisdiction – this is not entirely factually correct, at least not for peacetime disasters. This is because, while the duty to promote social and economic rights falls in the first instance on each state within their jurisdiction, the UN Covenant in fact also lays a duty on all states parties to it to co-operate in promoting respect for such rights world-wide; this is also a duty of signatories to

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<sup>47</sup> IFRC, *op. cit.*, in note 28.

<sup>48</sup> Grünewald *et al.*, *op. cit.*, in note 9.

<sup>49</sup> Fiona Terry, 'The Limits and Risks of Regulation Mechanisms for Humanitarian Action,' *Humanitarian Exchange* (No. 17, October 2000), p. 21.

the 1948 declaration and the United Nations Charter.<sup>50</sup> More fundamentally, however, the 1948 declaration and the later covenants lay the duty on each individual to promote respect for human rights world-wide.<sup>51</sup> The obvious interpretation of this duty is that it is best fulfilled by individuals co-operating through the medium of their state to promote this respect for their fellow citizens in the first instance, and then by their state co-operating with other states and international institutions to promote such respect world-wide.<sup>52</sup> Thus, for example the *Code of Conduct*'s formulation, 'as members of the international community, we recognise our obligation to provide humanitarian assistance wherever it is needed,' in fact represents a more accurate interpretation of the requirements of international law than that of its critics.

Second, the tension between helping victims and excusing states from their responsibilities to their populations should also be seen as something inherent to the practice of international humanitarian assistance in itself, rather than the result of any efforts to regulate it. After all, at bottom, humanitarian assistance as an

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<sup>50</sup> The preamble of the ICSECR refers to 'the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,' and under Chapter 1, Article 1, Paragraph 3 of the UN Charter, the purposes of the United Nations include the achievement of 'international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion'.

<sup>51</sup> The preamble of the ICSECR points out that 'the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant', and the Universal Declaration of Human Rights states that '...every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.'

<sup>52</sup> I would like to thank John Charvet for emphasising this point to me.



ethical practice is based on the conviction that there is some minimum level of welfare (usually understood to be somewhere just above mere survival) below which people should not sink just because their government is unable or unwilling – or both – to provide them with even the most basic form of protection and assistance. This provision of relief to the population, however, also has the inevitable consequence of excusing the authorities of the state in question from having to face the consequences of their failure to look after the needs and interests of the population. The only thing that the current regulatory efforts add to what is already an inherent tension within humanitarian aid is simply a layer of professionalism: the idea that, if we engage in international assistance at all, we might just as well do it well, i.e. in an effective and efficient manner. The only real alternative would be to make the population bear the brunt of the consequences of what is essentially a fundamental failure of their state and not to engage in humanitarian assistance at all. Indeed, it seems to me that it would be this alternative, rather than the current efforts aimed at regulating humanitarian assistance, that would in fact be the most certain way of shifting the responsibility for assisting vulnerable people to the victims themselves.

Nonetheless, in practice, the question of whose duty it is to provide assistance has not turned out to be as problematic for the humanitarian community as the question of the right to give and receive it. As the numbers of aid agencies in Somalia and Kosovo quoted at the beginning of this chapter demonstrate, at present there appears to be an abundance of agencies both willing and able to provide humanitarian assistance in some form, at least in what may be described

as 'high profile' emergencies. A major problem they face, however, is the limitation or denial of access by state authorities, who argue that such assistance is an infringement on their sovereignty, while at the same time being unable or unwilling, or both, to supply the goods and services to the affected population themselves. For example, in the context of internal armed conflict, governments are often particularly reluctant to allow the passage of humanitarian assistance to rebel-held territories. Moreover, from a legal point of view, the problem of access is particularly pressing in natural disasters, where there is at present no treaty obligation for states to allow such assistance. Examples of natural disasters where there has been resistance from the part of authorities to allow international humanitarian organisations access to victims include the recent famines in North Korea, the 1990 earthquake in Iran, and the February 1998 earthquake in Afghanistan.<sup>53</sup> By contrast, during armed conflict (and especially international armed conflict), the Geneva Conventions oblige parties to the conflict to allow access to relief agencies (although this obligation has also in practice been flouted, for example, during the war between Iran and Iraq (1980-1988)<sup>54</sup>).

The problem of access has led humanitarian agencies to argue for the 'right to give and receive humanitarian assistance'. At first sight, this seems a peculiar construct, as it appears to set two rights up against one another, where both the recipient and the giver have the 'right' to receive and to give humanitarian

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<sup>53</sup> See Rohan J. Hardcastle and Adrian T. L. Chua, 'Humanitarian Assistance: Towards a Right of Access to Victims of Natural Disasters,' *International Review of the Red Cross* (No. 325, 31 December 1998), pp. 589-609.

<sup>54</sup> Hans Haug, *Humanity for All: The International Red Cross and Red Crescent Movement*, Berne: Paul Haupt Publishers, 1993, p. 460.

assistance, but no corresponding obligations are imposed on either party. Both of these rights, however, are of course asserted against the state in relation to the problem of access. During international armed conflict, 'the right to give and receive assistance' derives from the international legal obligation of the belligerent state to provide assistance to enemy nationals in its power and to allow access to relief organisations (asserted, for example, in Article 142 of the Fourth Geneva Convention). The Additional Protocols extend this right to both the states' own citizens and to non-international armed conflict (Article 70 of Additional Protocol I and Article 18 of Additional Protocol II). The legal situation under conditions other than armed conflict is less well-defined. While the *Code of Conduct* asserts that '[t]he right to receive humanitarian assistance, and to offer it, is a fundamental humanitarian principle which should be enjoyed by all citizens of all countries', it is clear that such a right has not yet reached the status of customary international law, or otherwise been widely recognised by the international community.

In this section, I have provided a definition of the principle of humanity, discussed some of the issues related to its justification, as well as to the obligations and entitlements that flow from this principle. I will now turn to look at the principle of impartiality.

### **Impartiality**

If humanity is the fundamental principle of humanitarian assistance, then

impartiality is its distributive principle. Impartiality describes how the goods and services of humanitarian assistance ought to be allocated. As such, it may be seen as a second-order principle to the primary principle of humanity. Indeed, the term ‘humanity’ – in the sense of ‘humankind as a whole, simply by virtue of its human attributes’ – already contains a suggestion about how the goods and services of humanitarian assistance ought to be distributed.

In the Fundamental Principles of the Red Cross, impartiality is defined as ‘mak[ing] no discrimination as to nationality, race, religious beliefs, class or political opinions’ and ‘endeavour[ing] to relieve the suffering of individuals, being guided solely by their needs, and ... giv[ing] priority to the most urgent cases of distress’.<sup>55</sup> Similarly, the second principle of the *Code of Conduct* reads: ‘Aid is given regardless of the race, creed or nationality of the recipients and without adverse distinction of any kind. Aid priorities are calculated on the basis of need alone’.<sup>56</sup> A similar view of the distribution of humanitarian assistance was also affirmed by the International Court of Justice in the case of *Nicaragua vs. United States*:

*An essential feature of truly humanitarian aid is that it is given ‘without discrimination’ of any kind. ... [I]t must be limited to the purposes hallowed in the practice of the Red Cross, namely ‘to prevent and alleviate human suffering’, and ‘to protect life and health and ensure respect for the human being’; it must also,*

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<sup>55</sup> ‘Impartiality’ as defined in the Fundamental Principles of the Red Cross and Red Crescent.

<sup>56</sup> *Code of Conduct*, *op. cit.*, in note 21, p. 5.

*and above all, be given without discrimination to all in need.*<sup>57</sup>

The idea of non-discrimination is also apparent in the 1951 Refugee Convention, where Article 3 (on non-discrimination) states that '[t]he Contracting States shall apply the provisions of this Convention to refugees without discrimination as to race, religion or country of origin'. Similarly, in the UN Guiding Principles on Internal Displacement, Principle 4, Paragraph 1 reads: '[t]hese Principles shall be applied without discrimination of any kind, such as race, colour, sex, language, religion or belief, political or other opinion, national, ethnic or social origin, legal or social status, age, disability, property, birth, or on any other similar criteria', and Paragraph 2 continues: '[c]ertain internally displaced persons, such as children, especially unaccompanied minors, expectant mothers, mothers with young children, female heads of household, persons with disabilities and elderly persons, shall be entitled to protection and assistance required by their condition and to treatment which takes into account their special needs'.

Conceptually, the principle of impartiality can be broken down to two related but distinct components, namely non-discrimination and proportionality.<sup>58</sup> Non-discrimination refers to the absence of adverse distinction on the basis of

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<sup>57</sup> In this case, the Sandinista government of Nicaragua accused the United States of violating international law through its support of the Contras. The United States defended itself by arguing that its support took the form of humanitarian assistance. The Court agreed that humanitarian assistance could not constitute a violation of international law, but concluded that the assistance offered by the United States was not truly humanitarian in character because it was directed exclusively to the Contras and their families. *Case Concerning Military and Paramilitary Activities in and against Nicaragua (Nicaragua vs. United States of America) (Merits)*, ICJ Reports 1986, Paragraph 243.

<sup>58</sup> I draw here on the 1979 commentary of the famous ICRC lawyer, Jean Pictet, on impartiality as

membership in a social group, whereas proportionality refers to the idea that assistance should be given according to degree of need. Let me now examine each of these elements in turn:

Non-discrimination means that one's race, religion, nationality, class, political opinions or sex should not negatively affect the amount or quality of aid that one receives. The specific references to race, religion, nationality, class and political opinions in the Fundamental Principles and the *Code of Conduct*, referred to above, can be seen as drawing from the particular experiences of the Second World War, which have arguably fundamentally shaped most contemporary humanitarian and human rights thought. At the same time, it is clear that these categories must be seen as illustrative rather than exhaustive examples of the kinds of adverse distinction that is forbidden. Indeed, the Geneva Conventions make this explicit through the addition of 'any other similar criteria' to the list of group memberships on the basis of which discrimination is forbidden.<sup>59</sup> Thus, non-discrimination expresses the idea of equality of human beings, as human beings, as well as a duty of equal treatment derived from it. In other words, the scope of humanitarian assistance is in principle universal: every human being is entitled to receive the goods and services of humanitarian assistance, solely by virtue of being human.

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one of the fundamental principles of the Red Cross. See Pictet, *op. cit.*, in note 26.

<sup>59</sup> The common Article 3 to the Geneva Conventions reads: 'Persons taking no active part in the hostilities ... shall in all circumstances be treated humanely, without any adverse discrimination founded on race, colour, religion or faith, sex, birth or wealth, or *any other similar criteria*.' Article 3, Paragraph 1 (emphasis added).

As was pointed out above, non-discrimination means that the allocation of goods and services should never be negatively affected by consideration of a person's membership in a social group. This, however, places no limits on positive discrimination, in other words that members of particular social groups, for example women, children and the elderly, should receive more, or qualitatively different assistance. This brings us to the second element of impartiality, namely proportionality.

As was already mentioned above, proportionality refers to the idea that assistance should be given according to degree of need. In this way, proportionality qualifies non-discrimination in singling need out as the one acceptable basis for differential treatment. In the context of humanitarian assistance, needs and their relative priority are usually defined in terms of the minimum physiological requirements for survival. For example, the minimum standards outlined by the Sphere Project can be seen as expressing something of a current consensus on both the kinds of needs that humanitarian agencies ought to attend to, as well as giving some indication of the order of priority in which they should be responded to.

Conceptually, proportionality encompasses three elements: that more urgent needs should be treated first, that greater needs ought to be given quantitatively greater treatment, and that qualitatively different needs should be attended to in an equitable, though not necessarily the same, manner. In other words, people who are likely to die or receive permanent injury in the absence of medical treatment or distribution of food and medicine should be attended to first, while those with

greater needs should receive additional assistance. Finally, assistance should be appropriate to needs, rather than meted out in identical form to everyone.

In conclusion, the elements of non-discrimination and proportionality serve to flesh out the two dimensions of the principle of impartiality. By forbidding negative distinction on the basis membership in a social group, non-discrimination serves to affirm the universalism implied by the principle of humanity; in other words, that each human being is equally entitled to receive humanitarian assistance, solely by virtue of being human. At the same time, proportionality means that everyone should receive equitable treatment in proportion to their needs.

## CONCLUSION

In this chapter, my aim has been to describe some of the central elements of the basic normative framework underpinning the contemporary practice of international humanitarian assistance. I started by reviewing existing documents, including both formal legal texts, as well as the less formal – but equally, if not more significant – commitments by international aid agencies, some of which can be said to have reached the status of ‘soft law’. On the basis of these documents, two core elements of the normative framework can be identified: the principle of humanity, which is the fundamental principle of humanitarian assistance, and the principle of impartiality, which is its distributive principle. Briefly described, the principle of humanity can be described as a call to save lives and alleviate



suffering, whereas the principle of impartiality refers to the idea that every human being is in principle entitled to humanitarian assistance, qualified only by his or her needs.

The purpose of this chapter has been to establish the groundwork for what follows. In Chapter 2, I will discuss the emergence of the norm of respect for culture and customs in international humanitarian assistance. The purpose of Chapter 3 is then to bring together the ideas expressed in the previous two chapters, and examine the conceptual implications of the norm of respect for culture and customs for the basic normative framework underpinning international humanitarian assistance.

## **The Emergence of Respect for Culture and Customs in International Humanitarian Assistance**

### **INTRODUCTION**

In the previous chapter, I offered a description of the sources and content of the basic normative framework underpinning international humanitarian assistance, and argued that the principles of humanity and impartiality play a particularly central role within this normative framework. The principle of humanity can be said to be the fundamental principle of international humanitarian assistance, while the principle of impartiality serves as its distributive principle. Briefly described, humanity refers to the call to save lives and prevent or alleviate human suffering, whilst according to the principle of impartiality every human being is equally entitled to humanitarian assistance, qualified only by the extent and nature of his or her needs.

The aim of the present chapter is to describe the emergence of the norm of 'respect for culture and customs' in international humanitarian assistance. As such, the role of the chapter is something of a 'literature review' on the way that the issue of culture has been dealt with in the context of international humanitarian assistance. However, it is a somewhat unconventional one in the

sense that, rather than concentrating on strictly academic sources – of which there are in any case very few thus far on this topic – it looks more broadly at documents that have addressed the issue of culture in the context of humanitarian assistance, be they formal legal texts, principles of aid agencies, operational guidelines for practitioners, or academic research. The advantage of presenting the issue in this way is that it focuses on how the international humanitarian aid community itself sees this normative commitment to respecting culture and customs, rather than on some external interpretation. Thus, within the thesis as a whole, the overall purpose of this chapter is to present the ‘second half’ of the background (the first half having been provided by the preceding chapter) against which the analysis of the implications of respect for culture and customs for the existing normative framework underpinning international humanitarian assistance can proceed in the chapters that follow.

The present chapter is structured as follows: in the first section, I will describe the way in which some of the major documents – including formal legal texts as well as more informal principles and operational guidelines – that apply to the work of contemporary humanitarian practitioners address the issue of respect for culture and customs. In the second section, the existing academic literature that deals with the issue of culture in humanitarian assistance will be examined.

### **RESPECT FOR CULTURE AND CUSTOMS IN INTERNATIONAL HUMANITARIAN ASSISTANCE IN EXISTING DOCUMENTS**

This section is divided into two parts. First, I will examine how the issue of

culture is addressed in legal texts pertaining to humanitarian assistance. Second, I will look at the way in which more informal documents, such as those articulating the principles of humanitarian aid agencies (some of which, as was already pointed out in the previous chapter, have arguably reached the status of ‘soft law’<sup>1</sup>) or professional guidelines deal with this issue. Addressing the documents in this order also makes sense in terms of chronology – and thus for the purposes of illustrating how these ideas have developed over time – as the legal documents predate the documents on principles and operational guidelines in most cases by several decades. As the background of the legal documents addressed below was already described in the previous chapter, I will launch directly into a discussion of their content.

### **Respect for culture in international legal documents**

Although the norm of respect for culture and customs has arguably only in recent years received heightened attention from those engaged in humanitarian assistance, some evidence of this concern can be traced back already to the provisions of 1949 Geneva Conventions. Thus, for example, Article 27 of the Fourth Geneva Convention (on civilians) states that: ‘Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs’. Moreover, with regard to the culturally appropriate upbringing of child

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<sup>1</sup> See Hugo Slim, ‘Claiming a Humanitarian Imperative: NGOs and the Cultivation of Humanitarian Duty,’ paper presented at the Seventh Annual Conference of the Webster University, entitled Humanitarian Values for the Twenty-First Century, Geneva, 21-22 February

victims of armed conflict, article 24 of the Fourth Convention states that:

*The Parties to the conflict shall take the necessary measures to ensure that children under fifteen, who are orphaned or are separated from their families as a result of the war, are not left to their own resources, and that their maintenance, the exercise of their religion and their education are facilitated in all circumstances. Their education shall, as far as possible, be entrusted to persons of a similar cultural tradition.*

Similarly, with regard to religious practices in occupied territories, article 58 of the Fourth Convention states that '[t]he occupying power shall permit ministers of religion to give spiritual assistance to the members of their religious communities. The Occupying Power shall also accept consignments of books and articles required for religious needs and shall facilitate their distribution in occupied territory.' Also, with reference to internees, article 82 provides that '[t]he Detaining Power shall, as far as possible, accommodate the internees according to their nationality, language and customs'. And, specifically addressing the provision of food for internees, article 89 states that '[a]ccount shall also be taken of the customary diet of the internees'. On religion, article 93 states that '[i]nternees shall enjoy complete latitude in the exercise of their religious duties, including attendance at the services of their faith, on condition that they comply with the disciplinary routine prescribed by the detaining authorities'. It should also be mentioned that similar provisions can be found in the other Geneva

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2002, p. 2.

Conventions, although – as the focus of the present exercise is in the treatment of and assistance to civilians – they will not be examined in detail here.<sup>2</sup>

International legal documents that deal with refugees and IDPs also make reference to cultural issues, albeit more briefly than the relatively detailed Geneva Conventions. Thus, the 1951 Refugee Convention states in article 4, on religion, that '[t]he Contracting States shall accord to refugees within their territories treatment at least as favourable as that accorded to their nationals with respect to freedom to practise their religion and freedom as regards the religious education of their children'. In addition, there are two similar references in the Guiding Principles on Internal Displacement: Principle 22 of the Guiding Principles states that '[i]nternally displaced persons, whether or not they are living in camps, shall not be discriminated against as a result of their displacement in the enjoyment of the following rights: (a) The rights to freedom of thought, conscience, religion or belief, opinion and expression...', while Principle 23 asserts every human being's right to education, stating that, '[t]o give effect to this right for internally displaced persons, the authorities concerned shall ensure that such persons, in particular displaced children, receive education which shall be free and compulsory at the primary level. Education should respect their cultural identity, language and religion'.

It is worth noting that in all of the legal texts referred to above, the question of culture is primarily seen as a matter limited to freedom of religion and the right to

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<sup>2</sup> See, for example, Article 17 in the first Convention, and Articles 26, 34, 72 and 120 of the third Convention.

culturally appropriate education. Thus, the possibility that cultural and customary norms and practices might also play a role within the context of satisfying basic or physiological needs (i.e. food, water, sanitation, shelter and medical care), which after all have traditionally been the main focus of humanitarian assistance proper, is largely overlooked. The only exception to this appears to be the above-mentioned reference to the 'customary diet' of the internees in the fourth Geneva Convention.

As was already pointed out in the previous chapter, when looking at international legal documents in the context of international humanitarian assistance, it should be remembered that the significance of the legal texts to the practice of international humanitarian assistance is limited by the fact that the international legal instruments are primarily addressed to states, thus leaving outside a wide range of non-state actors involved in international humanitarian assistance. Thus, to obtain a more complete picture of the normative status of the issue of respect for culture and customs in international humanitarian assistance, it is necessary also to look at more informal documents, such as statements of principle and operational guidelines issued by the humanitarian aid organisations themselves. It is to these documents that I will turn next.

### **Respect for culture in aid organisations' principles and operational guidelines**

The document that has expressed the norm of respect for culture perhaps most authoritatively in the context of humanitarian assistance to date is the 1994 *Code*

*of Conduct*. The *Code of Conduct* states, as the fifth of its ten principles: 'We [the Red Cross and Red Crescent movement and NGOs engaging in disaster relief] shall respect culture and custom: we will endeavour to respect the culture, structures and customs of the communities and countries we are working in'.<sup>3</sup> The *Code of Conduct* is significant both because it was prepared jointly by all the major non-governmental humanitarian aid organisations and has been signed by what probably amounts to the overwhelming majority of aid organisations in the world (see Chapter 1 for a detailed description of the background of the *Code of Conduct*), and because its provisions have, in a relatively short time, become central criteria for the planning and evaluation of NGO programming both in the context of peacetime disasters and in armed conflict.

While the *Code of Conduct* expresses respect for culture and customs as a general principle, it nonetheless does not give any indication of what the observance of this principle would look like in practice. It is possible to identify two major documents that give concrete expression to the significance of culture and customs for humanitarian assistance in practice, namely the People-Oriented Planning approach, primarily used by UNHCR and its partners, and the Sphere Project which has been contributed to, and is being used by, a broad spectrum of humanitarian aid organisations. This is not to say that these are the only operational documents that mention cultural issues in the context of humanitarian

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<sup>3</sup> *The Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organizations (NGOs) in Disaster Relief*, p. 6 (available at <http://www.ifrc.org/publicat/conduct/>). NB: despite a title that would seem to limit its applicability to peacetime disasters, the *Code of Conduct* applies in fact both during peacetime and in armed conflict, although in armed conflict the provisions of International Humanitarian Law take precedence.



assistance;<sup>4</sup> for the purposes of this thesis, however, I have chosen to focus on the People-Oriented Planning approach and the Sphere Handbook, as they provide a particularly comprehensive view of cultural issues across the different functionally specific areas of humanitarian action. In addition, the Sphere Handbook can be seen as representing an unprecedentedly broad consensus on humanitarian assistance in that thousands of individual aid workers from hundreds of aid organisations – both inter- and non-governmental – and scores of countries were consulted for it. I will now examine each of them in turn.

### *Respect for culture and customs in UNHCR's People-Oriented Planning*

As the People-Oriented Planning approach has not been discussed earlier, it deserves a brief introduction. In 1990, the Executive Committee of the United Nations' High Commissioner for Refugees' programme approved a Policy on Refugee Women, which called for the improvement of participation and access of refugee women in all programmes. One outcome of this policy was the development of *A Framework for People-Oriented Planning in Refugee Situations Taking Account of Women, Men and Children: A Practical Planning Tool for Refugee Workers* (hereafter People-Oriented Planning) by Mary B. Anderson, Ann M. Howarth and Catherine Overholt for UNHCR in 1992.<sup>5</sup> The operational

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<sup>4</sup> For example, the IFRC's policy on emergency food aid and nutrition states as its first principle that '[t]he International Federation and each individual National Society shall: Seek to provide food aid which is *culturally acceptable*, nutritionally wholesome and free from undesirable long-term adverse consequences' (available at <http://www.ifrc.org/who/policy/foodaid.asp> (emphasis added)).

<sup>5</sup> Mary B. Anderson, Ann M. Howarth (Brazeau) and Catherine Overholt, *A Framework for People-Oriented Planning in Refugee Situations Taking Account of Women, Men and Children: A*

implications of the People-Oriented Planning approach were fleshed out in greater detail in a 1994 publication by Mary B. Anderson, called *People-Oriented Planning at Work: Using POP to Improve UNHCR Programming*.<sup>6</sup> The influence of the People-Oriented Planning approach can also be seen in the updated version of UNHCR's *Handbook for Emergencies*, which raises many of the same issues.<sup>7</sup>

According to its authors, the People-Oriented Planning approach is a tool intended to help refugee workers to improve the participation and access of, in particular, refugee women in all programmes, by providing them with 'a framework for analysing socio-cultural and economic factors in a refugee society which can influence the success of the planned activities'.<sup>8</sup> Despite having been originally envisaged primarily as relating to gender, People-Oriented Planning deals with a variety of forms of diversity – including cultural diversity – that may exist both between and within refugee groups: '[r]efugee groups are not the same. Nor is any refugee group homogeneous'.<sup>9</sup> As a result of this diversity, it is necessary to find out specific information about each particular group in order to provide 'efficient, cost-effective and humane protection and services' to them.<sup>10</sup>

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*Practical Planning Tool for Refugee Workers*, Geneva: United Nations High Commissioner for Refugees, 1992 (available via <http://www.unhcr.ch>).

<sup>6</sup> Mary B. Anderson, *People-Oriented Planning at Work: Using POP to Improve UNHCR Programming*, Cambridge, MA: Collaborative for Development Action, Inc., 1994 (available via <http://www.unhcr.ch>).

<sup>7</sup> United Nations High Commissioner for Refugees (UNHCR), *Handbook for Emergencies* (second edition), Geneva, 2002 (available via [www.unhcr.ch](http://www.unhcr.ch)).

<sup>8</sup> Anderson *et al.*, *op. cit.*, in note 5.

<sup>9</sup> Anderson, *op. cit.*, in note 6, p. 2.

<sup>10</sup> *Ibid.*

The three basic components of the 'People-Oriented Analytical Framework' are: (1) refugee population profile and context analysis, (2) activities analysis, and (3) use and control of resources analysis. Briefly described, the refugee profile refers to the demographic composition of the refugee group before they became refugees, as well as changes in that composition while being refugees, or becoming returnees, whereas the context refers to factors that affect a particular refugee situation. The main contextual factors identified include the reasons why these particular people became refugees (for example, as a result of armed conflict or famine) as well as the cultural *mores* that influence how the refugees act. The activities analysis consists of identifying the division of labour among the refugees as well as when and where particular activities are undertaken. Finally, resources analysis includes finding out what resources the people in question have, who has which resources, and what resources still need to be provided to the refugees. Together, these three steps are seen to contribute to more efficient and equitable planning:

*When you know who is in the refugee population (refugee profile), which roles different groups perform (activities analysis and culture), and which resources they already possess that can be used (resources analysis), you will be able to identify which resources and services need to be provided, who needs them, and where, how and when to provide them in order to reach the right people. This will improve the efficiency and effectiveness of UNHCR's programming.<sup>11</sup>*

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<sup>11</sup>*Ibid.*, p. 3.

In a similar manner, the UNHCR's *Handbook for Emergencies* states on identifying needs that '[a]n appropriate response in the provision of protection and material assistance requires an assessment of the needs of refugees that takes into account not only their material state and the resources available, but also their culture, age, gender and background...'<sup>12</sup>

The issue of the culture and customs of the refugee population, and the need to respect it, appears in a number of contexts within the People-Oriented Planning approach. On a general level, it is pointed out that '[i]f refugees are mostly men, the jobs that women normally did cannot be done in the usual way, or if refugees are mostly women, then the jobs done by men cannot be done as they previously were. This is especially true if cultural *mores* strongly dictate who can do what'.<sup>13</sup> Moreover, under the title of 'socio-cultural background of the people', refugee workers are urged to ask:

*What factors in the traditions and practices of these people will directly affect programming? ... Are there any deeply held, traditional and/or religious beliefs that will affect:*

- 1. How UNHCR or its implementing partners gain access to certain groups of refugees (e.g. women)?*
- 2. What food is suitable?*

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<sup>12</sup> UNHCR, *op. cit.*, in note 7, p. 6.

<sup>13</sup> Anderson, *op. cit.*, in note 6, p. 3.

3. *What medical/health care is suitable?*

4. *What shelter is appropriate or how water and sanitation should be arranged?*<sup>14</sup>

Thus, the People-Oriented Planning approach raises the issue of culture in the context of each of the above-mentioned functionally specific areas – food, shelter, water, sanitation and health. Let us now look at the issue of culture in each of these areas in turn:

In relation to culture and food, the People-Oriented Planning approach raises the issues of food taboos, culturally specific division of labour in food preparation (for example, along gender lines), as well as culturally specific distributive structures. In relation to food delivery, the People-Oriented Planning approach states that ‘[i]f there are clear or prevalent food taboos, either for the general population or for particular groups within it, you must know them so that you do not waste food and/or fail to meet the nutritional requirements of certain groups’.<sup>15</sup> The examples cited include pork for Muslim populations, as well as foods that are forbidden for young children or for pregnant or lactating women. Likewise, a similar concern with the cultural dimensions of food aid is expressed in the UNHCR *Handbook for Emergencies*: ‘[a]ssistance must be appropriate to the nutritional needs of the refugees and be culturally acceptable. Foods prepared locally with local ingredients are preferable to imported foods. Infant feeding

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<sup>14</sup> *Ibid.*, pp. 5-6.

<sup>15</sup> *Ibid.*, p. 6.

policies require particular attention.’<sup>16</sup> In relation to food preparation, the People-Oriented Planning approach points out that ‘[i]f people normally responsible for preparing food (or gathering fuel and water for its preparation) are not part of the population of refugees, and others do not know how to do these activities or are proscribed by tradition and culture from doing these things, then providing raw rations to people will not ensure that they can eat them’.<sup>17</sup> The example that is cited in this context is that of groups of young male refugees who have no experience of cooking for themselves, and who as a consequence have often suffered high rates of nutrition-related illness and death until programmes were redesigned to address this refugee group’s lack of food preparation knowledge. Finally, in the context of culturally specific distributive structures and their impact on food delivery to the population, the example of ‘second and third wives (and their children) who did not receive adequate provisions because food distributors assumed that the male head and the first wife would organize a fair intra-family distribution’ is given.<sup>18</sup>

Regarding the issue of shelter and culture, the UNHCR *Handbook for Emergencies* states that ‘[t]he social and cultural background of the refugees must be a primary consideration and will be an important determinant of the most appropriate type of site and shelter,’<sup>19</sup> and continues: ‘[r]efugee housing should be

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<sup>16</sup> UNHCR, *op. cit.*, in note 7, p. 189.

<sup>17</sup> Anderson, *op. cit.*, in note 6, p. 6.

<sup>18</sup> *Ibid.*, p. 7.

<sup>19</sup> UNHCR, *op. cit.*, in note 7, p. 148.

culturally and socially appropriate and familiar. Suitable local materials are best, if available.<sup>20</sup> For its part, the People-Oriented Planning approach focuses in the context of shelter on the issue of ‘unaccompanied’ women (humanitarian jargon for women not in the company of a male relative), pointing out that:

*If tradition dictates (culture) that women should be secluded within household compounds, housing styles and latrine locations must be designed to respect these traditions. In addition, the locations of wells and food or other service distribution points must take account of women’s mobility if women are to be ensured access to them. Shelter arrangements for women without husbands in situations where women are usually secluded must also take into account the tradition of seclusion.*<sup>21</sup>

As a way of dealing with such problems, the approach suggests two possible lines of action: first, providing shelter in a manner that “pairs” single women with families where there are men present or, second, reserving special areas for groups of single women and their dependents. The People-Oriented Planning approach also points out that the decision which of these ways of addressing the problem is appropriate in a given context should be based both on the local culture, as well as on the risk that the women will be exploited in the household with whom they are paired. For these reasons, it continues, ‘it is essential to gather information on refugee culture, and the cultural environment where the refugees are now located,

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<sup>20</sup> *Ibid.*, p. 155.

<sup>21</sup> Anderson, *op. cit.*, in note 6, p. 9.

before designing shelter for this group'.<sup>22</sup>

The issue of culturally specific (and gendered) division of labour is raised again in relation to water programming:

*[a]ctivities analysis and culture are important for understanding whose task it will be (usually based on traditional activities) to collect water and the conditions under which water should be provided. If most water related tasks belong to women, then the location of water points, the time of day at which these are operational, and the utensils provided for carrying water will need to be arranged in ways that are appropriate for women.*<sup>23</sup>

Furthermore, '[i]n some societies, women's social seclusion must be respected in the location and availability of water points'.<sup>24</sup>

On culture and sanitation, the People-Oriented Planning approach gives the cautionary example of a case where '[r]efugees would not use latrines that had been built for them because these latrines faced Mecca'.<sup>25</sup> The possibility that refugees will not use latrines provided for them because men's and women's

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<sup>22</sup> *Ibid.*

<sup>23</sup> *Ibid.*, p. 10.

<sup>24</sup> *Ibid.*, p. 11.

<sup>25</sup> *Ibid.*, p. 13.



latrines are built side-by-side, thus violating privacy norms, is also raised.<sup>26</sup> Similarly, addressing the cultural issues in the context of sanitation in more general terms, the *Handbook for Emergencies* states that '[t]he essential starting point is to find out the traditional sanitation practices of the refugees and how these can be modified to reduce health risks in a refugee emergency'.<sup>27</sup> The *Handbook* also provides a detailed check-list of the types of information that needs to be gathered in this context, including issues such as the previous sanitation system and practices of the people in question; the need for privacy; the segregation of sexes and other groups or individuals with whom it is culturally unacceptable to share a latrine; cultural practices for children; cultural taboos (for example, against contact with anything that may have touched excreta of others); social factors, including likelihood of community action to ensure proper use of proposed system; and the need for special orientation of latrines in some cultures.<sup>28</sup>

Finally, in relation to the provision of health services to refugees, the People-Oriented Planning approach emphasises the gendered nature of access to health care in many cultural contexts: '[i]n refugee populations in which culture proscribes who can treat women and women's illnesses, health services will not be appropriate or utilised unless these cultural factors are recognised in where and

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<sup>26</sup> *Ibid.*

<sup>27</sup> UNHCR, *op. cit.*, in note 7, p. 233.

<sup>28</sup> *Ibid.*

how health services are provided and in who provides them'.<sup>29</sup> One example that is given in this context involves a camp where women traditionally wore veils: '...a campaign to ensure that refugees took vitamin A involved giving the tablets to refugees and insisting that they be swallowed immediately. After a few days, women stopped coming for the capsules, because they did not want to lift their veils in public (which the staff were insisting upon so that they could be sure the pills were being taken).'<sup>30</sup> Moreover, '[i]f tradition dictates that men must represent their families in the public arena (culture), but there are many households in the refugee population who are headed by women or where women are secluded (refugee profile/culture), special arrangements must be made to provide health services in places and under circumstances that provide access to women without male support'.<sup>31</sup> In a similar vein, the *Handbook for Emergencies* also points out that '[r]eproductive health care should be available in all situations and be based on refugee, particularly women's, needs and expressed demands. The various religious, ethical values and cultural backgrounds of the refugees should be respected, in conformity with universally recognized international human rights.'<sup>32</sup> Finally, the People-Oriented Planning approach also points out that '[s]pecial encouragement and protection may be needed to enable women to report sexual abuse when cultural taboos (e.g., ostracism) surround the victims of

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<sup>29</sup> Anderson, *op. cit.*, in note 6, pp. 13-14.

<sup>30</sup> *Ibid.*, p. 15.

<sup>31</sup> *Ibid.*, p. 14.

<sup>32</sup> UNHCR, *op. cit.*, in note 7, p. 177.

such attacks'.<sup>33</sup>

As should be evident from the description above, both the People-Oriented Planning approach and the *Handbook for Emergencies* incorporate a broad range of cultural issues within their scope. In particular, in contrast to the legal documents examined above, they explicitly focus on the ways in which cultural and customary issues may affect the satisfaction of basic physiological needs. They also overtly take into account the manner in which gender-considerations and culture are often intertwined. Their main weakness is that both the People-Oriented Planning and the UNHCR *Handbook for Emergencies* seem to implicitly assume that humanitarian aid organisations and aid workers are themselves somehow 'culturally neutral' – as the implications of their possible cultural biases are not touched upon – and that it is only the refugees whose cultural norms and practices may require attention or adjustment. While the desire to keep things as straight-forward as possible in an essentially practice-oriented document such as the People-Oriented Planning approach is understandable, this oversimplifies the issues at stake. Moreover, it might also contribute to added sensitivity towards the beliefs and practices of the recipients if aid workers were also encouraged to examine their own cultural assumptions. A further problem – which does not only apply to the issue of culture but rather reflects a more general problem with these documents – is that they focus exclusively on assistance in a camp context, something that fails to capture the different types of situations humanitarian organisations may come up against in the field (even in many refugee situations,

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<sup>33</sup> Anderson, *op. cit.*, in note 6, p. 14.

the people who are forced to flee find shelter with relatives or members of the same ethnic group, and thus do not end up in camps).

### *Respect for culture and customs in the Sphere Project*

Although the Sphere Project was already introduced in the previous chapter, a brief recapping is probably in order for the present context: the Sphere Project, launched in July 1997, is an interagency effort that seeks to articulate a set of operational minimum standards for the provision of goods and services in disaster relief. It is the result of the collaboration of humanitarian NGOs, donor governments and UN agencies. Its scope includes both armed conflict and peacetime disasters. The Sphere Project seeks to present a consensus on existing ideas by drawing on the experiences of over 228 organisations and over 700 individual aid-workers in over sixty countries. Thus far, the main product of the Sphere Project has been the Sphere Handbook, which comprises a humanitarian charter and minimum standards in disaster relief.

The Sphere Handbook fleshes out some elements of the concrete implications of respect for culture for humanitarian aid operations. For example, the Handbook's 'Guidance Notes' on assessments and monitoring of disaster situations state that 'people who are able to collect information from all groups in the affected population in a culturally acceptable manner should be included, especially regarding gender analysis and language skills'.<sup>34</sup> Continuing in a similar vein, the

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<sup>34</sup> See, for example, *The Sphere Project: Humanitarian Charter and Minimum Standards in*

Handbook points out that '[g]roup discussions with members of the affected community can yield useful information on cultural beliefs and practices'.<sup>35</sup> In addition to these general points, the Handbook makes a number of references to cultural factors in functionally specific contexts. Thus, with regard to water supply, the Handbook states that 'the exact quantities of water needed for domestic use may vary according to the climate, the sanitation facilities available, people's normal habits, their religious and cultural practices, the food they cook, the clothes they wear, etc.'.<sup>36</sup> In other words, the need for water cannot be understood in purely physiological terms; rather, cultural (and other) factors must also be considered. Regarding gender and nutrition, the Handbook states that '[women] can provide valuable information about feeding hierarchies, and how food is acquired by the affected population; they can also contribute to an understanding of gender roles and the cultural practices that affect how different members of the population access nutrition programmes. It is therefore important to encourage women's participation in the design and implementation of nutrition programmes wherever possible.'<sup>37</sup> Moreover, the Handbook goes on to point out that '[g]ender roles within the social system also need to be taken into account, including cultural practices that contribute to women's nutritional vulnerability. For example, in certain cultures, women eat after everyone else'.<sup>38</sup> On food acceptability, the Handbook emphasises that '[f]oods distributed [should] not

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*Disaster Response* (hereafter Sphere Handbook), Geneva: Sphere Project, 2000, p. 23.

<sup>35</sup> See, for example, p. 29 of the Sphere Handbook (*Ibid.*).

<sup>36</sup> *Ibid.*, p. 32.

<sup>37</sup> *Ibid.*, p. 72.

conflict with the religious or cultural traditions of the recipient or host populations (this includes any food taboos for pregnant or breastfeeding women)' and that people should have 'access to culturally important condiments (such as sugar or chilli)'.<sup>39</sup> Regarding clothing standards, the Sphere Handbook specifies that each individual should have at least one full set of clothing 'appropriate to the culture, season and climate' and that '[c]ulturally appropriate burial cloth [should be made] available as required'.<sup>40</sup> Finally, the Handbook suggests that culture may play a role in the use of medical facilities, and therefore in the reduction of morbidity and mortality from communicable diseases: 'consideration should be given to factors affecting the use of, and attendance at, medical facilities. These may include cultural factors...'<sup>41</sup>

Although the People-Oriented Planning approach goes into much greater detail on cultural issues than the Sphere Handbook – probably reflecting the status of the former as a specialised tool designed to address issues related to diversity, while the latter is a general handbook dealing with a broad range of issues – it is possible to see the similarities in their approaches to cultural issues in the context of humanitarian assistance even from the brief overview presented above. In sum, the approach taken by the People-Oriented Planning approach, the UNHCR *Handbook for Emergencies*, and the Sphere Handbook demonstrates the serious

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<sup>38</sup> *Ibid.*, p. 80.

<sup>39</sup> *Ibid.*, p. 100.

<sup>40</sup> *Ibid.*, p. 193.

<sup>41</sup> *Ibid.*, p. 253.

consideration that most humanitarian aid agencies today give to the role of culture and customs in humanitarian assistance. On the basis of the examples given in these documents, the primary rationale for this appears to be the role that cultural appropriateness is seen to play in the success of humanitarian aid. Clearly, a major impetus for the emergence of respect for culture and customs was provided by the recognition, as a result of mistakes made during earlier humanitarian operations, that the effectiveness and efficiency of humanitarian assistance, and even safety of humanitarian aid workers, could be at risk if culture and customs were not adequately taken into account. That such considerations did play a role in the emergence of the norm of respect for culture and customs is attested, for example, by the way in which Paul Grossrieder, the Director General of the ICRC, has described the reasons why the ICRC had become concerned with the impact of cultural differences on its work:

*Cultural differences are one of the constraints insufficiently taken into account in our way of working. When the ICRC tried to understand why it had so many problems in obtaining access to the victims and ensuring its delegates' security, it came to the conclusion that if it had a better understanding of cultural differences and a greater awareness of what it was when it intervened in other societies, its work would be better understood and in the long run better accepted.*<sup>42</sup>

When compared to the earlier legal documents, the way in which to the issue of

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<sup>42</sup> From a speech, entitled 'Humanitarian Standards and Cultural Differences', given by Grossrieder at the ICRC Seminar for Non-Governmental Organizations on Humanitarian Standards and Cultural Differences, 14 December 1998 (a Summary Report of the seminar is

culture is dealt with in both the People-Oriented Planning approach and the Sphere Handbook is clearly much broader: the concern with culture and customs is no longer just related to freedom of religion and right to culturally appropriate education, but instead is seen to permeate virtually all aspects of basic needs provision. In part, this divergence may simply reflect the different purposes of the legal documents and the operational tools. Nonetheless, I would argue that it also represents a more fundamental change in attitude that has taken place over time among humanitarian practitioners. Unlike in the relatively recent past, basic needs provision is today no longer seen as an 'exact science', where what matters is getting things like calorific and nutrient requirements or litres of available drinking water per person right, but rather a much more complex exercise within which it is necessary to balance such objective, universal, and material considerations with subjective, contextual and non-material factors, including culture and customs, if humanitarian assistance is to reach its aims of saving lives and alleviating suffering in an effective and efficient manner. The approach taken by the People-Oriented Planning approach and the Sphere Project may be contrasted with the way in which, in the relatively recent past, (at least some) aid workers appear to have felt that respect for culture was a luxury those engaged in the serious business of saving of lives simply could not afford. For example, illustrating this tendency of disdain toward cultural and other 'soft' concerns, an American aid official commented on the humanitarian operation intended to alleviate mass starvation in Somalia: 'We're rightly indifferent to people's



cultural needs and to appropriateness issues'.<sup>43</sup> By contrast, far from being a 'soft' or peripheral concern, cultural issues are today seen to be at the centre of the successful delivery of aid. As one humanitarian practitioner writes: 'complex emergencies require specialists who understand the history, culture and fast-moving politics of a country and region. It is impossible to programme effective relief programmes unless you also understand the local political context in which you wish to operate'.<sup>44</sup> In other words, awareness of the local culture and customs, as well as other contextual factors, have come to be seen as intrinsic components in achieving the ends of humanitarian assistance, the alleviation of suffering and the saving of lives.

As I hope the above discussion clearly demonstrates, I believe that the *Code of Conduct*, the People-Oriented Planning Approach, UNHCR's *Handbook for Emergencies*, and the Sphere Handbook are addressing an important concern when they encourage aid workers to become informed about and respect the culture and customs of the recipients. There is, however, also another side to the question of culture in international humanitarian assistance: what about situations when culture and customs run into conflict with the basic principles underlying humanitarian assistance, namely humanity and/or impartiality? This is an issue that does not appear to be systematically dealt with in the existing documents. The Sphere Handbook's reference to the need to take into account 'cultural practices

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<sup>43</sup> Quoted in Thomas G. Weiss and Cindy Collins, *Humanitarian Challenges & Intervention* (second edition), Boulder, CO: Westview Press, 2000, p. 136.

<sup>44</sup> Christopher Cushing, 'Humanitarian Assistance and the Role of NGOs,' *Institutional Development* (Vol. 2, No. 2, 1995), p. 13.

that contribute to women's nutritional vulnerability' hints at the possibility of such problems, but does not go on explore them further.<sup>45</sup> Likewise, the People-Oriented Planning approach refers to the fact that morbidity and mortality rates for girls are often higher than those for boys, pointing out that this tends to be the case because 'parents place higher value on the health of their sons and, thus, when it is difficult to gain access to health care, they will postpone taking a daughter for care (during which time she may become quite ill) but they will ensure that a boy gets the care he needs before he becomes too ill to recover'.<sup>46</sup> In other words, both the Sphere Project and the People-Oriented Planning approach seem to be at least tacitly aware that the principle of impartiality – i.e. the idea that every human being is equally entitled to humanitarian assistance, conditioned only by his or her needs – is not necessarily shared in all cultural contexts. However, neither of them attempts to address the implications of this phenomenon in a systematic manner. In part, this is perhaps the outcome of the tendency, referred to earlier, of these documents to see cultural particularity as the exclusive property of the recipients of aid, while presenting aid workers and organisations as culturally neutral universalists. Thus, potential cultural challenges to the humanitarian principles may not be taken seriously. As I see it, this position is somewhat problematic; I will return to examine it in more detail in Chapter 3, however. The remainder of this chapter will discuss the ways in which the issue of culture in the context of humanitarian assistance has been discussed in the existing academic literature.

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<sup>45</sup> Sphere Handbook, *op. cit.*, in note 34, p. 80.

<sup>46</sup> Anderson, *op. cit.*, in note 6, p. 15.

### **Academic literature on culture and humanitarian assistance**

To begin with, it should be said that the existing academic literature on culture and humanitarian assistance is sparse to say the least. Only a handful of authors have dealt with this issue at all, whether from the point of view of a specific case study or a more conceptual analysis. I can only guess at reasons for why this is the case: perhaps other problems are thought to be more significant; perhaps the concern with culture and customs in the field of humanitarian assistance is simply too new; or perhaps there is a feeling that focusing on the diversity of cultural traditions and the implications that they might have for humanitarian aid might undermine the universalistic claims of the humanitarian agenda – and thus run counter to the way in which many humanitarian organisations would like to justify their actions; it is difficult to say with certainty. Nonetheless, in this section, I will examine the literature that does exist.

To my knowledge, the only attempt so far to systematically examine the conceptual implications of cultural issues for international humanitarian assistance so far has been made by the academic and former aid worker Hugo Slim; it is therefore worth discussing at some length. The occasion at which Slim spoke, the ICRC's annual seminar for humanitarian NGOs in 1998, which had as its theme 'humanitarian standards and cultural differences', in itself demonstrated the emerging interest from the part of the humanitarian community on the issue of

culture and its potential impact on their work.<sup>47</sup> In his presentation, Slim described the different dimensions of the issue of culture in the context of humanitarian assistance thus:

*[Modern, organized humanitarianism] springs from a culture, one of the sources of which is here in Geneva. It engages around the world with many cultures. It prizes culture itself, in the Geneva Conventions and their Additional Protocols, religion, people's way of life, their cultural objects are prized by humanitarianism. So we can say that humanitarianism prizes cultural difference. Humanitarian aid also aims to spread a culture. A culture of restraint in war and increasingly, particularly in the NGO community, a culture of peace as well. Finally, of course, organized, modern, Western humanitarianism has an organizational culture of its own. And within its wider, global culture, it has different national cultures of humanitarianism.*<sup>48</sup>

What is important about Slim's comments is that they illustrate the multiple dimensions that cultural issues can have in international humanitarian assistance; it is not only the diversity of cultural values, norms and practices among the recipients of humanitarian assistance that need to be taken into account when considering this issue, but also those of humanitarian aid workers and their

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<sup>47</sup> See International Committee of the Red Cross, Seminar for Non-Governmental Organizations on Humanitarian Standards and Cultural Differences, Summary Report, 14 December 1998 (available via <http://www.icrc.org>).

<sup>48</sup> Hugo Slim, 'Relief Agencies: Cultural Challenges and Cultural Responsibility,' presentation given at the ICRC Seminar for Non-Governmental Organizations on Humanitarian Standards and Cultural Differences, 14 December 1998 (available via <http://www.icrc.org>).

organisations. Thus, the picture that Slim appears to present is not so much one of humanitarians as culturally neutral universalists who need to find ways of accommodating the particularistic cultures of the recipients – a view that, as was pointed out above, comes across from many practitioner documents dealing with this issue – than a much more complex one of various cultural elements from both sides coming together and having an impact on one another.

In addition to outlining the multiplicity of cultural traditions that meet in the practice of international humanitarian assistance, Slim comments on the ways in which Western humanitarianism should engage with other cultures. His argument is that this engagement should occur on three levels: ideological, social and practical.<sup>49</sup> At the ideological level, it is necessary to understand how the people in question understand the principle of humanity, how they see human nature. It is also necessary to enquire into their philosophy and morality of war (in the context of humanitarian assistance in armed conflict), as well as that of charity, hospitality, and help. At the social level, we need to know whether the people in question understand social life in individualistic or communal terms. And finally, at the practical level, questions concerning diet and conceptions of health and illness should be asked (in addition, although Slim does not actually mention them, it also seems consistent with his overall approach that conceptions of shelter and practices of water use and sanitation would also be important at the practical level).

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<sup>49</sup> *Ibid.*

Slim goes on to state that, as a result of asking these questions, we are likely to encounter one of four scenarios: first, what appear at first sight as cultural differences may be more apparent than real, in fact similar values that are presented somewhat differently. Second, we may have differences of emphasis on what are essentially shared values; these Slim sees as being open to negotiation. Third, real, i.e. irreconcilable differences may be revealed. Fourth, we may find out that culture is being used as an 'alibi for excessive violence'. Slim concludes with what appears to represent a strong universalist position, stating that 'from this cultural negotiation, humanitarianism can find out what is held in common and stand firm against what is a real difference. ... We have to find out what can be adapted and negotiated, and what real differences we have to take a strong line on'.<sup>50</sup> It is worth noting that there may be some difficulty reconciling Slim's initial approach, which appears to present humanitarianism as one culturally specific practice among others, with this concluding comment: after all, if humanitarianism is only one cultural practice among others, what justifies its assertion over differing practices? I will return to this question in the chapter that follows; in any case, Slim's argument provides a useful tentative typology to structure our thinking about the kinds of issues respect for culture and customs might raise in general terms for humanitarian assistance.

While Slim addresses the issue of culture and humanitarian assistance from a conceptual perspective, Jok Madut Jok has written one of the few studies so far that examines the impact of cultural norms and practices on a specific

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<sup>50</sup> *Ibid.*

humanitarian assistance operation. Specifically, Jok focuses on the way in which the interaction between humanitarian aid workers and recipients in South Sudan has been affected by the lack of awareness of the local norms and practices on the part of the aid workers. Jok's basic argument is that 'existing strategies of needs assessment are often based on misunderstandings about the cultural, social and economic conditions of war-affected communities'.<sup>51</sup> This, according to Jok, has a number of consequences for aid operations. For example, he points out that if the questions asked by aid workers during needs assessments are seen as being irrelevant or stupid by the recipients, this may lead the local people to question the seriousness of the relief workers' intentions and even their capacity to help on a more general level. One example Jok cites in this context involves questions regarding cattle numbers and sharing cattle:

*It is a pointless and frustrating process to ask a Dinka person the number of cattle he owns. Not only because of the possible bad luck to say the number of one's cattle, but most Dinka people do not know the exact number of their herd. It is also rude. It is like doing a socio-economic status study in an urban area where the researcher asks people how much money they have in their bank accounts and building societies.*<sup>52</sup>

Similarly, Jok cites an example where an aid worker asked a crowd of women

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<sup>51</sup> Jok Madut Jok, 'Information Exchange in the Disaster Zone: Interaction between Aid Workers and Recipients in South Sudan,' *Disasters* (Vol. 20, No. 3, 1996), p. 206.

*...why, if the war had been going on for so many years, was the Dinka population so large? The 'population being so large' is an expression that is virtually a taboo in Dinka ideology, because it implies wishing ill. This particular aid worker became the topic of conversation in the village for the next few days. He was eventually deemed an 'enemy of the people'.<sup>53</sup>*

Jok points out that such ill-judged questions, whether intentionally malicious or not, may lead to scepticism on the part of the recipients regarding the intentions of the aid workers, which may in turn contribute to the provision of misleading information and which therefore may negatively affect the aid programmes.

Jok also identifies an additional dimension in the relationship between culture and humanitarian assistance, namely that relief agencies themselves may become vehicles of cultural change, something which may not only have positive consequences for the recipients. The example Jok cites in this context relates to the way in which community representatives may try to portray their particular communities as poorer and needier than others in order to gain access to aid.<sup>54</sup> While on one hand this seems like a rational response to the situation at hand, according to Jok, it is also behaviour that traditionally would have been unheard of amongst the Dinka of South Sudan:

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<sup>52</sup> *Ibid.*, pp. 209-210.

<sup>53</sup> *Ibid.*, p. 211.

<sup>54</sup> *Ibid.*, p. 212.



*[u]nder normal circumstances when family prestige prompted kin to help one another, a Dinka person would try not to appear helpless. But as people become poorer and poorer, while the external assistance is in operation, they resort to stigmatised behaviour such as begging, doing odd jobs or lying about their actual conditions.<sup>55</sup>*

Jok's concern is that these externally influenced modes of behaviour will make their way into the general culture and not necessarily disappear even when the relief agencies withdraw; if this is indeed the case, the result may be a loss of cultural patterns and strategies that have in the past helped the population to cope with crises. Thus, in addition to providing concrete examples about how the issue of culture may arise in the context of a specific humanitarian assistance operation, Jok adds a further reason to those listed by Slim for why we should pay attention to the issue of culture in international humanitarian assistance: not only may there be elements of recipient culture that may negatively affect humanitarian assistance, as Slim points out – it is also conceivable that humanitarian assistance may sometimes threaten certain apparently beneficial cultural practices.

In addition to the concerns about the impact of cultural appropriateness on the effectiveness and efficiency of aid, the concern with culture and customs in humanitarian assistance can also be seen as related to the broader debates that have emerged in various contexts over the recent decades regarding the validity of universal values in general – and human rights in particular – in the face of

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<sup>55</sup> *Ibid.*

cultural and religious diversity. Indeed, many humanitarian practitioners themselves seem aware of this connection; for example, one practitioner interviewed for this study pointed out:

*...before we talk about cultural, religious, and local customs as aspects of humanitarian work, ...nowadays you should view it from a larger perspective, and that is, first and foremost, the whole human rights debate which has for the last 50 years been ... shaped and configured on the basis of the antagonism ... between what you could call cultural and religious forms of relativism, on one hand, and universality, interdependence, I would even say of human rights in general.<sup>56</sup>*

Of course, the primary target of this ‘cultural challenge’ has been the doctrine of universal human rights. Nonetheless, since the norms and practices of international humanitarian assistance are closely connected to those of human rights – as I sought to demonstrate in the previous chapter – it seems only natural that this phenomenon would leave its mark on humanitarian assistance as well. As one recent overview of these debates points out, voices critical of universal values and human rights can be located both within the West itself, in East Asia, as well as in the Muslim world.<sup>57</sup> Among Western political and social thought, it is possible to identify several currents that express scepticism regarding either the possibility of universal values altogether, or at least question the universality of

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<sup>56</sup> Henk van Goethem, ReachOut Project, IFRC/Geneva, personal communication, 23 September 2002.

<sup>57</sup> See Michael Ignatieff, ‘The Attack on Human Rights,’ *Foreign Affairs* (November-December 2001), pp. 102-116.

those values that are presented by the current human rights discourse as being universal. These currents can be located within approaches and disciplines as diverse as Marxism, anthropology, and postmodernism, as well as within communitarian political theory. In the Muslim world, the debate has largely concentrated around the position and rights of women, while in East Asia, the political leaders of countries such as Malaysia and Singapore have argued that there is something that may be described as the 'Asian value system', within which community and family take precedence over individual rights. Although these debates have arisen independently, they have also served to reinforce one another.

Despite their acknowledged influence on humanitarian practice, only the last one of these three sets of external factors, namely the Asian values debate, has thus far been examined specifically from the point of view of its implications for humanitarianism, and then only in relation to international humanitarian law (IHL). In a 2001 article in the *International Review of the Red Cross*, Alfred M. Boll, a lawyer and an ICRC delegate, examined the relevance of the Asian values debate to IHL.<sup>58</sup> Boll points out that the Asian values debate may not affect IHL to the same extent as it does international human rights instruments, as – in focusing on the prohibition of murder, torture, cruel and inhuman punishment and treatment, the right to judicial guarantees, a fair trial and humane treatment – IHL can be seen to express something of a 'lowest common denominator' with regard

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<sup>58</sup> Alfred M. Boll, 'The Asian Values Debate and Its Relevance to International Humanitarian Law,' *International Review of the Red Cross* (No. 841, February 2001), pp. 45-58 (available via <http://www.icrc.org>).

to the obligations of states toward individuals, on which there may be broader agreement than on the more far-reaching provisions of human rights. He argues that the existence of such basic agreement is demonstrated by the fact that all Asian states have ratified the four 1949 Geneva Conventions (even if their ratification of the 1977 Additional Protocols has been slower than in other parts of the world). By contrast, for example, very few Asian states have ratified the Refugee Convention: only Cambodia, China, the Philippines, South Korea, and Japan.<sup>59</sup> Boll also cites examples of academic research that has sought to demonstrate that similarities exist between traditional Asian customary rules relating to warfare and present-day international humanitarian law, concluding that, even if these practices stem from diverse moral bases, all that matters at the end of the day is the 'underlying practical consensus on humanitarian law in actual application'.<sup>60</sup> As such, Boll's argument is fairly typical of the way in which many proponents of the universality of humanitarian values tend to structure their argument, and is not surprising coming from an active ICRC delegate. As I pointed out in the previous chapter, there are some reasons to believe that such a practical consensus may not be quite as universal as Boll would like to suggest. Nonetheless, Boll's article does represent an important contribution to discussions regarding the way in which the broader debates about culture intersect with the values and practices of humanitarianism.

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<sup>59</sup> See the document *on States Parties to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol*, which lists the signatories to the Refugee Convention and the Protocol as of 30 September 2002 (available via <http://www.unhcr.ch>).

<sup>60</sup> Alfred M. Boll, *op. cit.*, in note 58, p. 6 (in the version available on the internet).

In addition to Boll's, there is also another study that examines the potential clashes between the universalistic humanitarian values and local cultural and customary norms, this time in the context of a specific aid operation. As was argued in the previous chapter, international relief organisations generally subscribe to the principle of impartiality as the distributive principle for humanitarian assistance – in other words, the idea that all human beings are equally entitled to such assistance, simply by virtue of being human, and that aid should be distributed in proportion to (primarily physiological) needs alone. Alexander de Waal's description in his book *Famine That Kills* of the different relief 'ideologies' in Darfur, Sudan provides evidence that not all cultural and religious traditions view entitlement to relief in this way. De Waal discusses three different sets of distributive principles adhered to by various groups in the Sudanese society during the famine in Darfur 1984-85, as well as the ideology of the international aid agencies based in Sudan.<sup>61</sup>

The first of the indigenous ideologies, which de Waal terms 'Sudanic', restricts entitlement to relief to members of the same kinship group and those who have become 'fictive kin' by having assimilated to the community.<sup>62</sup> In practice, this means that newly arrived or transient people, such as artisans or internally displaced people, will by definition be excluded as potential recipients of relief, even if they are in material terms poorer than those who do receive aid (normally those who cannot even in normal times support themselves, including the old, the

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<sup>61</sup> Alexander de Waal, *Famine that Kills: Darfur, Sudan, 1984-1985*, Oxford: Clarendon Press, 1989, Ch. 8.

disabled and orphans) within the community. These outsiders, whatever their material status, are according to de Waal either deemed to be 'non-deserving poor' or not viewed as poor at all.

By contrast, what de Waal terms as the 'Islamic ideology' bases the entitlement to relief on Muslim faith rather than kinship.<sup>63</sup> As a result, all Muslims, including strangers, are entitled to relief. De Waal attributes this to the virtue that Islam makes of migration, the predominant place of the duty of hospitality and giving sanctuary in the religion, and the fact that one eighth of the Islamic tax, *zaka*, is to be given to travellers and pilgrims. Another factor that distinguishes the 'Islamic' from the 'Sudanic' approach to the distribution of relief is that the Islamic approach contains a material definition of poverty, which according to de Waal means that 'it has a wider constituency than those included under the 'Sudanic ideology'.<sup>64</sup> According to the Koran, one eighth of the *zaka* tax is to be given to the *fagiir* (defined as the poor and indigent without a means of subsistence, in practice usually those who do not have enough to subsist one day) and one eighth to the *miskin* (those who do not have enough for one year). As de Waal points out, this implies that, within the 'Islamic' approach, unlike in the 'Sudanic' one, material factors do play a role in deciding who are the deserving poor and who are not.

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<sup>62</sup> *Ibid.*, p. 197.

<sup>63</sup> *Ibid.*

<sup>64</sup> *Ibid.*, p. 198.

The third indigenous relief ideology described by de Waal is that of the Sudanese government. According to de Waal, the government's relief ideology was characterised by the belief that they had a 'special obligation' to certain groups, primarily urban dwellers and government employees.<sup>65</sup> This meant that, whenever possible, the government provided relief in towns by selling grain at subsidised prices, while villagers and herders received less or nothing.

Finally, de Waal contrasts the three above-mentioned indigenous aid ideologies with that of USAID and other international aid agencies present in Darfur at the time. This fourth aid ideology can essentially be seen as reflecting the principle of impartiality, i.e. the idea that all human beings are in principle entitled to humanitarian aid, in proportion to their needs. One way in which USAID sought to meet the proportionality requirement was through its guidelines, according to which government employees and anyone earning the equivalent or more than a set amount (100 Sudanese pounds) a month would not be entitled to relief assistance.<sup>66</sup> Moreover, relief aid supplied by USAID could not be sold and the priority was to reach the people in the greatest need, seen to be farmers and herders.

In this context, it is also important to note that de Waal also describes some local charitable institutions that did not conform to the 'Sudanic', 'Islamic', or the Sudanese government's model. For example, the local Red Crescent supplied

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<sup>65</sup> *Ibid.*, p. 205.

<sup>66</sup> *Ibid.*, p. 206.

relief aid to the migrants in a camp on the grounds of their material poverty, while what de Waal describes as the 'Charitable Committee' of the local town refused to do so.<sup>67</sup> Overall, the evidence presented by de Waal seems to point out that the Red Crescent societies in Darfur demonstrated universalistic principles by focusing precisely on those people neglected by other forms of charity, irrespective of their membership in any particular societal group. Thus, it is worth emphasising that, even in this context, a universalistic approach to relief was not the sole prerogative of expatriate aid-workers.

Briefly, what ended up happening in Darfur in practice was that the government's 'special obligation' approach prevailed at first, with one third of the USAID first batch of food aid being sold in the towns. Viewing this as evidence of urban bias and corruption, the international aid agencies eventually took all aspects of distribution into their own hands to fully implement their 'greatest need' policy.

In spite of their differences, it is worth noting that the 'Sudanic', 'Islamic' and Sudanese government's approaches, as described by de Waal, all run into odds with the principle of impartiality in a similar manner. This is because all of them limit even potential entitlement to aid to a solidarity group, whether that be based on kinship, religion, or clientelism, as opposed to humanity as a whole. Although the 'Islamic' approach – which de Waal appears to favour for its greater inclusiveness – may in practice include a larger number of people as recipients of relief assistance than either the 'Sudanic' one or that of the Sudanese government,

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<sup>67</sup> *Ibid.*, p. 198.



this must be seen primarily as a factor of the relative sizes of the kinship groups, the Muslim community, and the urban dwellers in the Sudan, rather than as representing a fundamental structural difference between these three sets of distributive principles. After all, in all three approaches, those outside the solidarity group, whether that be non-Muslim, non-kin, or non-urban dwellers, receive little or no assistance. In an area populated almost exclusively by Muslims, as Darfur appears to have been, the 'Islamic' approach would obviously lead to more inclusive results in practice. Nonetheless, this would appear to be purely the outcome of contingent circumstances, rather than evidence of some intrinsic commitment to inclusiveness: for example, if it had been adopted as the general distributive principle by aid agencies in Sudan as whole, with its Christian and indigenous belief communities in addition to the Muslims, its effects would have been equally problematic from the point of view of aid agencies emphasising impartiality as those of the 'Sudanic' ideology or, for that matter, those of the Sudanese government's clientelistic approach. Nonetheless, both the 'Sudanic' and 'Islamic' approaches do appear to subscribe to some notion of proportionality in that they distinguish among the members of the solidarity group on the basis of need, as the primary recipients of aid under both of these approaches are those unable to provide for themselves, in the 'Sudanic' case the elderly, the disabled and orphans, and in the 'Islamic' case the *fagiir* and the *maskin*. By contrast, given that the target group of the government's aid, government employees and urban dwellers, seem to have been the relatively better off ones in Darfur, the Sudanese government appears to have been little or not at all concerned with proportionality. In the case of the Islamic approach, however, the fact that both

the destitute *fagiir* and the relatively better off *miskin* are entitled to the same fraction of the *zaka*, one eighth, demonstrates that considerations other than strict proportionality, i.e. that aid should be distributed in proportion to the needs of each person, also seem to have played a role.

In conclusion, de Waal's description of the different indigenous relief ideologies in Darfur demonstrates that local cultural and traditional ideas can differ relatively radically from those of the international humanitarian aid agencies regarding the principles on the basis of which relief assistance ought to be distributed. In practical terms, this can have problematic implications, in particular in situations where aid agencies use the locally existing distributive channels for the delivery of aid. In addition, de Waal's description also serves to highlight the fact that there is not necessarily a single local 'culture' regarding a particular norm or practice, but that aid workers may have to negotiate their way between multiple, competing 'local' approaches to the same issue. Under such circumstances, putting 'respect for culture and customs' into practice may become a complex balancing act with potentially serious implications for the (perceived) neutrality of the aid organisations and their employees.

In this section, I have tried to give an overview of what is as of yet a very small body of academic literature on cultural issues in international humanitarian assistance. While many important points are made in these articles, it is a 'mixed bag' of literature, both in terms of its content as well as the depth in which the implications of cultural issues for humanitarian aid are considered. What is clear,

however, is that there is much scope for further research, both with regard to the conceptual implications of cultural diversity for humanitarian aid, as well as on the interaction of cultural norms and the humanitarian principles in the context of specific aid operations. For example, given that during the Taleban-era, Afghanistan provided almost a text-book case of a context where the local norms and practices ran virtually across the board into conflict with the principles and aims of the international aid organisations, it is surprising that – to my knowledge – no systematic study has been made on this topic.<sup>68</sup>

## CONCLUSION

Two primary influences can be said to have contributed to the increasing attention to cultural issues in the context of humanitarian assistance during the 1990s: first, the cumulative experiences of humanitarian aid workers and organisations of the concrete problems that had arisen when cultural and customary factors had been ignored in the past, and second, broader intellectual and political currents – located both among Western thinkers and academics, as well as in Asia and in the Muslim world – that increasingly have sought to highlight the importance of cultural specificity in relation to universal values. Together, these factors can be seen to have been mutually reinforcing in making humanitarian aid workers and organisations, as well as academics working on humanitarian issues, aware of the

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<sup>68</sup> Partial studies on this topic exist, however. See for example Guglielmo Verdirame's analysis of the relationship between international law and the policies of UN agencies in relation to the status of women in Afghanistan, in Guglielmo Verdirame, 'Testing the Effectiveness of International Norms: UN Humanitarian Assistance and Sexual Apartheid in Afghanistan,' *Human Rights Quarterly* (Vol. 23, 2001), pp. 733-768.

importance of cultural and customary issues in international humanitarian assistance.

The purpose of this chapter has been to provide an introduction to the emergent norm of respect for culture and customs in international humanitarian assistance, as presented in the existing literature. A variety of different types of sources were drawn upon, including legal texts, principles of aid organisations, operational guidelines, and academic articles.

In the first section of the chapter, both international legal texts, as well as more informal principles and guidelines intended for humanitarian practitioners – in particular, the Red Cross *Code of Conduct*, the Sphere Project, UNHCR's People-Oriented Planning approach, and the UNHCR *Handbook for Emergencies* – were examined, specifically with regard to how they approach the issue of culture and customs. All of these documents can be seen to acknowledge, even if in somewhat differing ways, the important role that awareness of, and respect for, the culture and customs of the recipients plays in the success of humanitarian aid operations. Something that is missing in these documents, however, is a systematic examination of the possibility that there may sometimes be an irreconcilable conflict between the cultural and customary norms and practices of the beneficiaries and the humanitarian principles, as well as the implications of such conflicts for humanitarian assistance. Moreover, these documents have a tendency to focus only on the culturally specific norms and practices of the recipients, thus overlooking the role that the cultural specificities of humanitarian aid workers and

organisations may play in international humanitarian aid.

In the second section, I gave an overview of the existing academic literature dealing with culture and humanitarian assistance. While many important issues are raised, as of yet, this is a very small body of literature, and there would appear to be much scope for further research on both the conceptual dimensions of this issue as well as case studies on how the issue of culture plays out in the specific contexts of humanitarian aid operations.

In the next chapter, I will examine more systematically some of the issues that have arisen through this literature review. In that chapter, I will develop a typology of both the different ways in which respect for culture and customs may contribute positively to the realisation of the aims and values of international humanitarian assistance, as well as examining the different types of conflicts that may arise between the culture and customs of the recipients and the humanitarian values, and the various ways in which such conflicts may be addressed.

## **Respect for Culture and Customs in International Humanitarian Assistance: Conceptual and Ethical Implications**

### **INTRODUCTION**

Let me begin by briefly recapping the argument that has been made so far. I started off by arguing that international humanitarian assistance is a rare form of international action in that it is based on explicitly stated ethical principles, on at least a basic minimum of which there exists arguably a relatively broad consensus. In Chapter 1, I discussed the sources and content of these principles, emphasising in particular the role of the principles of humanity and impartiality as constituting the basic normative framework underpinning contemporary international humanitarian assistance. Briefly described, the principle of humanity can be said to be the fundamental principle of international humanitarian assistance, while the principle of impartiality is its distributive principle. The principle of humanity can be defined as a call to save lives and prevent and alleviate suffering, while the principle of impartiality can be broken down to two related but distinct components, namely non-discrimination and proportionality. Non-discrimination refers to the idea that all human beings are equally entitled to humanitarian assistance, without negative distinction on the basis of a membership in any social group, while proportionality serves to qualify non-discrimination by singling out

need as the only acceptable basis for differential treatment.

As was pointed out in the introductory chapter, however, in recent years the meaning and role of the humanitarian principles has been challenged from a number of directions. Chapter 2 focused on describing the context of emergence and features of one of these challenges, namely the emergent norm of ‘respect for culture and customs’. The idea of respect for culture and customs has been given increasing attention since the mid-1990s by both humanitarian practitioners and academics. Although it appears in a number of contexts, the document that has expressed the normative commitment to respect for culture and customs perhaps most authoritatively to date is the 1994 *Code of Conduct*, which states, as the fifth of its ten principles, ‘We [the Red Cross and Red Crescent movement and NGOs engaging in disaster relief] shall respect culture and custom: we will endeavour to respect the culture, structures and customs of the communities and countries we are working in’.<sup>1</sup> The idea of respect for culture and customs is also given operational content in a number of documents, including the Sphere Handbook, UNHCR’s People-Oriented Planning approach, and the same organisation’s *Handbook for Emergencies*.

Together, Chapters 1 and 2 served to provide the necessary background information for the discussion that I am going to embark on in this chapter. The purpose of the present chapter is to examine the conceptual implications of the

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<sup>1</sup> *Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organizations (NGOs) in Disaster Relief*; the full text of the *Code of Conduct* is available at <http://www.ifrc.org/publicat/conduct/>.

relationship between the contemporary humanitarian principles and practices and respect for culture and customs. The chapter is structured as follows: in the first section, I will examine the different types of relationship that may exist between respect for culture and customs and the principles and practices of humanitarian assistance. Three basic types of possible relationship between the two will be identified: first, they may be neutral or irrelevant in relation to one another; second, respect for culture and customs may be beneficial or even necessary for the realisation of the aims of contemporary humanitarian assistance; and third, respect for culture and customs may conflict with the principles and practices of humanitarian assistance. The second section will then concentrate on examining different ways of how international humanitarian assistance could deal with the last – and most problematic – type of relationship, namely conflict. Five possible ways of approaching apparent cultural conflicts will be examined and evaluated: the use of dialogue in order to uncover already existing shared values; the assertion of the moral primacy of the humanitarian principles over the conflicting values; the negotiation of agreement about values that all parties can accept; the approach of non-intervention in spheres where no agreement can be reached; as well as the assertion of the humanitarian values not as somehow morally prior but rather as the values specific to the humanitarian context.

### **THE RELATIONSHIP BETWEEN RESPECT FOR CULTURE AND CUSTOMS AND THE PRINCIPLES OF HUMANITARIAN ASSISTANCE**

The purpose of this section is to examine the different types of relationships that may exist between the principles of humanitarian assistance, on one hand, and



respect for cultural and customary norms and practices, on the other. First, I will examine those contexts in which the two can be said to be neutral or irrelevant in relation to one another. Second, some types of situations where respect for culture and customs may actually be beneficial or even necessary for the realisation of the humanitarian principles will be identified. Third, I will discuss three ways in which respect for culture and customs may run into conflict with the principles of humanitarian assistance.

It is an undeniable empirical fact that the world is characterised by cultural diversity, or a variety of world-views and systems of value. The idea of respect for culture and customs, however, goes beyond merely stating this fact: in addition, it suggests that there is something valuable, in other words, deserving of respect, about this cultural diversity. What does this mean for the principles of humanitarian assistance, humanity and impartiality, which are after all put forward as universal, or as applying to humankind as a whole?

First, it is obvious that the principles of humanitarian assistance can coexist quite comfortably with many forms of cultural diversity. This is because cultures are extensive collections of norms and practices, dealing with all aspects of human life; thus, it is conceivable, even likely, that many elements of a particular culture will simply have no consequences whatsoever, either positive nor negative, for humanitarian assistance. For example, the performing of traditional music, especially insofar as it requires no material resources, might be a case in point in many contexts. In such cases, the relationship between cultural and customary

norms and practices and the principles of humanitarian assistance could be characterised as being one of neutrality or irrelevance.

Having said this, it should be noted that it may be difficult to categorise any particular type of activity as being somehow *a priori* neutral or irrelevant for humanitarian assistance, irrespective of context: rather, whether something is neutral or irrelevant must in the last instance be determined for each specific setting. This is because in some contexts – and, in particular, this would seem to be true for armed conflicts – what may to an outsider appear mundane cultural or customary activities or objects may in fact have become potent elements of the conflict in itself. Take, for example, the example given above, the ‘performing of traditional music’: while the performing of traditional music may be an innocuous activity in many situations, it is also possible for such activities to become highly politicised (one need only to think of the role of music during the Protestant ‘marching season’ in Northern Ireland). Of course, the politicisation of a cultural or customary activity or object alone need not mean that it may not remain neutral from the point of view of humanitarian assistance. Nor should any of this be taken to mean that humanitarians should necessarily tiptoe around such politicised activities or objects.

Whatever the course of action they decide to take, however, it does seem that humanitarians would do well if they sought out as much information as possible regarding the symbolism that may be attached to even apparently mundane cultural and customary activities and objects. For example, during the war in

Bosnia (1992-5), the coffee cup reportedly became a powerful political symbol in 'Republika Srpska', or the ethnic Serb controlled areas of Bosnia. Apparently, shortly after the beginning of the war,

*[s]ome Banja Luka Serbs began to throw away their small earless coffee cups. The cups had been used for drinking strong Turkish-type coffee. Now the cups represented the connection between Bosnia and Turkey, and thereby Muslim culture, and had to disappear. Serb homes could only have cups with an ear, those were fitting for Slavs. Only a short time earlier the people of Banja Luka, like other Yugoslavs, had drunk coffee from any cup they pleased.<sup>2</sup>*

Similarly, during the same conflict, the colour green – traditionally understood to be the colour of Islam – became associated with the Muslim-Croat federation, and people could be beaten up simply for wearing green clothing in the Bosnian Serb areas.<sup>3</sup> It is important that humanitarians seek to inform themselves of such symbolism, because a lack of awareness of such issues may have unpredictable effects for international humanitarian assistance. At an extreme, it is conceivable that, if a foreign aid worker were unwittingly to offer someone coffee in a green, earless cup, this apparently mundane act might have serious consequences for the perceived neutrality and safety of that aid worker, his or her organisation, and ultimately for the success of humanitarian aid. For these reasons, it is worth emphasising that cultural or customary traditions that may be neutral or irrelevant

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<sup>2</sup> Terttu Lensu, *Marijan Hiljainen Sota* (Marija's Silent War), Helsinki: Werner Söderström Osakeyhtiö, 2000, pp. 22-23 (my translation from the Finnish original).

for humanitarian assistance in one context may not be so in another. Nonetheless, it still remains the case that out of the elements that make up any given culture, many will probably be neutral or irrelevant from the point of view of any particular humanitarian assistance operation.

Second, the relationship between cultural and customary norms and practices, on one hand, and the principles of humanitarian assistance, on the other, may also go further than mere coexistence. This is because respect for culture and customs may at times be beneficial, or even necessary, for the realisation of the principles and aims of humanitarian assistance. Below, I will give a few examples of the types of situations where this may be the case.

In Chapter 1, the principles of humanity and impartiality were defined as a call to save lives and prevent or alleviate suffering in an impartial manner, proportional to needs. Traditionally, this has been understood to mean in practice that the aims of international humanitarian assistance should primarily be about ensuring survival and attending to basic physiological needs, including food, water, shelter, sanitation and medical care. In recent years, however, the scope of what are understood to be the tasks of humanitarian assistance has arguably become broader. In particular, this has involved a more expansive understanding of what the preventing and alleviating of suffering requires, incorporating attending to non-physiological needs among the core tasks of international humanitarian assistance. In particular, there has been an increased emphasis on psychosocial

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<sup>3</sup> *Ibid.* p. 23.

support, for example making services such as trauma therapy or rape counselling available.<sup>4</sup>

It seems obvious that the broader the view we take of what the aims of humanitarian assistance should include, the more likely it is that we demand that humanitarian assistance include cultural and customary considerations as well. More interesting, however, is the argument that even if we take a relatively 'narrow' view of humanitarian assistance and focus strictly on physiological needs, respect for culture and customs can still play a decisive role in the realisation of the aims of humanitarian assistance. This is because in some contexts it may be difficult to disentangle the physiological and non-physiological benefits associated with 'respect for culture and customs'. This is because there are certain conventional forms of provision for basic physiological needs in every cultural context.<sup>5</sup> To an outside observer comparing different cultures, many of these forms of provision may appear similarly adequate. They may also be equivalent from a physiological point of view, in terms of being equally capable of ensuring the survival and/or physical well-being of human beings. At the same time, this does not mean that they are interchangeable from the point of view of the members of the particular cultures. This is because the form of provision

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<sup>4</sup> See, for example, the IFRC's work on the psychological aspects of health care, available at <http://www.ifrc.org/what/health/psycholog/>. For an example of a specific project relating to this area, see the International Rescue Committee's activities in Sierra Leone, which include psychosocial support for children who have suffered, witnessed, or been forced to take part in, violence during the internal armed conflict in that country, available at <http://www.theirc.org/where/index.cfm?fa=show&locationID=36>.

<sup>5</sup> I draw here on David Braybrooke's discussion of culturally specific provision for basic needs in a more general context, which he calls 'the conventional limits to variety in forms of provision'. See David Braybrooke, *Meeting Needs*, Princeton, NJ: Princeton University Press, 1987, pp. 102-

preferred by one culture or society may simply be abhorred by another. For example, the members of one culture may reject pork, whilst those of another will not eat beef. Some cultural traditions may insist on a communal shelter or dwelling, while in others, separate dwellings must be provided for each nuclear family. In some societies, male and female patients may be attended by male or female doctors and nurses alike, whereas in others, female patients cannot be attended to but by female doctors and nurses, and so on. Naturally, the stringency with which some forms of provision are excluded, and others included, varies. The sanctions attached to breaching the rule will also vary, depending on the rule and culture in question.

Of course, it might be argued that, while accommodating such culturally specific forms of provision may be an important matter for social policy under non-emergency conditions, catering to preferences of this type is not something that international humanitarian assistance, aimed at providing emergency relief under crisis circumstances, should have to concern itself with. There is clearly something to this criticism, not least because it brings out a more general problem involved with including attending to non-physiological needs as part of the tasks of international humanitarian assistance. This is the question what, if any, relative order of priority should be given to the physiological and non-physiological needs, respectively, in international humanitarian assistance. The relative order of priority matters in so far as we, for one reason or another, must choose in favour of one type of assistance over another. Such choices may become necessary either

because the requirements of the physiological and non-physiological needs conflict, or due to limited resources.

The point here is, however, that *even if we hold the view that humanitarian assistance should give primacy to the basic physiological needs necessary for survival*, there are contexts where it may be very difficult to distinguish between conventional forms of provision, on one hand, and physiological needs, on the other. What appears decisive here is the stringency that is attached to the conventional form of provision. As David Braybrooke expresses this point: ‘Sometimes, the conventions are so exacting and (not quite the same thing, though intimately connected) sometimes people’s attachment to the conventions is so deep-seated that one can hardly distinguish between the need for some form or other of provision and the preference for one form. It diminishes the facts to speak of devout Jews or Muslims preferring to eat lamb to eating pork’.<sup>6</sup>

At one extreme, there may be cases where culturally or customarily specific goods or services are so intimately connected with physical survival that the provision of humanitarian assistance in a culturally or customarily appropriate (or at least in a not inappropriate) form and manner can be seen as inherently necessary for the purpose of saving lives and alleviating suffering in a strictly physical sense. For example, if women – for cultural or religious reasons – cannot receive medical care except from a female provider, then there would seem to be a relatively strong case for arguing that a failure to ensure that there are sufficient female

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<sup>6</sup> *Ibid.*, p. 103.

health care providers available for the female population in question must be considered tantamount to a failure to ensure that women receive medical care at all. Another example might be that there may be people who would rather die than eat food that they thought to be somehow impure or otherwise taboo for cultural or religious reasons (this is probably an accurate description, for example, of the relationship of at least some devout Muslims and Jews to pork, or Hindus to beef). In such a situation, the provision of food assistance in a culturally or customarily inappropriate form should be seen as equivalent to not providing food at all.

In addition to situations of the type described above, there may also be contexts where culturally and customarily appropriate assistance is the most effective or efficient – even if not the only conceivable, as it is in the previous category – way of providing humanitarian assistance. For example, even where it is not a matter of an absolute taboo, people usually prefer certain foodstuffs over others. This means that if they are provided with the less-preferred foods, they will divert and trade them, making the distribution inefficient, not to mention the kind of effects this may have on local socio-economic structures by creating new forms of trade.<sup>7</sup> Johan Pottier reports an example of this phenomenon from Tanzania, where ‘...[Rwandan] refugees sold donated cooking oil and maize grain to diversify their diet or, more accurately, to purchase foods regarded as essential [sweet potatoes, cassava flour, sorghum, sugar and fresh vegetables]’; however, this led to inefficiency because ‘...the prices they received for the foods they sold ... were

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<sup>7</sup> Arafat Jamal, Evaluation Officer, UNHCR, personal communication, 27 September 2002.



low relative to the food prices charged in Tanzania'.<sup>8</sup> Pottier also quotes a UNHCR Nutrition Coordinator from the same camp, who reports that '[i]n general, it can be seen that when maize is sold to buy back fresh staples, a lot of energy is 'lost', with the reduction factor ranging from 4.3:1 to 8.8:1'.<sup>9</sup>

Moreover, even if the inappropriate goods are not traded, they may be subject to labour-intensive (and thus inefficient) adaptation, as was the case in Sudan, where culturally inappropriate (even if perfectly functional and in part technically superior) imported tools were melted down and refashioned by the recipients to suit local preferences.<sup>10</sup> Also, culturally and customarily appropriate goods and services are usually those that are available locally or within the region, thus limiting transport costs. Moreover, relief goods that are familiar to the beneficiaries mean that they will be able to prepare their own foods and/or construct their own shelters after having been provided with the raw materials, and therefore less personnel will have to be hired to undertake these tasks. In addition, using traditional structures to distribute assistance (for example, by giving it to village elders to be distributed further) may be the most effective way of reaching the recipients. In other words, in many contexts, there may be

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<sup>8</sup> Johan Pottier, 'Why Aid Agencies Need Better Understanding of the Communities They Assist: The Experience of Food Aid in Rwandan Refugee Camps,' *Disasters* (Vol. 20, No. 4, 1996), pp. 330-331.

<sup>9</sup> A. Hoogendoorn, 'End of Mission Report by UNHCR Food and Nutrition Coordinator,' Tanzania, Rwandan/Burundi Refugee Camps, 15 August–23 December 1994, Ngara: UNHCR, p. 5; quoted in *ibid.*, p. 330.

<sup>10</sup> Pierson R.T. Ntata, 'Participation by the Affected Population in Relief Operations: A Review of the Experience of DEC Agencies during the Response to the 1998 Famine in South Sudan,' Report Prepared for the Active Learning Network on Accountability and Performance in Humanitarian Assistance, June 1999, p. 31 (available at <http://www.alnap.org/pubs/pdfs/ntatafinal.pdf>).

instrumental as well as intrinsic reasons for giving humanitarian assistance in a manner that is culturally and customarily appropriate.

Third, there may be cases where culturally or customarily appropriate assistance, while neither the only conceivable way of providing assistance, nor necessarily more effective or efficient than other forms of assistance in material terms, nonetheless has psychological or emotional benefits that other ways of providing assistance do not possess. In this respect, for example, the significance of familiar foods and objects to people who have undergone the upheaval of a disaster should not be underestimated. Moreover, being able to cook for one's own family or to construct a shelter may be not only cost-effective but also give people affected by a disaster a sense of being able to help themselves, rather than remaining passive 'victims', as well as providing something to do in a situation where normal life patterns have been completely disrupted. Similarly, it has been pointed out that '[i]n some cultures, traditional healers are especially skilled at resolving psychological problems'.<sup>11</sup> In cases like these, culture and customs may play a significant part in the alleviation of suffering, understood in broader terms than simply physical pain.

Fourth, cultural appropriateness may also be a contributing factor to the security of aid workers. As one practitioner interviewed for this study pointed out: 'the best security you can get is actually acceptance from local community

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<sup>11</sup> United Nations High Commissioner for Refugees, *Handbook for Emergencies* (second edition), Geneva, 2002, p. 110 (available via [www.unhcr.ch](http://www.unhcr.ch)).

structures'.<sup>12</sup> For example, whether inadvertent or intentional, culturally inappropriate behaviour (e.g. pointing one's feet at others in many parts of the world, insisting on having a chair when others sit on the floor, and so on) will usually be interpreted as lack of respect and can damage relations. Maintaining mutual respect and good communications with the local population is essential for security as the local inhabitants can often be the most accurate and up-to-date source of security information, for example with regard to the location of landmines. Many aid organisations, such as the ICRC, have in recent years begun to exhibit awareness of the role that culture plays in such contexts:

*When the ICRC tried to understand why it had so many problems in obtaining access to the victims and ensuring its delegates' security, it came to the conclusion that if it had a better understanding of cultural differences and a greater awareness of what it was when it intervened in other societies, its work would be better understood and in the long run better accepted.*<sup>13</sup>

It may be noted that the above discussion leaves open the question what the relationship between the physiological and non-physiological requirements of the principle of humanity ought to be. In other words, if faced with a situation where both physiological and non-physiological aspects of alleviating suffering cannot be simultaneously attended to (for example, due to limited resources or because

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<sup>12</sup> Charles Petrie, UNDP, personal communication, 19 March 2002.

<sup>13</sup> Paul Grossrieder (Director General of the ICRC), 'Humanitarian Standards and Cultural Differences,' a speech given at the ICRC Seminar for Non-Governmental Organizations on Humanitarian Standards and Cultural Differences, 14 December 1998 (available via <http://www.icrc.org>).

their requirements conflict with one another), are there reasons why the physiological needs ought to be given priority as a matter of course (which tends to be the current practice) or can non-physiological needs sometimes be more important? It seems to me that, at face value at least, assistance related to physiological needs would seem in some sense to be a precondition for psychosocial support and therefore primary; after all, it would seem very difficult for people to benefit, for example, from trauma therapy if they were dying or if their physical injuries or illness were left untreated. The counter-argument to this might of course be that it is possible to think of situations where people do not always give priority to their own survival and physical well-being over other considerations. At the same time, it is important to keep in mind that, even if it had the will to do so, humanitarian assistance simply does not normally have the capacity to keep people alive against their will; the most it can do is to make goods and services available. I will return to this question in the context of the discussion regarding whether it is possible to establish a distinction between wants or preferences, on one hand, and needs, on the other, below. For now, however, the point here has been simply to illustrate the types of situations where respect for culture and customs may contribute in a positive way to the realisation of the aims of international humanitarian assistance.

To sum up what has been said so far, even if we see the task of humanitarian assistance as being limited to addressing basic physiological needs, the satisfaction of those needs must be seen at least in part as being inextricably tied to a culturally or customarily specific form or manner of provision. In so far as

this is the case, there would seem to be a strong case for incorporating respect for culture and customs into international humanitarian assistance, solely from the point of view of being able to meet these physiological needs. Moreover, there may also be effectiveness- and efficiency-based reasons for giving humanitarian assistance in a manner that is appropriate to culture and customs. In addition, if we broaden the interpretation of the tasks of humanitarian assistance – as has increasingly been done by the humanitarian aid community in recent years – and include psychological needs as well as physiological ones, respect for culture and customs may also have less material, but possibly just as important, benefits for international humanitarian assistance. Indeed, it is experiences of failures to provide appropriate assistance in situations of all of these types that probably inspired the current concern with respect for culture and customs in international humanitarian assistance.

What ties the above types of relationship between cultural and customary norms and practices and the principles of humanitarian assistance together, however, is that in each of these cases cultural or customary norms and practices are basically in harmony with the values expressed by the principles of humanitarian assistance. This applies both to those situations where the relationship is one of neutrality or irrelevance, as well as to those where respect for culture and customs may be beneficial or even necessary for realising the aims of international humanitarian assistance. If this was always the case, the relationship of respect for culture and customs and the humanitarian principles would be a relatively unproblematic one. Respect for culture and customs would simply be a means to

realising the humanitarian ends, saving lives and alleviating suffering. The trouble is, however, that the relationship between the cultural and customary norms and practices and those of humanitarian assistance is not necessarily a harmonious one. There is also the possibility that the cultural and customary norms and practices of the beneficiaries clash with the principles and practices of humanitarian assistance. In such cases, the relationship is not one of harmony, or even neutrality or irrelevance, but of conflict.

Arguably, there are two main ways in which the conflict between the principles and practices of humanitarian assistance, on one hand, and cultural and customary norms and practices, on the other, can occur: first, there may be conflicts with regard to conceptions of needs or at least their relative order of priority. In other words, the recipients' cultural and customary norms or practices may challenge the way in which international humanitarian assistance has traditionally tended to see addressing basic physiological needs as its primary task. Second, there may also be culturally or customarily specific conceptions of what the just distribution of humanitarian assistance would involve, which differ from the conception of just distribution expressed in the principle of impartiality. Let me now examine some of the features of these problems in more detail. I will begin by addressing issues related to different conceptions of needs and then go on to discuss different ideas regarding distribution.

As I have already pointed out above, the way in which the principles of humanitarian assistance have been put into practice has traditionally been

understood to involve attending to basic physiological needs as a matter of priority and to include the provision of food, water, shelter, sanitation and medical care. Moreover, while in recent years there has been a move to extend the scope of international humanitarian assistance beyond the purely physiological needs, this has in practice tended to involve a relatively limited range of activities aimed at promoting psychological or emotional well-being in contexts directly related to the emergency situation, such as rape counselling or trauma therapy.

It is, however, conceivable that some people might, on cultural or customary grounds, give priority to the satisfaction of entirely different types of needs. On one hand, this might involve a significantly broader definition of what the alleviation of suffering would require, incorporating needs related to the survival and upholding of cultural traditions. For example, respondents to a needs assessment might indicate that their primary need was the building of a church, temple, or a mosque, for which they might even willingly forego the satisfaction of at least some of their physiological needs. On the other hand, the conflict regarding needs might be an even more fundamental one, involving a challenge to the basic idea that saving lives is desirable in the first place. In this vein, for example, the recipients of humanitarian assistance might argue that, instead of food, water, shelter or medical care, what they really needed were weapons, to defend their honour or to exact blood revenge. Neither of the above examples should be considered far-fetched or unrealistic. In fact, to the best of my knowledge, both are based on real cases. The first example, the request for the building of a house of worship as a primary need as indicated by the beneficiaries,

apparently occurred in the context of a needs assessment conducted by a well-known aid agency in an African country,<sup>14</sup> while the second argument has been frequently raised in the context of the war in Bosnia in particular.

In addition to conflicts related to different conceptions of needs, there may also be conflicts in relation to differing ideas regarding the appropriate distribution of humanitarian assistance. As has already been pointed out, humanitarian assistance has traditionally viewed, through the principle of impartiality, every human being as in principle equally entitled to humanitarian assistance, by virtue of his or her humanness alone. Moreover, differences in needs – however defined – have been seen as the only legitimate basis for differentiating between recipients of humanitarian assistance. Conflict between the humanitarian principles and the idea of ‘respect for culture and customs’ arises in this context insofar as the recipients of humanitarian assistance hold ideas other than those expressed in the principle of impartiality regarding the appropriate distribution of humanitarian assistance. One concrete example of a conflict of this type might be that, in many parts of the world, it is customary that women eat last, and therefore usually the least, even if their physiological needs may in fact be greater than those of men, for example due to pregnancy or breastfeeding.<sup>15</sup> Gender is not, however, the only

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<sup>14</sup> Personal communication with Hakan Seckinelgin, lecturer in Non-Governmental Organisations at the Centre for Civil Society, London School of Economics.

<sup>15</sup> For anthropological case studies regarding such practices, see, for example, Alice Stewart Carloni, ‘Sex Disparities in the Distribution of Food within Rural Households,’ *Food and Nutrition* (Vol. 7, No. 1, 1981), pp. 3-12; Lincoln C. Chen, Emdadul Huq and Stan D’Souza, ‘Sex Bias in the Family Allocation of Food and Health Care in Rural Bangladesh,’ *Population and Development Review* (Vol. 7, No. 1, March 1981), pp. 55-70; and Una M. Fruzzetti, *The Gift of the Virgin: Women, Marriage and Ritual in the Bengali Society*, New Jersey: Rutgers University Press, 1982, pp. 100-101.



possible characteristic on the basis of which inequalities in distributing aid can be justified: reportedly, among Rwandan refugees, '[t]he regional identity of local health workers was an important social factor in whether refugees were able to use facilities. When agencies began to pull out or scale down activities, it became clear that the southerners who relied on services run by northerners risked being discriminated against.'<sup>16</sup> Similarly, as was discussed in Chapter 2, Alex de Waal has described indigenous conceptions of distribution of relief in Darfur, Southern Sudan, where solidarity, based on kinship or shared religious faith, was given priority over considerations of physiological needs when distributing humanitarian assistance.<sup>17</sup>

I have thus far proceeded in this chapter as if the norms and practices of the recipients of humanitarian assistance would be the only potential source of cultural conflict, and as if the principles of humanitarian assistance, or the humanitarian aid workers, were in themselves somehow 'culturally neutral'. At this juncture, however, it is necessary to 'open the brackets', as it were, in this regard. This is because – as was pointed out in Chapter 2 – the issue of cultural conflict in international humanitarian assistance is further complicated by the fact that humanitarian assistance also comes with its own cultural baggage.<sup>18</sup> This cultural baggage has a number of dimensions: for one, the culture of

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<sup>16</sup> Pottier, *op. cit.*, in note 8, p. 334.

<sup>17</sup> See Chapter 8 in Alexander de Waal, *Famine that Kills: Darfur, Sudan, 1984-1985*, Oxford: Clarendon Press, 1989.

<sup>18</sup> I would like to thank Sarah Owen-Vandersluis for emphasising the significance of this point to me.

contemporary humanitarianism reflects arguably to a great extent the culturally specific values of Western universalism and individualism, as well as Christian beliefs. Thus, cultural conflicts in international humanitarian assistance should be interpreted as the pitting of the values of one culture against those of another – rather than in terms of a conflict between culturally neutral universalism, on one hand, *versus* local particularism, on the other. This is further complicated by the fact that humanitarian assistance is also in practice administered by people, both local and expatriate, whose cultural norms and practices – which may be local just as well as Western ones – cannot but affect how international humanitarian assistance is carried out in specific contexts. Combined with the fact that there are a number of overlapping cultural allegiances in all societies and that social breakdown is often accompanied by changes in the conditions of cultural coexistence, this has two possible types of consequences: first, it is not necessarily a matter of foreign assistance *versus* local culture in the singular and thus the relationships and impacts involved may be complex. Second, aiding or failing to aid particular cultural groups (or the perception of either) may also have a significant impact on the perception of the impartiality and neutrality of humanitarian assistance and thus on the success of aid.

To sum up what has been said in this section, humanitarians have traditionally tended to take saving lives and attending to physical well-being to be the primary ends they ought to pursue. They have also taken the view that the distribution of humanitarian assistance should be based on the idea that every human being is in principle entitled to humanitarian assistance, qualified only by the extent of his or

her needs. As a result of the introduction of 'respect for culture and customs', and in the relative absence of discussion of how this idea should be applied in practice, however, humanitarians have (perhaps unwittingly) brought upon themselves the prospect of having to justify their position against potentially innumerable alternative ends, as well as alternative conceptions regarding just distribution. In any case, what is required is a systematic discussion of how humanitarians should relate to cultural and customary norms and practices that conflict with the contemporary principles and practices of international humanitarian assistance.

Due to the possibility of conflicts like the ones I have described above between the cultural and customary norms and practices of the recipients, on one hand, and the humanitarian principles, on the other, the introduction of the norm of 'respect for culture and customs', while in many contexts clearly a necessary measure for the improvement of the effectiveness and efficiency of humanitarian assistance, is also potentially problematic as cultural and customary norms and practices may fundamentally challenge the basic principles and practices of international humanitarian assistance. The question that this raises is what weight should humanitarian practitioners give to 'respect for culture and customs' in relation to humanitarian principles and current practices. In the next section, four possible approaches to this problem will be examined.

**DEALING WITH CULTURAL CONFLICTS: OPTIONS FOR  
INTERNATIONAL HUMANITARIAN ASSISTANCE**

*To say that a practice endorsed by tradition is bad is to risk erring by imposing ones own way on others who surely have their own ideas of what is right and good. To say that a practice is all right wherever local tradition endorses it as right and good is to risk erring by withholding critical judgement where real evil and real oppression are surely present.<sup>19</sup>*

In the previous section, I sought to highlight the different types of relationship that may exist between cultural and customary norms and practices, on one hand, and the principles and practices of humanitarian assistance, on the other. The basic argument was that, while cultural and customary norms and practices may in some contexts be neutral or even beneficial in relation to the principles of humanitarian assistance, it is also conceivable that the two may conflict. It is possible to divide such conflicts as occurring primarily along two axes: first, in relation to different conceptions of needs, and second, in relation to various conceptions of how humanitarian assistance ought to be distributed. In addition, the relationship is further complicated by the fact that humanitarian assistance also carries its own cultural baggage, both real and perceived. The purpose of the present discussion is to explore the different courses of action that may be taken to address conflicts between the principles and practices of humanitarian assistance, on one hand, and cultural and customary norms and practices, on the other.

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<sup>19</sup> Martha Nussbaum, 'Introduction', in Martha Nussbaum and Jonathan Glover (eds.), *Women*,

The problem of what should be done when non-Western and often illiberal cultural and customary norms and practices conflict with Western liberal universalistic and individualistic conceptions of what is appropriate, just, right, fair, or good is of course not limited to international humanitarian assistance. Indeed, it can be said to be one of the most pervasive problems that contemporary political thought struggles to address. In the domestic political context, this problem has primarily been debated in the context of the liberal-communitarian debate, as well as the related literature on multiculturalism, which deals with the question how the Western, liberal state should deal with the traditional, and often illiberal, communities inside it.<sup>20</sup> In the international context, these issues have been addressed under the headings of the cosmopolitan-communitarian debate as well as those on 'Asian values' and Islamic beliefs.<sup>21</sup>

It seems difficult to deny that some cultural and customary norms and practices appear, at least when looked at from certain vantage points, to be fundamentally unjust in ways that affect the quality of life and survival of people in a most basic manner. One of the most salient ways this can be seen is by looking at the way culture and customs affect the role and treatment of women in many parts of the

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*Culture and Development: A Study of Human Capabilities*, Oxford: Clarendon Press, 1995, p. 1.

<sup>20</sup> The liberal-communitarian debate has primarily taken place between John Rawls and his communitarian critics, including Michael Sandel, Alasdair MacIntyre and Michael Walzer. For an introduction to the debate, see for example Stephen Mulhall and Adam Swift, *Liberals and Communitarians*, Oxford: Blackwell Publishers Ltd., 1992; on multiculturalism, see for example Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights*, Oxford: Clarendon Press, 1995.

<sup>21</sup> For an introduction to the cosmopolitan-communitarian debate, see Chris Brown, *International Political Theory: New Normative Approaches*, Hemel Hempstead: Harvester Wheatsheaf, 1992; for an introduction to the issues related to Asian values and Islam, see for example Michael Ignatieff, 'The Attack on Human Rights,' *Foreign Affairs* (November-December 2001), pp. 102-

world, something which will be addressed in more detail in Chapter 4. On the other hand, to present the cultural and customary norms and practices in certain parts of the world as somehow morally inferior smacks suspiciously of the legacy of imperialism and colonialism, something that is condemned by most contemporary thinkers. Thus, any answers that are offered to this question should be sensitive to both types of concern.

In what follows, I will examine the advantages and limits associated with four basic approaches that have been offered by contemporary thinkers for dealing with this problem: first, dialogue between those holding different value systems in order to identify shared values; second, asserting the moral primacy of the humanitarian principles over the conflicting values; third, negotiating agreements about values that all parties can accept; and fourth, non-intervention in spheres where no agreement can be reached.

It is often suggested that conflicts between different world-views and value systems can be resolved, or even dissolved, through a dialogue between the representatives of the different value systems. This argument comes in two basic versions:

In the first version, the purpose of the dialogue is to collect and compile information about the respective value systems, in order to identify already

existing shared values.<sup>22</sup> The argument here is that what at first sight appear to be conflicting values may in fact upon closer examination turn out to be the same, or at least significantly similar values, which are simply expressed differently in a different context. For example, the ICRC appears to have taken something resembling this approach in relation to the humanitarian principles when it 'brought together a group of Burundians, representing different groups and strata of society, to consider where in their own culture they could identify the aphorisms and cultural values that conveyed humanitarian principles'.<sup>23</sup>

There is clearly something to be said for this approach, as it addresses the possibility that what appears to be a conflict between the humanitarian values and those of a particular culture is in fact simply the result of a misunderstanding or lack of information. For this reason, this approach is probably the necessary starting point for approaching any apparent clash between the principles of humanitarian assistance and any particular cultural or customary norms.

The problem with this version of the dialogical argument is, however, that it cannot account for conflicts between the humanitarian principles and cultural and customary values that are real rather than apparent. It seems implausible to suggest that all disagreements about values can be resolved by showing that what

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<sup>22</sup> Arguments of this type are put forward by many people and they are difficult to associate with any specific theorist. See, however, for example, Segun Gbadegesin, 'Bioethics and Cultural Diversity,' in Helga Kuhse and Peter Singer (eds.), *A Companion to Bioethics*, 1998, pp. 24-31, or Stephen Chan, 'Aspirations and Absent Methodologies in Universalism: Towards a Multicultural Normative Theory,' in Maria Lensu and Jan-Stefan Fritz (eds.), *Value Pluralism, Normative Theory and International Relations*, Basingstoke: Palgrave, 2000, pp. 59-75.

<sup>23</sup> Mary B. Anderson, *Do No Harm: How Aid Can Support Peace – Or War*, Boulder, CO: Lynne

appear to be conflicting values is in fact just a different way of expressing the same values. For example, as was described in Chapter 1, humanitarians sometimes try to justify the principles of humanitarian assistance through the argument that these principles can be uncovered in all the major world religions and secular philosophies.<sup>24</sup> The fact that the argument needs to be made at all, coupled with the historical record of the problems of access that humanitarian assistance has faced, however, would appear to suggest that the ubiquitousness of the principles of humanitarian assistance, or at least their status relative to other considerations, is nowhere near as self-evident as the proponents of this argument would like to claim.

Having rejected the argument that conflicts between the humanitarian principles and cultural and customary values can always simply be reduced to lack of information or misunderstanding – that is, the claim that ‘all human beings believe in the humanitarian principles, lest they but knew it’ – how can humanitarians then deal with those value conflicts that are real rather than apparent?

Arguably, what will be seen to be the appropriate choice here depends to some extent on whether the respect for culture and customs in international humanitarian assistance is ultimately seen as being based on their intrinsic or instrumental value. In other words, what matters is whether respect for culture and

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Rienner Publishers, 1999, p. 30.

<sup>24</sup> See, for example, Jean Pictet, *The Fundamental Principles of the Red Cross: Commentary*, Geneva: Henry Dunant Institute, 1979, p. 33.



customs is seen simply as a means for realising the ends of humanitarian assistance – that is, saving lives and alleviating suffering – which are seen as being of absolute value, or whether culture and customs are believed to have some intrinsic value of their own, irrespective of whether or not they further the ends of humanitarian assistance. To express this in more philosophical terms, what would appear to be at issue here is the choice between value monism or absolutism, on one hand, or value pluralism, on the other.<sup>25</sup> In essence, the difference between value monism or absolutism, on one hand, and value pluralism, on the other, is that the former posits that there is a single, knowable ultimate value or value system, whereas value pluralism suggests that there may be multiple equally valid basic values or value systems. In this context, however, it should be noted that, in addition to these comprehensive approaches to the question of value (i.e. value monism/absolutism and value pluralism) there is also another alternative: it is possible to reject monism/absolutism but still maintain that the obvious principle to follow in cases of extreme need is the humanitarian one. In other words, this alternative would involve taking the position that, while there may not be a single comprehensive value system or ultimate value, this nonetheless does not mean that one cannot reasonably affirm definite value priorities in particular contexts, such as the humanitarian one. I shall call this position value contextualism. Let me now examine each of these positions – value monism/absolutism, value pluralism, and value contextualism – in turn:

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<sup>25</sup> For a more detailed philosophical analysis of the issues at stake between value monism and value pluralism, see, for example, Brian Barry's discussion in his *Political Argument: A Reissue with a New Introduction*, Berkeley and Los Angeles: University of California Press, 1990, pp.

Certainly, much of the current concern with respect for culture and customs among humanitarian practitioners seems to be based on instrumental considerations. For example, as the above-cited quote from Paul Grossrieder, the Director General of the ICRC, demonstrates, the ICRC became interested in cultural differences as a result of the realisation that cultural differences and intervention in other societies could cause 'problems in obtaining access to the victims and ensuring its delegates' security'.<sup>26</sup> In other words, for the ICRC at least, respect for culture and customs appears to be a means for making international humanitarian assistance (the value of which is taken for granted) more effective and efficient, rather than as having any intrinsic value of its own. This would seem to suggest either the value absolutist or the value contextualist view with regard to the humanitarian principles – i.e. that the values represented by the humanitarian principles are given priority over other values, such as respect for culture, which are deemed to have instrumental value only – either in an ultimate sense (value absolutism) or within the humanitarian context (value contextualism).

Let us first consider the alternative of value absolutism. Now, if it were to be possible to conclusively establish that humanitarian principles and practices were of absolute value and that 'respect for culture and customs' must therefore be seen as purely instrumental to the realisation of the principles of humanitarian

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xxxix-xliv.

<sup>26</sup> Paul Grossrieder, 'Humanitarian Standards and Cultural Differences', ICRC Seminar for Non-Governmental Organizations on Humanitarian Standards and Cultural Differences, 14 December 1998 (available via <http://www.icrc.org>).

assistance, the preferred course of action would be relatively simple: because the principles of humanitarian assistance express what is ultimately of value, any conflict between them and the cultural or customary norms and practices of the beneficiaries should always be resolved in favour of the humanitarian principles. This is one possible interpretation of what Hugo Slim is arguing for when he says that humanitarianism must 'stand firm against what is a real [cultural] difference'.<sup>27</sup>

The problem with the view that the values expressed in the principles and current practices of humanitarian assistance are of absolute value and therefore unproblematically take precedence over cultural values is, however, that such moral certainty may simply not be available to contemporary humanitarians. Unlike earlier humanitarians, contemporary aid workers can rarely draw absolute certainty from the 'God-given' truth of their religious beliefs. Even where contemporary humanitarians may themselves be motivated by a particular set of religious beliefs, they usually have to acknowledge that those with whom they come into contact through their work cannot be expected to share their beliefs. Probably as a consequence of this uncertainty about the ultimate, and universal, justification of the values its principles express, humanitarianism is today sometimes presented even by its proponents as being representative of the culturally specific values of Western Europe and North America. In this vein, for example, Slim writes of 'Western humanitarianism' engaging with 'other

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<sup>27</sup> Hugo Slim, 'Relief Agencies: Cultural Challenges and Cultural Responsibility,' ICRC Seminar for Non-Governmental Organizations on Humanitarian Standards and Cultural Differences, 14 December 1998 (available via <http://www.icrc.org>).

cultures', and refers to 'the culture of humanitarianism'.<sup>28</sup> Indeed, one of the reasons why the idea of respect for culture and customs has gained currency among humanitarian practitioners in recent years may well have been this nagging sense of uncertainty about the universal justification of the principles on which their work is based.

One way of trying to resolve the problem about justification, at least regarding conflicting conceptions of needs, would be if it were possible to demonstrate that there are something that could be called 'basic human needs' in the sense that they should be attended to as a matter of priority even if the people concerned themselves did not express a preference for their satisfaction. Many philosophers and social thinkers have sought to establish that such basic needs do indeed exist. The way they have usually gone about this has been by distinguishing between wants or preferences, on one hand, and needs, on the other.<sup>29</sup> One way of attempting to make this distinction is to point out that it is possible to need something the existence of which one is not aware of, whilst it is impossible to want something that one does not know about. The famous example cited in this context relates to insulin: even if they did not know about insulin, indeed even before its scientific discovery, diabetics have always needed insulin in order to stay alive. In a similar vein, it is has been pointed out that is also possible to want things that one does not need, cigarettes or alcohol being an often-cited example.

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<sup>28</sup> *Ibid.*

<sup>29</sup> For contemporary attempts at making an argument of this type, see, for example, Braybrooke, *op. cit.*, in note 5, or Len Doyal and Ian Gough, *A Theory of Human Need*, Basingstoke: Macmillan, 1991.

The problem with these examples, however, is that – insofar as they are presented as universally applicable, independent of context – they still beg the question that they set out to answer. This is because, at bottom, the distinction between needs and wants in both of these examples implicitly relies on the assumption that being alive is in some sense a matter of ultimate moral priority (diabetics need insulin *in order to stay alive*; we may want cigarettes *even though they can cause us to die*), although the assumption remains implicit and no effort is made to justify it. Indeed, it is not entirely clear how such an assumption could be justified, at least not without appealing to some religious or otherwise metaphysical authority. Certainly, it cannot be justified with reference to a general moral consensus about this matter, as it is clearly not the case that everyone would share this belief (e.g. suicide bombers).

Arguably, problems relating to different conceptions of needs can in fact to some extent be said to be intrinsic to the concept of ‘need’. This is because, although it may at first sight appear to be possible to define needs on the basis of objective or scientific considerations, the concept is actually an inherently derivative one; in other words, further justification is always required to give it a normative meaning. One of the best discussions of this property of the concept of need has been provided by Brian Barry in his *Political Argument*.<sup>30</sup> Barry points out that needs statements always at least implicitly take the form of ‘x is needed in order to produce y’. On its own, such a statement gives no (normative) reason for doing x.

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<sup>30</sup> See Barry, *op. cit.*, in note 25, pp. 47-49.

In order for such a reason to be provided  $y$  must be shown to be (or taken to be) a desirable end to pursue. And, even if – as Barry acknowledges – when it comes to persons, in other words, in statements such as ‘ $A$  needs  $x$ ’ and where  $A$  is a person, the ends to which the concept of need may refer are more limited, the concept remains no less derivative.

Similarly, it may also be difficult to argue that the conception of just distribution embodied in the principle of impartiality is somehow the only reasonable one to adopt in all circumstances. For example, in many poor societies, mothers tend to favour their older children over infants, allocating the older children proportionally more food at times when food is scarce. While this practice may at first sight appear barbaric to outsiders (and humanitarians have frequently tried to counteract such practices, e.g. by setting up supplementary infant feeding schemes), upon closer examination it is at least possible to follow the reasoning behind it. Given their very real experience that the chances of infants’ surviving past their early years are comparatively low at best of times, mothers will favour those children whose chances of survival are the greatest and who are already past the many dangers that threaten the lives of infants in most poor countries. This behaviour is no doubt also reinforced by the fact that children who are able to reach adulthood are also the only form of social insurance that may be available in these societies. When resources are scarce, it does not seem unreasonable to focus efforts on helping those most likely to benefit from the assistance, as opposed to favouring the ‘most vulnerable’ irrespective of their prospects. Indeed, this reasoning does not even seem particularly ‘non-Western’ (cfr. for example

resource allocation in our hospitals). Indeed, the mothers' position – if I have represented it correctly – could be interpreted as a type of utilitarian approach, where the aim is to maximise overall welfare. By contrast, humanitarians have traditionally tended towards a rights-based approach, i.e. one that seeks to provide some minimum level of welfare for everyone.

Above, I have discussed the problems associated with a value monist/absolutist take on the humanitarian principles. At first sight, the second type of dialogical argument appears to overcome some of the problems associated with value monist/absolutist position on humanitarian values as described above. By contrast to the first type of dialogical argument that was discussed earlier, in this version the aim of the dialogue is not so much to uncover already existing shared values but instead to reach agreement about values that both (or all, if there are more than two parties) sides can accept.<sup>31</sup> There is something undeniably appealing about the suggestion that it is possible to reach agreement about values, rather than simply identifying existing ones, as it opens up the possibility that the rules governing social relations (including international humanitarian assistance) may be changeable, subject to human agreement, rather than being pre-existing and immutable.

The problem with this second version of the dialogical argument, however, is that – while it goes further than the first version by taking into account the possibility

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<sup>31</sup> This is a simplified representation of what is a popular way of approaching value conflicts among social and political theorists today, perhaps most predominantly associated with the German social theorist Jürgen Habermas.

that some moral disagreements may be real rather than just apparent – it still assumes that it is always possible to reach agreement about values. This overlooks the fact that there may be value conflicts that are the result of mutually exclusive interests which both (or all) sides see as absolute, and therefore as not subject to compromise. Or the conflicting values may be perceived as reflecting the will of a divine being or some other metaphysical source, and therefore as not subject to negotiation by human beings. Moreover, it is also conceivable that people may disagree not about the values themselves, but rather about their relative order of priority (person X ranks value A over B, while person Y does the reverse). Moreover, even where agreements both about values and their order of priority may in principle be reachable, it is questionable to what extent it is actually possible to conduct genuine dialogue (in other words, dialogue that would meet the conditions of an ‘ideal speech situation’ as specified by Habermas, or some similar criteria<sup>32</sup>) under the chaotic and changeable conditions that normally characterise the situations where humanitarian assistance is provided. This is compounded by the power imbalances implicit in the relationships between donors and aid workers, on one hand, and the recipients of humanitarian assistance, on the other. Indeed, it may be questioned whether it is possible to meet the conditions of an ideal speech situation under *any* real world conditions, let alone under the particularly challenging conditions of humanitarian assistance.

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<sup>32</sup> According to Habermas, the rules of the ideal speech situation (or discourse ethics) are: ‘1. Every subject with the competence to speak and act is allowed to take part in a discourse; 2a. Everyone is allowed to question any assertion whatever; 2b. Everyone is allowed to introduce any assertion whatever into the discourse. 2c. Everyone is allowed to express his attitudes, desires and needs; 3. No speaker may be prevented, by internal or external coercion, from exercising his rights as laid down in (1) and (2).’ Jürgen Habermas, *Moral Consciousness and Communicative Action*, Cambridge: MIT Press, 1990, p. 86.



For these reasons, even if we acknowledge the importance of this approach as a necessary step in approaching what appear to be irreconcilable conflicts about values, it does not seem sufficient on its own for addressing such conflicts.

Let me now turn to examining the value pluralist alternative. Briefly defined, value pluralism represents the conviction that first, there are a limited number (but more than one) of objective values, and second, that to some extent such values conflict. In addition, these conflicts are seen as irresolvable in value terms because the values are incommensurable. Incommensurability refers to the idea that two or more values cannot be objectively ranked, either in general or relative to each situation, in such a manner that any informed and reasonable person would agree that value A either ranks higher than value B or is equal to it; thus, two such persons may disagree on the ranking without one of them being right and the other one wrong. Value pluralism should be distinguished from value relativism; by contrast to value pluralism, relativism represents the view that there are no objective values and that all value judgements are therefore relative to the value system or culture within which they are made. Although both value pluralism and value relativism involve the view that value conflicts may not be resolvable, there are a number of problems associated with the relativist position which will be discussed in more detail in the following chapter.

As was stated above, value pluralism reflects the assumption that certain value conflicts are irresolvable and that therefore an ethical 'common ground' cannot always be found, at least not on all issues. If we assume that incommensurability

characterises the relationship between the humanitarian values and (at least some of) the cultural values that conflict with them, the only ethical way of dealing with such intractable value conflicts would appear to be that humanitarians simply refrain from intervening with those cultural beliefs, norms and practices that conflict with the humanitarian principles, and where the conflict cannot be shown to be the result of misinformation or be resolved through negotiation. In other words, to the extent that it is impossible to reach agreement regarding fundamental values, it would appear that the best that can be done is to agree to coexist: where humanitarianism and the local cultural and customary norms and practices come into intractable conflict, they can agree not to interfere in each other's business, and only interact in those areas (if any) where a common ground can be established.

Much depends here on whether the approach of non-intervention is applied primarily to groups or individual persons, however. On the face of it, a non-interventionist approach to entire cultural communities appears attractive because of its refusal to pass judgement and therefore apparent tolerance. There are, however, problems associated with adopting a stance of non-intervention at the group level in international humanitarian assistance that humanitarian aid workers should at minimum be aware of. The story about the African widow who was left starving by aid workers who had adopted what appears to have been a non-interventionist position at the group level (cited in the Introduction to this thesis) can be seen to illustrate what is potentially so troubling about this position in the humanitarian context. Let me now examine some of the problems associated with

non-intervention at group level in more detail.

There is something undeniably persuasive about the idea of 'respect for culture and customs'. In the past, there has arguably been a tendency to see the task of humanitarian assistance to be the satisfaction of basic needs, defined primarily in physiological terms. The introduction of the idea of 'respect for culture and customs' has challenged this understanding of humanitarian assistance on two levels. First, it has made clear that physiological requirements provide only a set of relatively broad boundaries within which most of the basic needs can be satisfied in widely differing ways. It has suggested that, in addition to the physiological criteria, cultural beliefs, norms and practices may play a crucial role in determining whether a particular form of assistance actually succeeds in keeping people alive or in alleviating their suffering. In so doing, it has also reinforced an interpretation of alleviation of suffering that encompasses more than just attending to physical pain. Second, 'respect for culture and customs' has also questioned the principles of humanitarian assistance on a more fundamental level, suggesting that it may be legitimate to adopt values other than those expressed by the principles of humanitarian assistance. Thus, 'respect for culture and customs' has emphasised, in quite a radical way, the value of self-determination of the recipients of humanitarian assistance over paternalism. In doing so, it has suggested that what ultimately matters most is that people – even, or perhaps in particular, in a disaster or conflict situation – should be able to determine the course of their lives for themselves.

Clearly, it must be true that humanitarian assistance becomes meaningless if it occurs against the will of those that it seeks to assist. The problem with framing the issue of self-determination in terms of 'respect for culture and customs' is, however, that it only captures a part of what is involved in self-determination. It is obviously true that human beings grow up and develop their sense of selfhood and systems of value in the context of particular culture, and that culturally specific beliefs, norms and values provide the horizon against which they develop their systems of value. But it is equally clear that people can also reflect critically on those values, and at times reject them. This would seem to be more than ever the case in the contemporary world, characterised as it is by ever-expanding networks of communication, which means that more and more people are exposed to ideas and values that originate outside their societies and cultures. The question is then whether what ultimately matters is the self-determination of 'cultures', on one hand, or that of some other groups (such as women), on the other. Or perhaps humanitarians should not concern themselves with the self-determination of groups at all, but instead emphasise the self-determination of persons. Of course, where the different forms of self-determination point in the same direction, no choice between them needs to be made, but where they conflict, it is unclear why cultural self-determination should be given priority over the self-determination of women, or indeed why either form of group self-determination should ultimately be given priority over the self-determination of persons. This would seem to be particularly strongly the case when we are dealing with matters of life and death, as humanitarian assistance does. After all, the kinds of intractable conflicts that are likely to occur between the humanitarian principles and cultural and

customary norms and practices will primarily be about refusing life-saving assistance, either in favour of another type of assistance, or altogether. Under such circumstances, individual consent would seem to be of the essence: it is one thing to prefer suicide or 'heroic' death over living for oneself, but something very different indeed to want to deprive others of food, water, shelter, or medical care, whether on cultural or any other grounds.

For these reasons, if the aim of introducing the norm of 'respect for culture and customs' into international humanitarian assistance is to strengthen and improve humanitarian assistance rather than to undermine it, humanitarian practitioners must be extremely careful that 'respect for culture and customs' does not become a way of legitimating coercive practices, degenerating into 'respect for existing power structures'. Mary B. Anderson offers a stark illustration of this point with the example of Rwandan refugees who arrived in eastern Zaire in 1994. An international aid workers' report initially described this group of refugees as 'an aid provider's dream' (in terms of being able to rely on locally existing capacities).<sup>33</sup> This was because entire villages arrived together with their leadership structures intact. The aid providers accepted these leaders as the appropriate channel for food distributions. As the aid workers later discovered, however, the camp 'leadership' was in fact the Hutu militia that had carried out the genocide in Rwanda, and who used the distribution of the relief items provided by the international aid agencies to keep civilian populations under their

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<sup>33</sup> Mary B. Anderson, 'Some Moral Dilemmas of Humanitarian Aid', in *Hard Choices: Moral Dilemmas in Humanitarian Intervention*, Jonathan Moore (ed.), Oxford: Rowman and Littlefield Publishers, Inc., 1998, p. 145.

control, as well as to rearm and prepare to return to battle in Rwanda.<sup>34</sup>

The point of the Rwandan example is that what appear to be cultural communities are not necessarily expressions of self-determination but may equally well be about the violent imposition of the values and interests of a powerful subgroup over others. For this reason, one particularly important question in this context would seem to be how 'cultural representation' in international humanitarian assistance is realised in practice. 'Cultures' rarely speak with a single voice, and there are likely to be conflicting interpretations of any particular culture. Who can speak for a 'culture', and how are conflicting voices accommodated? These are thorny issues even in domestic politics under the best of circumstances, and they will be particularly problematic for international humanitarian assistance operations, which are characterised by the frequent absence of any local representative institutions, in addition to the generally chaotic and rapidly changing conditions. I will return to the issue of cultural representation in Chapter 5 when discussing culture and participatory measures in humanitarian assistance.

The argument so far can be summed up as follows: on one hand, attempting to justify the humanitarian values, humanity and impartiality, as having in some sense ultimate moral primacy, does not seem possible in the contemporary secularised world; on the other hand, the stance of non-intervention in relation to

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<sup>34</sup> The Rwandan case is by now a famous one and has been cited as a cautionary example in a number of contexts. See also, for example, Ian Martin in 'Hard Choices after Genocide: Human Rights and Political Failures in Rwanda', also in Moore (ed.), *op. cit.*, in note 32, p. 160; Pottier, *op. cit.*, in note 8; and Johan Pottier, 'Relief and Repatriation: Views by Rwandan Refugees; Lessons for Humanitarian Aid Workers,' *African Affairs* (Vol. 95, No. 380, 1996), pp. 403-429.

cultural communities carries serious problems with itself, in particular when dealing with matters of life and death as humanitarianism does. Is there then any way out of this conundrum? I would argue that there is. Above, I have examined the problems that humanitarians may face insofar as they seek to assert the *ultimate moral primacy* of staying alive in the context of the discussion on value monism/absolutism. It may be questioned, however, whether humanitarians in fact need to be able to assert the moral primacy of staying alive in some ultimate sense to legitimately give priority to saving lives in their actions. Instead, humanitarians might simply argue that they can rightly assume that the overwhelming majority of people (even if not everyone) wants to stay alive; therefore, the task of humanitarianism is to help those people. There are of course people whose commitment to their beliefs appears to override their urge for physical survival, for example, suicide bombers. Those who do not want humanitarian assistance, however, do not need to accept it. Thus, the stance of non-intervention would in this approach be applied at the individual, rather than group, level. This is the position that I have above called value contextualism. In this conception of humanitarianism, staying alive need not be the end in itself; instead, staying alive is valuable because *whatever else one may value* in this world depends on remaining alive. Thus, adopting this position in the context of humanitarian assistance would also be consistent with a more comprehensive position of value pluralism. It is not life as such that humanitarians are protecting but *human* life, and a human life consists of much more than simply remaining physically alive. The realities of contemporary humanitarian assistance would only seem to reinforce this position: as has already been pointed out earlier, humanitarians do

not usually have enough resources to help all of those actively seeking assistance, let alone to force humanitarian aid on anyone reluctant to receive it. At the same time, this should not be taken to mean that it is the humanitarians' business to evaluate what people want to do with their lives. Rather, it should be seen as a reaffirmation of the position outlined in the Introduction to this thesis, which may be summarised as the view that '[t]he humanitarian idea is not an elaborate political philosophy with an accompanying design to address all aspects of human need and aspiration',<sup>35</sup> but rather a necessary complement for the realisation of a variety of more comprehensive conceptions of human well-being. Thus, from this perspective, humanitarians are simply helping people to obtain something that 'everybody' wants and some would not have without them.

A value contextualist position may also be adopted with regard to conflicts regarding the principle of impartiality. This is because, as was argued in Chapter 1, impartiality has a central role in the basic normative framework underpinning humanitarian assistance and, as such, ought not be easily compromised even if it conflicts with cultural norms and practices. If directly as a result of this decision, lives are threatened (i.e. the second-order distributive principle of impartiality threatens the realisation of the first-order principle of humanity), then the aid workers in question would have to choose between firmly holding on to the value of impartiality or compromising, although it may not be necessary to say for all aid workers and all situations that one is better than the other (though obviously a choice must ultimately be made in each situation). If the fundamental value

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<sup>35</sup> Hugo Slim, 'Fidelity and Variation: Discerning the Development and Evolution of the



commitment of humanitarianism is that human life is valuable from each person's perspective (and if it is not, such persons need not live against their will) rather than to say that human life as such is the basic commitment of humanitarianism (in which case humanitarians would also have to consider forcing people to stay alive if necessary – something which they appear both unable and unwilling to do), as has been argued above, then it might at first sight seem to follow that humanitarianism should allow people to live as they please, and thus accept patriarchy and other inegalitarian practices without qualification (at least insofar as such practices appear to be accepted by those adversely affected by them). However, what would appear to count against accepting this view is that humanitarians are committed to each person's *equal* value and hence to the principle of impartiality. Thus, insofar as impartiality is fundamental to the humanitarians' value scheme – as I have argued in Chapter 1 it is – in principle they should not compromise it. Humanitarians are offering aid to people and to people equally, and this should be clear to the recipients. At the same time, it is again important to distinguish between this approach in the context of humanitarian assistance in an immediate sense (understood as saving lives and alleviating physical suffering) and broadening it out to other aspects of the lives of the people to be assisted: asserting the principle of impartiality in the humanitarian context should not be taken to mean that humanitarians should seek to change the local society in the long run, however much they may think such change desirable. Both the justification of the principle of impartiality in the humanitarian context as well as the extent of justifiable social change by

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Humanitarian Idea,' *The Fletcher Forum of World Affairs* (Vol. 24, No. 1, 2000), p. 8.

humanitarians will be examined in more detail in the next chapter.

### CONCLUSION

Since the 1990s, the international humanitarian aid community has become increasingly aware of the significance of cultural and customary issues in international humanitarian assistance, culminating in the *Code of Conduct's* commitment to 'respect culture and customs'. On one hand, respect for culture and customs is clearly important for the successful provision of international humanitarian assistance. All too often, mistakes have been made in humanitarian assistance operations due to an inadequate understanding of, or insufficient respect for, the culture and customs of the recipients. On the other hand, humanitarians should also be aware that in some contexts it may be impossible to simultaneously adhere to the humanitarian principles and respect the cultural and customary norms and practices of the recipients. This is because, even if cultural and customary norms and practices are in many cases beneficial or at least neutral in relation to the normative framework underpinning international humanitarian assistance, cultural and customary norms and practices can also conflict with the principles of humanitarian assistance.

Five basic ways of approaching conflicts between the humanitarian principles and the cultural and customary norms and practices can be identified. These different approaches should be seen – to some extent at least – as complementing one

another, rather than as being mutually exclusive. In the first instance, conflicts between cultural and customary norms and practices, on one hand, and the humanitarian principles, on the other, should be approached in the spirit of dialogue, in order to find out whether what appears to be a conflict is in fact the result of a misunderstanding or lack of information. Moreover, even where a conflict is deemed to be real rather than apparent, it may be possible to use the dialogue to negotiate an agreement or a compromise. In the event that the dialogue yields no solution to the conflict, however, humanitarians are faced with the choice between asserting the humanitarian principles over the cultural norms and practices, on one hand, or not interfering with the culture and customs of the people in question, on the other. Contemporary, secular humanitarians may find it difficult to justify asserting the humanitarian principles over the cultural and customary norms and practices of others. By contrast, a policy of cultural non-interference may seem attractive because it appears to emphasise the self-determination of the recipients of humanitarian assistance. The problem with non-interference is, however, that conceptualising self-determination solely in cultural terms gives priority to the self-determination of the (cultural) group at the expense of other forms of self-determination, for example the self-determination of women, or more generally individual self-determination. This means that, by not interfering with culture and customs, humanitarians may risk becoming complicit in what are essentially coercive practices. In part, this problem can be addressed through a careful evaluation of the structures through which cultural and customary norms and practices come to be represented in international humanitarian assistance. In addition, however, I have suggested that in the face of

intractable conflict between the humanitarian principles and cultural values, humanitarians are justified in asserting the principle of humanity and focusing on saving lives on the basis that being alive is something that most people can be assumed to want, irrespective of whatever else they may want (and if they do not want it, they need not stay alive against their will) and that it is the task of humanitarian action to help such people. Moreover, humanitarians may also affirm the principle of impartiality in their work on the basis that it is a central element of their value system – even if secondary to the principle of humanity – and those who do not wish to participate under these terms need not do so. I have called this position value contextualism. Value contextualism has the dual advantage of providing aid workers a clear sense of what ethical action in the humanitarian context consists of, while at the same time being consistent with a nearly unlimited variety of more comprehensive conceptions of human life. Nonetheless, I also emphasised the importance of maintaining the distinction between adopting this position in the humanitarian context narrowly defined, on one hand, and broadening it out to other aspects of the lives of the people to be assisted, on the other.

## Gender, Culture and International Humanitarian Assistance

### INTRODUCTION

The purpose of this chapter is to take a closer look at the issue of gender and, in particular, the relationship between the goal of gender equality or equity, on one hand, and ‘respect for culture and customs’, on the other, in international humanitarian assistance. In doing so, it examines different ways in which humanitarians might approach these two (in part contradictory) normative commitments, as well as addressing the broader question of what the justifiable scope for social change in the context of international humanitarian assistance might be.

In recent years, there has been an increasing recognition that men and women experience emergencies at least in some important respects differently. This recognition has been accompanied by a growing interest in the issue of how the humanitarian response – previously thought to be gender neutral – affects women in particular. Traditionally, humanitarians have arguably tended to see gender as something that should *not* count, for fear of negative discrimination. By contrast, the contemporary literature (both by practitioners and academics) on gender issues in international humanitarian assistance seeks to emphasise women’s gender-

specific needs and capacities in emergencies. In doing so, it has focused on three issue areas: first, that the equitable provision of humanitarian assistance should include attending to the gender-specific basic needs of women in emergencies (e.g. gynaecological and obstetric care, menstrual hygiene, and the protection of women from rape and sexual assault); second, that the contribution that women can make to emergency response should be recognised, both in the interests of gender equality and/or because women may be able to contribute to disaster response in ways that men cannot; and third, that the humanitarian response should explicitly challenge the subordination of women in order to reduce their vulnerability to disasters.

Paying special attention to gender issues when examining the implications of 'respect for culture' in international humanitarian assistance is important for a number of reasons. For one, gender and culture are factors that crosscut and overlap in affecting people's experiences and needs during disasters and armed conflict. In particular, as many of the examples in previous chapters have demonstrated, it is especially in relation to the treatment of women that many humanitarian practitioners are in practice likely to experience problems with 'respect for culture and customs'. In other words, it is those cultural and customary norms and practices that are related to the status and role of women that often appear to conflict with the principles of humanity and impartiality. Therefore, it is necessary to clarify some of the issues at stake. This is all the more important as no such analysis appears to have taken place so far, at least not specifically in the context of humanitarian assistance. Indeed, as Deborah Clifton

and Fiona Gell have recently pointed out, much of the existing literature on gender in international humanitarian assistance in general tends to be ‘anecdotal rather than analytical’,<sup>1</sup> and, in particular, a systematic examination of the relationship between gender and culture in international humanitarian assistance is yet to be undertaken. An additional but related reason for taking a closer look at gender issues in international humanitarian assistance is that it also provides an opportunity to examine further what the role of humanitarians ought to be in those situations, referred to in the previous chapter, where there may be the danger of ‘respect for culture’ degenerating into simply upholding existing power structures.

The chapter is divided into four main sections. The first section presents a brief overview of the way that gender issues are currently being addressed in the literature – both academic and practitioner-oriented – dealing with international humanitarian assistance. Against this background, the second section discusses the relationships that may exist between gender considerations and ‘respect for culture and customs’ in humanitarian assistance. The third section suggests a way in which the concern with gender equality/equity and respect for culture may be reconciled with the values of international humanitarian assistance. Finally, the fourth section addresses the broader question of what the justifiable scope for social change in international humanitarian assistance might be.

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<sup>1</sup> Deborah Clifton and Fiona Gell, ‘Saving and Protecting Lives by Empowering Women,’ *Gender and Development* (Vol. 9, No. 3, November 2001), p. 8.

## **GENDER IN CONTEMPORARY INTERNATIONAL HUMANITARIAN ASSISTANCE**

The purpose of this section is to give an overview of the way in which gender issues have so far been dealt with in the context of international humanitarian assistance. This will provide the necessary context for the discussion about the relationships between gender issues and 'respect for culture' in the section that follows. Before embarking on the discussion itself, however, a couple of questions of terminology should be settled:

First, one of the recurring difficulties when addressing this issue area is whether to call the subject matter 'women' or 'gender'. Here, I have chosen to use the term 'gender', not least because it is currently the 'going term': in other words, most of the authors and documents discussed below use it rather than 'women' to describe this issue area. This also reflects a shift in development literature and practice from the earlier approach of 'women in development' (WID) to 'gender and development' (GAD), where the first approach focused solely on women and their specific needs, in particular as mothers, leaving the larger issue of gender relations largely untouched.<sup>2</sup> 'Gender' is a term that is usually used to refer to the socially constructed, rather than simply the biological, differences between men and women, as well as to the social relationships between them. Indeed, some contemporary thinkers understand the meaning of the term gender even more broadly, to include an exploration of marginalised or more ambivalent social roles

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<sup>2</sup> See, for example, Bridget Byrne with Sally Baden, *Gender, Emergencies and Humanitarian Assistance*, Bridge Report No. 33, Report Commissioned by the WID desk, European Commission, Directorate General for Development, Brighton: Institute for Development Studies,



more generally, rather than being limited just to typical male and female roles. Moreover, because gender is socially constructed, its practical expressions may vary across societies and change over time. Despite these differences, those who see gender issues as a distinctive concern would argue that, in spite of their various manifestations, one characteristic of gender relations that appears to be (near) universal is the subordination of women in most societies. For this reason, there is also a tendency for those concerned with gender issues to focus mainly on the gender roles and status of women, rather than of both men and women as the term 'gender' might seem to suggest.

The second terminological question relates to the usage of two central terms, 'gender equality' and 'gender equity'. Equality and equity are, of course, not the same thing. Equality refers to having in some important respect the *same* rights or status, whereas equity refers to *fairness* without any necessary implication of sameness of treatment or outcome. In general, equality is usually invoked in contexts and to the extent in which women's needs or abilities are seen to be the same as those of men, whereas the question of equity arises insofar as women are seen to have needs or abilities that are different from, even if equally important as, those of men. There is a tendency in the literature discussed here to use the terms 'equality' and 'equity' to some extent interchangeably, however. While this in some ways glosses over an important distinction, 'equity' can also be interpreted as the general idea that men and women should be treated fairly, with 'equality' as a specific form of fair treatment (to be used in those contexts where the needs and

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November 1995, p. i.

interests of men and women are the same). For this reason, in most of the chapter, I will refer collectively to 'gender equality or equity', and only use the terms in isolation in those contexts where either equality or equity, but not both, are relevant.

Having addressed these questions of terminology, let us now turn to look at the way in which gender concerns have so far been dealt with in the context of international humanitarian assistance:

In recent years, there has been a widespread recognition that men and women experience disasters and armed conflict differently at least in some important respects. Due to a combination of biological differences as well as differences in the social roles that men and women occupy they face different threats to their physical security, food security, health, or other aspects of their well-being in emergencies.<sup>3</sup> Qualitatively, differences in women's experiences of disaster in relation to those of men can be seen as primarily stemming from their reproductive role and the responsibilities that most societies allocate to them in relation to the children and the home. These differences are, however, not only qualitative but also quantitative: on average, women are more likely to be poor than men, they have fewer assets and greater reproductive burden, and have less power than and an inferior status to men, in addition to being less mobile and having fewer defences against violence.<sup>4</sup> These factors can be seen as contributing

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<sup>3</sup> See 'Editorial', *Gender and Development* (Vol. 9, No. 3, November 2001), p. 2.

<sup>4</sup> *Ibid.*

to their added vulnerability during emergencies. This realisation of the differences in men and women's experiences of emergencies has been accompanied by an increasing interest in the issue of how the humanitarian response affects the wellbeing and status of women. Since the mid-1990s, a substantial body of (both academic and practitioner-oriented) literature has emerged on the topic.<sup>5</sup> The issues that this body of literature deals with can be roughly divided into three main categories:

- (1) The immediate needs of women during disasters and armed conflict;
- (2) the role of women in reconstruction and reintegration; and
- (3) recognising and challenging the subordination of women.<sup>6</sup>

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<sup>5</sup> For the academic literature, see, for example, Elaine Enarson and H. Morrow (eds.), *The Gendered Terrain of Disaster: Through Women's Eyes*, Westport, CT: Greenwood Publishing Group, 1998; Susan Forbes Martin, *Refugee Women*, London: Zed Books, 1995; Judith Gardam, 'Women, Human Rights and International Humanitarian Law,' *International Review of the Red Cross* (No. 324, September 1998), pp. 421-431; Judith Gardam and Hilary Charlesworth, 'Protection of Women in Armed Conflict,' *Human Rights Quarterly* (No. 22, 2000), pp. 148-166; Ronit Lentin (ed.), *Gender and Catastrophe*, London: Zed Books, 1997; Julie A. Mertus, *War's Offensive on Women: The Humanitarian Challenge in Bosnia, Kosovo and Afghanistan*, Bloomfield, CT: Kumarian Press Inc., 2000; and Celia A. Palmer and Anthony B. Zwi, 'Women, Health and Humanitarian Aid in Conflict,' *Disasters* (Vol. 22, No. 3, 1998), pp. 236-249. For the more practitioner-oriented literature, see, for example, Mary B. Anderson, Ann M. Howarth (Brazeau) and Catherine Overholt, *A Framework for People-Oriented Planning in Refugee Situations Taking Account of Women, Men and Children*, Geneva: UNHCR, 1992; Judy A. Benjamin and Khadjii Fancy, *The Gender Dimensions of Internal Displacement: Concept Paper and Annotated Bibliography*, New York: Office of Emergency Programmes Working Paper Series, UNICEF, 1998; Bridget Byrne and Sally Baden, *Gender, Emergencies and Humanitarian Assistance*, Brighton: BRIDGE, 1995 (commissioned by the European Commission); Elaine Enarson, *Gender and Natural Disasters*, InFocus Programme Crisis Response and Reconstruction Working Paper 1, 2000 (published by the International Labour Organisation); E. Kasmann and M. Körner, *Gender Aware Approaches to Relief and Rehabilitation*, Eschborn: Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ), 1996; *Sexual Violence and Armed Conflict: United Nations Response*, New York: UNDAW, 1998; Eftihia Voutira, *Improving Social and Gender Planning in Emergency Programmes*, Oxford: Refugee Studies Programme, 1995 (commissioned by the World Food Programme); Bridget Walker (ed.), *Women and Emergencies*, Oxford: Oxfam GB, 1994; and *Weaving Gender in Disaster and Refugee Assistance*, Washington, DC: InterAction, 1998.

<sup>6</sup> See Judy El Bushra, 'Social Differentiation between Men and Women in Humanitarian Interventions,' in Claire Pirotte, Bernard Husson and François Grünewald (eds.), *Responding to Emergencies and Fostering Development: The Dilemmas of Humanitarian Aid*, London: Zed

Let me now briefly look at each of these categories in turn:

First, the issues highlighted in the context of the immediate needs of women are based on the recognition that men and women may have different needs during disasters or armed conflict. For example, largely as a result of their reproductive role, women may have gender-specific assistance needs in addition to those that they share with men; such needs may include the provision of gynaecological care (including contraception, the termination of unwanted pregnancies, prenatal care, and obstetrics) and distribution of menstrual hygiene products. On the other hand, gender-specific forms of violence may also create gender-specific protection needs. For example, in addition to being vulnerable, like men, to the other forms of violence that constitute armed conflict, women and girls are often deliberately targeted by combatants for rape and sexual assault, designed to humiliate the enemy. Moreover, women and girls – especially when separated from their families (or ‘unaccompanied women’, as the humanitarian jargon calls them) – in refugee or IDP camps are particularly vulnerable to sexual assault or harassment.<sup>7</sup> Indeed, a recent study conducted by UNHCR and Save the Children UK demonstrated that aid workers may themselves sometimes constitute part of the problem in this regard, revealing a pattern of sexual abuse of refugee women and girls in the West African countries of Sierra Leone, Liberia and Guinea by

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Books, 1999, pp. 97-101.

<sup>7</sup> See, for example, Sabina Faiz Rashid and Stephanie Michaud, ‘Female Adolescents and Their Sexuality: Notions of Honour, Shame, Purity and Pollution during the Floods,’ *Disasters* (Vol. 24, No. 1, 2000), pp. 54-70.

peacekeepers and (primarily local) aid workers.<sup>8</sup> Preventing such attacks may require specific protection measures, including provision of protective fencing or lighting, or assigning a greater number of female staff to camps. In addition, as one practitioner interviewed for the purposes of this study put it: ‘...the issue is very often how to find other activities for the men. That can be leisure activities, that can be productive activities, particularly for young men that before have been engaged in warfare’.<sup>9</sup> Moreover, in addition to provision of the physical aspects of protection, effectively addressing women’s gender-specific protection issues may also require particular sensitivity to the fact that ‘women are often dissuaded by social norms from reporting incidents of gender-based violence and abuse’.<sup>10</sup> Indeed, in addition to the difficulties associated with reporting serious violations, women may also in a more general way be discouraged from discussing their needs. For example, analysing the relations between aid workers and recipients in South Sudan, Jok Madut Jok has observed that,

*[d]uring assessments, even women aid workers do not realise that they have to make an extra effort to allow women to express themselves and participate in describing their conditions and how best to implement programmes. Often, when an interview is being conducted with a woman in her house while the husband is absent, the conversation flows well until the man walks in. Usually, the woman*

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<sup>8</sup> See, for example, BBC world news item ‘Child refugee sex scandal’, 26 February 2002, available <http://news.bbc.co.uk/2/hi/africa/1842512.stm>.

<sup>9</sup> Henk van Goethem, ReachOut Project, IFRC Geneva, personal communication, 23 September 2002.

<sup>10</sup> Julie A. Mertus, *War’s Offensive on Women: The Humanitarian Challenge in Bosnia, Kosovo and Afghanistan*, Bloomfield, CT: Kumarian Press Inc., 2000, p. 70.

*has to leave and the man then takes over the interview.*<sup>11</sup>

Despite problems that may be associated with giving adequate attention to women's immediate needs in practice, and even if there may still be some debate as to their significance relative to other considerations, it can nonetheless be said that the 'immediate needs of women' are today by and large accepted as legitimate and necessary concerns for humanitarian assistance. This is illustrated, for example, by the following passages from the Sphere Handbook:

*Neo-natal and maternal morbidity and mortality should be prevented by: establishing ante-natal services for preparing to handle obstetric emergencies; making available and distributing clean delivery kit; ensuring that UNICEF midwife TBA [Traditional Birthing Assistant] kits or the UNFPA reproductive health emergency kits are available at health centres. Health care providers should plan for the provision of comprehensive reproductive health services by identifying sites for the future delivery of those services.*<sup>12</sup>

*Women and girls of reproductive age should have access to suitable materials for the absorption and disposal of menstrual blood. If these materials are to be provided by the agency, women should be consulted on what is appropriate. Where cloths are washed, dried and re-used, women should have access to a*

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<sup>11</sup> Jok Madut Jok, 'Information Exchange in the Disaster Zone: Interaction between Aid Workers and Recipients in South Sudan,' *Disasters* (Vol. 20, No. 3, 1996), p. 210.

<sup>12</sup> *The Sphere Project: Humanitarian Charter and Minimum Standards in Disaster Response*, Geneva: The Sphere Project, 2000, p. 252.

*private place to do this in a hygienic way.*<sup>13</sup>

*In most emergency situations the responsibility for procuring water falls to women and children. However, when using communal water and sanitation facilities, for example in refugee or displaced situations, women and adolescent girls are also more vulnerable to sexual violence or exploitation. It is important, therefore, to encourage women's participation in water supply and sanitation programmes wherever possible. Their involvement will help to ensure that the entire affected population has safe and easy access to water supply and sanitation services, and that services are equitable and appropriate.*<sup>14</sup>

Similar passages could be quoted from almost any contemporary operational handbook for humanitarian aid workers. Indeed, it can now justifiably be said that '[g]ood practice on gender in emergencies has come to mean paying attention to women in food distribution, providing sanitary towels, and ensuring adequate lighting and health services for women'.<sup>15</sup>

Whereas the first category focuses on the gender-specific needs of women, the second category emphasises their gender-specific capabilities. The role of women in reconstruction and reintegration refers to the interest that has in recent years been expressed in the contribution that women can make to the rebuilding of

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<sup>13</sup> *Ibid.*, p. 38.

<sup>14</sup> *Ibid.*, p. 18.

<sup>15</sup> Clifton and Gell, *op. cit.*, in note 1, p. 8.

disaster-afflicted communities. A main goal of this literature has been to challenge the prevailing image of women as helpless victims by emphasising their existing capabilities. In this vein, for example, the Code of Conduct states: 'we recognise the crucial role played by women in disaster-prone communities and will ensure that this role is supported, not diminished, by our aid programmes'.<sup>16</sup> Two arguments are usually made in this context: on one hand, women's participation in disaster response and prevention is seen as a step towards gender equality and therefore positive: 'the experience of participating on an equal footing with men in disaster management can be a very empowering one for women'.<sup>17</sup> The argument here is that there is no reason why women could not contribute to disaster management and prevention equally well as men. By contrast, others argue that women, *qua* women, are in some respects *more* suited than men for making a contribution to reconstruction and reintegration, for instance because they are (perceived to be) fairer or more peaceful. For example, groups of refugees in Tanzania reportedly elected women rather than men to distribute food aid amongst their members, as women were felt to be more honest and fairer.<sup>18</sup> Another example that has been cited in this context has been the Sierra Leonean organisation Women Organise for a Morally Enlightened Nation (WOMEN) and the contribution that it has made to the reconstruction and reintegration of that

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<sup>16</sup> Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Relief, in *Sphere Handbook*, *op. cit.*, in note 12, p. 314.

<sup>17</sup> Clifton and Gell, *op. cit.*, in note 1, p. 10.

<sup>18</sup> See Z. Mirghani and R. Bhatia, 'The Role of Women in Food Management', *The Field Exchange* (January 1998), pp. 18-19.



country after a drawn-out civil war.<sup>19</sup>

While the concerns expressed in the first two categories can be described as being relatively uncontroversial, what remains much more contentious amongst both humanitarian practitioners and academics alike are the concerns expressed by the third category: in other words, to what extent, if at all, should the humanitarian response challenge, or seek to alter, practices that subordinate women? On one side of this debate are those who believe that explicitly striving towards the general goal of gender equality or equity in the societies where they work is an essential task for humanitarian organisations and aid workers. They argue that, as a result of their subordination, women are more vulnerable to the effects of disasters and armed conflict, and therefore suffer disproportionately. In this vein, for example, Judith Gardam and Hilary Charlesworth point out that ‘armed conflict often exacerbates inequalities (in this context, those based on gender) that exist in different forms and varying degrees in all societies and that make women particularly vulnerable when armed conflict breaks out’.<sup>20</sup> Similarly, Deborah Clifton and Fiona Gell argue that ‘[g]ender-fair emergency management ... [should seek] to challenge the longer-term structural barriers to women’s vulnerability to disasters.’<sup>21</sup> Thus, striving towards gender equality or equity is seen as a major factor in reducing women’s vulnerability and ultimately their

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<sup>19</sup> See Fabrice Weissman, ‘Liberia: Can Relief Organisations Cope with the Warlords?’ in Médecins Sans Frontières (ed.), *World in Crisis: The Politics of Survival at the End of the 20<sup>th</sup> Century*, London: Routledge, 1997, pp. 102-3.

<sup>20</sup> Gardam and Charlesworth, *op. cit.*, in note 5, p. 150.

<sup>21</sup> Clifton and Gell, *op. cit.*, in note 1, p. 9.

suffering during armed conflict or disaster. On the other side of the debate are those who, for various reasons, do not see the promotion of gender equality or equity as being an appropriate task for humanitarian assistance. They are concerned, for example, that striving for gender equality or equity means engaging in time-consuming social research instead of the rapid response required in an emergency, that gender advocacy may take what are already limited resources away from other activities, or that engaging in outspoken gender advocacy may in some contexts result in the denial of access to beneficiaries for humanitarian aid organisations.<sup>22</sup> In addition, and most importantly for the purposes here, a concern that is often voiced in this context is that promoting gender equality or equity may involve unfairly interfering with local culture during at a time when the community is particularly vulnerable and dependent on external assistance.<sup>23</sup>

The purpose of this section has been to provide an overview of the kinds of issues that have been raised in relation to gender in international humanitarian assistance. Three main categories of issues were identified, namely the immediate needs of women in emergencies, the contribution of women to reconstruction and reintegration, and recognising and challenging the subordination of women. In the section that follows, I will examine the relationship of 'respect for culture and

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<sup>22</sup> See, for example, the arguments against gender equality or equity described by Clifton and Gell, *op. cit.*, in note 1, pp. 12-13, and Suzanne Williams, 'Contested Terrain: Oxfam, Gender and the Aftermath of War,' *Gender and Development* (Vol. 9, No. 3, November 2001), p. 23.

<sup>23</sup> See, for example, Clifton and Gell, who cite this as one of the objections that are frequently voiced against gender equality or equity in humanitarian assistance. Clifton and Gell, *op. cit.*, in note 1, p. 12.

customs' to the issue of gender in international humanitarian assistance in more detail.

## **GENDER, CULTURE AND INTERNATIONAL HUMANITARIAN ASSISTANCE**

Having given a brief overview of the issues that the contemporary literature on gender and humanitarian assistance deals with above, let me now turn to examining the relationship between gender concerns and respect for culture and customs in humanitarian assistance.

To begin with, it is worth noting that there are many parallels between the literature on 'respect for culture and customs' and that on 'gender' in the context of international humanitarian assistance. For one, both the concern with gender issues and that with 'respect for culture and customs' appeared around the same time, in the mid-1990s, in the academic and practitioner literature. In what must be seen as a rather dramatic break with the humanitarian tradition until then, both emphasised group-specific concerns in international humanitarian assistance, each singling out a particular social group – women or the cultural community – as requiring special attention in international humanitarian assistance. The break can be said to be dramatic because, in the past, humanitarians had arguably tended to be concerned with social group differences only in the sense that they should *not* count, for fear of the effects of negative discrimination (see the discussion of the principle of impartiality in Chapter 1). By contrast, both those concerned with 'respect for culture' and those involved with gender advocacy argue that this

approach of gender- and/or cultural neutrality has meant that the concerns and needs of these two groups have been inadequately addressed, or neglected altogether, in the past, and that therefore a new approach that explicitly focuses on addressing the specific needs of these groups is needed. Because of the virtually simultaneous timing of their emergence as concerns in humanitarian assistance, and because of their emphasis on improving the status of marginalised social groups, both can also be seen as thematically connected to broader debates relating to group rights, gender and culture that have been going on in other spheres since the 1990s.<sup>24</sup>

Given these similarities, what are then the conceptual relationships that may exist between gender concerns, on one hand, and respect for culture and customs, on the other, in the context of international humanitarian assistance?

In many situations, there would seem to be no reason why respect for culture and customs could not comfortably coexist with a concern for gender in international humanitarian assistance. For one, this is because in some contexts, respect for culture and gender considerations simply do not come into contact with one another. While the relationship between gender and culture is in many respects a closely intertwined one – given that gender roles and relationships are (despite the biological differences between sexes) to a large extent socially constructed and therefore culturally specific – it seems nonetheless possible to identify cultural

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<sup>24</sup> See, for example, Iris Marion Young, *Justice and the Politics of Difference*, Princeton, NJ: Princeton University Press, 1990, and Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights*, Oxford: Clarendon Press, 1995.

elements that have no explicit gender dimension. For example, the prohibition of eating pork in Judaism and Islam applies equally to men and women, and the same can be said for many other food-related cultural norms and practices (even if there are also gender-specific food taboos, for example, relating to pregnant or breastfeeding women). In addition, even in many contexts where cultural elements and gender are intertwined, respect for culture and a concern with women's gender-specific needs, or gender equity, are often in harmony with one another. For example, cultural norms may dictate the type of contraception or sanitary protection that should be distributed, or the degree of privacy and hygiene expected from menstruating women and therefore the type of latrines and washing facilities that should be made available. In such situations, the demands of respect for culture and gender considerations would seem to point largely in the same direction. Moreover, depending on the stringency of the norm in question, cultural appropriateness may even be a necessary precondition for responding to women's needs at all in some contexts. For example, as was mentioned in the previous chapter, in contexts where culture or customs dictate that women cannot be attended to by male doctors or nurses the provision of female medical personnel may be necessary so that women can receive medical care at all.

In addition to these scenarios, however, there are also some situations where it may not be possible to simultaneously respect culture and customs and attend to women's needs in an equal or equitable manner, or at all. This is because there are certain cultural and customary norms and practices that specifically dictate that women's needs (however conceived) should either be systematically given lower

priority than those of men or sometimes even be ignored altogether. For example, as was mentioned in the previous chapter, in many parts of the world it is customary that women (and female children) eat last, and therefore usually the least, even if their physiological needs may be the same as, or even greater than those of men, for example due to pregnancy or breastfeeding.<sup>25</sup> Another example of a similar phenomenon that was also referred to earlier is the case of the widowed African woman who was left completely outside the local structures for distributing food because she was considered to be 'dead already' as a consequence of her husband's death.<sup>26</sup>

In situations like these, respect for culture and customs and the concern for gender equality and equity clearly run into a conflict with one another. Indeed, even if the two can be reconciled in many contexts, ultimately or 'in the last instance', the two approaches would appear to pull humanitarian assistance in diametrically opposite directions: while 'respect for culture' seems to require non-interference with the existing norms and practices, promotion of gender equality or equity would appear necessarily to involve attempting to change existing norms and practices insofar as they subordinate women.

The conflict between upholding cultural norms and improving the status of

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<sup>25</sup> For anthropological case studies regarding such practices, see, for example, Alice Stewart Carloni, 'Sex Disparities in the Distribution of Food within Rural Households,' *Food and Nutrition* (Vol. 7, No. 1, 1981), pp. 3-12; Lincoln C. Chen, Emdadul Huq and Stan D'Souza, 'Sex Bias in the Family Allocation of Food and Health Care in Rural Bangladesh,' *Population and Development Review* (Vol. 7, No. 1, March 1981), pp. 55-70; and Una M. Fruzetti, *The Gift of the Virgin: Women, Marriage and Ritual in the Bengali Society*, New Jersey: Rutgers University Press, 1982, pp. 100-101.

women is, of course, not limited to humanitarian assistance, but occurs in a broad range of contexts. Evidence suggests, however, that this problem may be exacerbated by the dynamics of an emergency situation. Especially during armed conflict, 'cultural norms that may not be strictly enforced in peacetime may become symbols of cultural identity and social cohesion'.<sup>27</sup> In particular, '[w]omen's idealised roles as guardians of the honour and identity of a culture may come under special scrutiny, and societies undergoing stress have been observed to erode women's human rights as a reaction to pressure from external forces'.<sup>28</sup> For example, in the Afghan refugee camps in Pakistan, *purdah* was reported to have been much more strictly enforced than it had been in the pre-war communities of origin, with married women not being able to even visit the dispensary without being accompanied by their husbands until after the birth of their second child.<sup>29</sup> Similarly, in Somalia the *de facto* military authorities introduced the death penalty for women suspected of mixing too freely with foreign soldiers.<sup>30</sup> Indeed, communities in an emergency situation may react particularly strongly against the (perceived) threat posed by outsiders, including aid workers, in particular if they are seen to actively attempt to change gender

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<sup>26</sup> See the Introduction to this thesis.

<sup>27</sup> Celia A. Palmer and Anthony B. Zwi, 'Women, Health and Humanitarian Aid in Conflict,' *Disasters* (Vol. 22, No. 3, 1998), p. 242.

<sup>28</sup> Judy El Bushra and Eugenia Piza-Lopez, 'Gender, War and Food,' in Joanna Macrae and Anthony Zwi (eds.), *War and Hunger: Rethinking International Approaches to Complex Emergencies*, London: Zed Books, 1994, pp. 186-187.

<sup>29</sup> See N. H. Dupree, *The Present Role of Afghan Refugee Women and Children*, Studies and Evaluation Paper No. 7, The Hague: Bernhard Van Leer Foundation, 1992, cited in Palmer and Zwi, *op. cit.*, in note 27, p. 242.

<sup>30</sup> See K. Maier, 'Women Fall Victim to Somalia's Prejudice,' *Independent*, 5 January 1993.

roles or relations in the society in question. This may in turn have unintended negative consequences for the women in question. The possibility of such a backlash is something that humanitarians should take seriously insofar as their aim is to improve the status of women, not least because by the very nature of their exercise their presence is often relatively brief in duration and the women will be left to deal with the long-term effects of their intervention on their own.

Moreover, that the conflict between respect for culture and gender equality/equity has very real practical implications for humanitarian assistance is illustrated by the following observation regarding the problems faced by humanitarian aid agencies in the (then) Taliban-run Afghanistan: '[a]gencies face immense challenges as they try to structure programs to meet the needs of women and girls and also to uphold a human-rights based framework. The problem is made more complex by the fact that agencies are committed as a matter of principle to respect local cultural and religious practices...'<sup>31</sup>

In this section, I have examined the relationships that may exist between 'respect for culture and customs', on one hand, and gender considerations, on the other, in the context of international humanitarian assistance. Briefly summarised, the argument was that, while in many contexts the relationship between the two may be a neutral or harmonious one, the two can also conflict, in particular where culture and customs dictate that women's needs should either be systematically

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<sup>31</sup> Mertus, *op. cit.*, in note 10, p. 60.



given lower priority than those of men, or even be ignored altogether. The question that then arises is how this conflict should be addressed. It is this question to which the next section will seek to offer an answer.

### **DEALING WITH THE CONFLICT BETWEEN GENDER EQUALITY/EQUITY AND RESPECT FOR CULTURE IN HUMANITARIAN ASSISTANCE**

As Martha Nussbaum has pointed out, the choice between respecting cultural and customary traditions, on one hand, and striving for gender equality or equity, on the other, can be a ‘fiendishly difficult’ one:

*On one hand, it seems impossible to deny that traditions perpetrate injustice against women in many fundamental ways, touching on some of the most central elements of a human being's quality of life – health, education, political liberty and participation, employment, self-respect, and life itself. On the other hand, hasty judgements that a tradition in some distant part of the world is morally retrograde are familiar legacies of colonialism and imperialism, and are correctly regarded with suspicion by sensitive thinkers in the contemporary world.<sup>32</sup>*

As Nussbaum mentions, one of the dangers in this context is making ‘hasty judgements’. One obvious problem with haste is that it may lead us to misjudge what is in fact at issue in a given situation. For this reason, as was pointed out in

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<sup>32</sup> Martha Nussbaum, ‘Introduction,’ in Martha C. Nussbaum and Jonathan Glover (eds.), *Women, Culture and Development: A Study of Human Capabilities*, Oxford: Clarendon Press, 1995, p. 1.

the previous chapter, the initial approach to any apparent conflict between gender equality or equity and cultural norms and practices should involve trying to find out through dialogue with all those concerned whether the conflict is real, or simply the result of a misunderstanding or misinformation. Let us assume for the sake of argument, however, that any possible misunderstandings have been cleared and that the conflict between respect for culture and gender considerations turns out to be a real one. Can gender equality and/or equity and respect for culture and customs somehow be reconciled in international humanitarian assistance, or must humanitarians ultimately choose between one or the other? To provide an answer to this question, it seems important to examine the cases that can be made for gender equality and/or equity, on one hand, and respect for culture and customs, on the other, in the context of humanitarian assistance.<sup>33</sup>

Within the basic normative framework underpinning contemporary international humanitarian aid, the case in favour of gender equality and/or equity seems fairly strong. As was pointed out in Chapter 1, the principle of impartiality clearly identifies sex as one of the characteristics that should *not* serve as the basis for (negative) discrimination in the distribution of humanitarian assistance. Instead, impartiality singles out need as the only legitimate basis for discriminating between recipients. It seems difficult to offer a plausible argument for why women, as women, would somehow systematically need food (or water, shelter, sanitation and medical care for that matter) any less than men do, even if we

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<sup>33</sup> For a discussion of similar issues in the development context – albeit in more detail and philosophical depth than is possible in the present context – see Jonathan Glover, ‘The Research Programme on Development Ethics,’ in Nussbaum and Glover (eds.), *op. cit.*, in note 32, pp. 116-

acknowledge that the form of provision for their needs may sometimes differ from that of men. Moreover, as was argued in Chapter 3, the central place of the principle of impartiality in the humanitarian value system supports the case in favour of gender equality over alternative principles. Indeed, this view would seem to fall in line with a more general consensus amongst contemporary theorists of justice that – whatever else justice may require – gender in itself is not a relevant characteristic for the purposes of just distribution.<sup>34</sup>

For their part, cultural communities that perpetuate norms and practices the respect for which would mean that women would receive less humanitarian assistance than men, or even no assistance at all, undoubtedly also have their own reasons that serve to justify such practices. The potential range of such reasons would appear to be a nearly unlimited one, in particular as the argument is in many cases likely to be made with reference to some religious or metaphysically-based authority (for example, ‘it is God’s will that women should eat after men/widows should starve to death’). Thus, it is impossible to even begin to offer an exhaustive description of such reasons here, both because they would be very different in each cultural context, and because the examination of the content of different religious or otherwise metaphysical belief systems seems more the domain of theology than normative theory. Thus, I will concentrate on the kinds of reasons that could be given within the normative framework underpinning humanitarian aid for respecting culture and customs.

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<sup>34</sup> *Ibid.*, p. 121.

Even if there appears to be something of a consensus on the basic idea of gender equality in the distribution of humanitarian assistance, the question remains what role and weight in that distribution should be given to the actual or subjective preferences (or wants or desires) of people, as opposed to some 'objective' conception of their needs and interests. In particular, this issue would appear to be important in those contexts where the affected people themselves seem to be supportive of those cultural norms and practices that to outside observers – including humanitarian aid workers – seem oppressive. Such cases appear to occur relatively frequently in the gender context: for example, Chen *et al.* observed that, in rural Bangladesh, '...it was the women, not men, and often the mother herself, who distributed food within the family. Contrary to customary descriptions, men rarely made explicit demands for food beyond the share allocated by women.'<sup>35</sup> In other words, it was the women themselves rather than the men who upheld the sequential feeding practice (first adult men, followed by male children, adult women, and female children) as well as the allocation of both qualitatively and quantitatively inferior food to those lower in the sequence, including themselves. Moreover, the distinction between needs and preferences matters all the more if humanitarians aim to go beyond mere life saving and alleviation of physical suffering, and effect more far-reaching change in the societies where they intervene. After all, if it can be established that there are some things that may be described as objective, universal human needs, the kind of social change envisaged would be likely to look very different from change that

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<sup>35</sup> Chen *et al.*, *op. cit.*, in note 25, p. 67.

aimed to create the conditions that made the realisation of subjective preferences – whatever they happened to be – possible.

As the discussion at the end of Chapter 3 on this issue already sought to demonstrate, however, it is very difficult to make the argument in favour of basic human needs as something universal and objectively existing. In the face of the existing diversity in the world with regard to gender relations, the idea of universal, knowable, basic human needs would appear to rely at least implicitly on the existence of something like the Marxist concept of ‘false consciousness’, i.e. the idea that people’s actual preferences or desires do not necessarily reflect their ‘real’ needs and interests. The problem with the idea of false consciousness is that it seems very difficult to provide a plausible account of what it in fact is. After all, the idea of false consciousness depends on the possibility of distinguishing between actual desires, wants or preferences, on one hand, and ‘real’ needs or interests, on the other, something which – as was argued in Chapter 3 – remains to be persuasively demonstrated. In the absence of such an account, however, overriding people’s actual desires with reference to some view regarding their ‘real’ needs or interests in the context of international aid raises concerns about paternalism and moral imperialism.

Nonetheless, for humanitarian aid (insofar as it primarily seeks to save lives and alleviate physical suffering) this problem may not be quite as serious as it would be for an activity that seeks to promote a more comprehensive view of human welfare (such as a theory of justice for a society under normal circumstances or an

ethics of development assistance). This is because – insofar as the main argument against the basic needs approach is the indeterminacy as to what would constitute such needs – there are limits to this indeterminacy in the humanitarian context, even if such needs cannot be defined in some ultimate sense. As was already pointed out in the previous chapter, all that we need to assume is that persons *seeking humanitarian aid* want to stay alive. Then such persons have basic needs – variable to an extent according to climate, deeply embedded custom, and possibly other matters – determined by their commitment to stay alive, namely food, water, shelter, sanitation and medical care. On the basis of empirical evidence, we can assume that the majority of people would indeed value staying alive, whatever else they may value. Moreover, those that do not wish to stay alive do not need to do so against their will.

What this approach cannot do, however, is to give an unequivocal answer to what ought to be done about people who – while not wholly rejecting aid – appear not to seek aid to an equal extent as others, i.e. who appear to favour some distributive principle other than impartiality and therefore egalitarianism. In the previous chapter, I suggested that a stance of non-intervention would appear to be the best available course of action in situations like these; in what follows, I want to examine what such non-intervention would involve in greater detail. Assuming that the people in question cannot be shown to be in any obvious sense unreasonable or uninformed, an explanation of such behaviour might be that they may simply have a different, but equally valid, conception of just distribution. An argument of this type has been in particular associated with communitarian

political theory. Briefly described, the communitarian argument is that it is impossible to give an universal account of justice that is independent of the 'shared understandings' of a particular society or community. In his book *Spheres of Justice*, Michael Walzer gives the example of an Indian village, where food is distributed unequally according to the positions in the caste system (which has obvious parallels to the plight of the women who only eat men's leftovers).<sup>36</sup> Walzer allows that a visitor might try to convince the villagers to give up the beliefs on which the system is based. However, in the absence of such persuasion, justice 'does not rule out the inequality of the portions; it cannot require a radical redesign of the village against the shared understandings of its members'.<sup>37</sup> To require such a radical redesign would be tyrannical, Walzer argues.

What are the implications of the communitarian argument for gender equality/equity in humanitarian assistance? For one, it is worth re-emphasising that to be valid, Walzer's argument requires that the understandings on which the inequalities of distribution are based are in fact shared. In this context, the consent (or at least not the explicit lack of consent) of those adversely affected by the practices would seem particularly central. Thus, the communitarian argument applies only to situations where the apparently negatively-affected people themselves appear supportive of such practices. Given this caveat, the communitarian position can be interpreted in two ways:

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<sup>36</sup> See Michael Walzer, *Spheres of Justice*, Basic Books: New York, 1983, p. 312-314.

<sup>37</sup> *Ibid.*, p. 313.

First, it can be seen as condemning the forceful imposition of change upon a reluctant community. At face value, there would seem to be little danger of such imposition in the context of humanitarian aid: as has already been mentioned, given the means available to them, humanitarians can normally only make assistance available for those who wish to have it (and often not even all of them); even if they wanted to, they would rarely if ever have the resources to force their aid upon someone reluctant to receive it, whether at all, or to an equal extent. Moreover, few humanitarians would probably condone the use of force to achieve gender equality and/or equity, however important a goal they might feel it to be. Thus, interpreted in this way, the communitarian argument would appear to be somewhat moot for the purposes of humanitarian aid.

It should, however, be noted that the above interpretation may represent what is involved in forceful change in too limited a way, as it focuses narrowly on physical violence. Nonetheless, it does not seem befitting of those concerned with eliminating the unequal power relations between men and women to ignore the potential effects of another set of unequal power-relations, namely those between the givers and recipients of humanitarian assistance. This seems all the more relevant the more extensive the social change envisaged. Simply put, people who are both physically and mentally shaken by an emergency, as well as dependent on outside assistance for their day-to-day survival, will more than likely find it extremely difficult to challenge donors' and aid workers' views about what would constitute a change for the better in their society. This leads us to the second possible interpretation of the communitarian argument, and one that would seem



to pose a greater problem for humanitarians than the first one. This version of the argument suggests that there are very tight limits on outsiders to even criticise the existing practices, let alone interfering with them. It is conceivable that even making an alternative available – in the manner that humanitarian assistance does – would be interpreted as unjustifiable interference.

The latter interpretation of the communitarian argument can be characterised as the position of moral relativism. As was already pointed out in the previous chapter, moral relativism represents the view that there are no objective values; instead, the truth of a value judgement is relative to the culture or value system within which it is made. On the face of it, relativism in this context seems attractive on a number of grounds. For one, on the basis of anthropological evidence, it is clear that a belief in gender equality or equity is not a cultural universal. Moreover, in the contemporary secularised world, many people (including many humanitarians) have abandoned the belief that morality originates in 'God's mind' or some other metaphysical source, and instead see morality as a human creation. Given the fact that humans appear to have created a number of different moral systems, combined with the apparent lack of an ultimate arbiter, it seems difficult to evaluate the moral systems in relation to one another.

One way of challenging the relativist position would of course be to point out that there is no reason why the existence of a diversity of beliefs about some matter should mean that we must assume that the different beliefs are equally valid.

Jonathan Glover provides an illustrative example of an argument of this type: ‘if one group of people thinks that masturbation makes you blind, while another disagrees, we do not have to conclude that there is no objective truth about the matter. One group may just be wrong’.<sup>38</sup> It should be noted, however, that Glover’s chosen example is one where it is possible to collect scientific evidence on the basis of generally agreed-upon criteria to support one’s argument; by contrast, no such relatively undisputed method exists for establishing the truth about many other moral disagreements.

Another well-known argument against relativism, made for example by Bernard Williams, would be that it is logically inconsistent to argue that all moral beliefs are relative, and then to use this argument as the basis for an allegedly non-relative moral prohibition on intervention in other societies.<sup>39</sup> As Glover points out, however, this does not do away with the fact that, within ‘*our* system of values, our recognition of that system’s own local and limited status weakens the case for propagating it outside its own context’.<sup>40</sup> *We* – i.e. in this case the contemporary, Western humanitarians – believe that values are human creations. As a result of this belief, compounded with the importance that our belief system gives to choice and self-determination, we may find it difficult to justify to ourselves being critical of the values of others, let alone imposing our values on them. Indeed, it seems that the concern with respect for culture and relativism is

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<sup>38</sup> Glover, *op. cit.*, in note 33, p. 130.

<sup>39</sup> Bernard Williams, *Morality: An Introduction to Ethics*, London, 1979.

<sup>40</sup> Glover, *op. cit.*, in note 33, p. 128.

something internal to the Western value system rather than a universal truth, given that many of the value systems contemporary humanitarians see themselves as owing respect to do not reciprocate this sentiment, but instead are seen by their members to represent a universally valid moral law.

Having said this, it is questionable whether seeing values as human creations necessarily commits one to relativism in the manner Glover appears to imply it would. Arguably, the same premises could perhaps even more persuasively be used to justify equality as a foundational principle. In particular, contemporary liberal political theory is standardly based on the conception of human beings as value creators, combined with a belief in the moral equality of persons. The liberal argument is that it is difficult to see what the alternative to treating all value creators as equally valuable is. This is because, in the absence of some objective scale of values that had not been created by humans, it seems difficult to justify the claim that some human beings would be somehow superior value creators than the others. At face value, since values come into the world through value creators, it is hard to see how any one value – including equality – could be inherently superior than the other. Nonetheless, if all are equally valuable if anyone is valuable, then there cannot be a moral basis for peaceful interaction between human beings other than the value creators' mutual respect as equals. Thus, contemporary liberal political theory is committed to the superiority of this view as the basis for moral interaction over other views. In that sense, although the liberal view begins with the rejection of values as 'out there' in the world binding on human beings, it ends with the position that there are good arguments

for treating equality as the foundational moral principle. While the liberal view is open to counter-arguments, it in the meanwhile claims to have the best available arguments, which is not a relativist position. Thus, if we accept the superiority of the liberal argument over the relativist position, in combination with the central role of impartiality in the humanitarian value scheme, the weight of the argument would appear to tip in favour of gender equality (and moral equality of persons more generally) rather than cultural relativism.

In this section, I have examined some questions related to the issue of how the conflict between the gender equality and respect for culture could be resolved in international humanitarian assistance. Contemporary humanitarians – certainly to a much greater extent than their predecessors – clearly seem concerned with the subjective preferences, whether they be culturally based or not, of the recipients of humanitarian assistance. In the previous chapter, I suggested that ‘respect for culture and customs’ may make most sense in the humanitarian context if we see it as an expression of a concern with self-determination. Moving away from an earlier position of ultimately religiously or metaphysically-based moral absolutism, humanitarians have come to see that, to be meaningful, assistance must incorporate the actual concerns of those to be assisted. If we assume that it is not possible to provide an objective and universal account of human needs, it seems plausible to claim that what constitutes assistance cannot be determined by the would-be helper alone, but that the actual preferences of the recipients must play a role. One concrete route by which humanitarians have sought to approach self-determination has been respect for culture. Arguably, the recent emphasis on

the promotion of gender equality and/or equity can at least in part be interpreted in this light as well. Whereas the first focuses on cultural self-determination, the latter emphasises the self-determination of women.

There are good reasons for using gender and the cultural community as concrete entry-points to the problem of self-determination, not least because in both cases there is a well-known historical record of subordination, in the form of colonialism and (cultural) imperialism, on one hand, and patriarchal structures, on the other. Examining the interrelationship between gender and culture as has been done above, however – as opposed to examining them one by one, as is usually the case – reveals a problem associated with focusing on the needs of a specific social group, be that women or the cultural community or anything else, as a way of addressing the problem of self-determination. The potential conflicts between the two illustrate that neither ‘women’ nor the ‘cultural community’ are necessarily monolithic groups in any society, but instead their memberships crosscut and overlap both with one another as well as with potentially innumerable other roles and memberships. This means that the (subjectively defined) needs and interests of some women/members of a cultural community may genuinely be served by norms and practices that nonetheless equally genuinely oppress others. Indeed, the problem with focusing attention and effort on *one* of the possible axes of discrimination between recipients of humanitarian assistance – whether culture or gender – is that it occurs potentially at the expense of others (such as race, religion, nationality, class, political opinions, or something else entirely), which both overlap with one another and which may in some

contexts be equally (or more) significant as gender/culture. This is important not least because evidence from many recent conflict zones, such as the Balkans, demonstrates that the promotion of differences by the international community can sometimes be deliberately used to reinforce social divisions where they exist. Nor is it clear that siding with the 'underdogs' and attempting to raise their status in itself can guarantee that the emerging new social order is significantly more just than the previous arrangement, as events for example in Kosovo have demonstrated. Moreover, if humanitarians begin to identify and support sub-groups that have been marginalised or silenced, what would constitute the limits of that process? There is the danger that the groups will become smaller and smaller, that the process of identification will in itself create such groups, and that the emergence of an ever-increasing number of such sub-groups will have unpredictable effects on the societies in question.

By contrast, the principle of impartiality (and its assumption about the moral equality of persons) has the advantage that it cautions the humanitarian aid community to be on its guard against all, even previously unforeseen, types of negative discrimination. In the discussion above, I have suggested a possible way of justifying this principle in a way that does not require shared metaphysical assumptions but instead is consistent with the contemporary view of values as human creations. In this section, I have explored some of the normative dimensions of the conflicts between respect for culture and customs and the concern with gender equality/equity in the context of international humanitarian aid. In the final section, I will explore the broader issue to what extent

humanitarians can justifiably attempt to effect change in the societies in which they intervene.

#### **HUMANITARIAN AID AGENCIES AS AGENTS OF SOCIAL CHANGE**

In addition to the issue of the relationship between respect for culture and gender equality and/or equity in the context of humanitarian assistance in a more narrow sense, which was addressed in the previous section, the debates surrounding gender in international humanitarian assistance also raise the more general question of what is the justifiable scope of social intervention in international humanitarian assistance. This is because, rather than simply arguing that the needs of men and women should be addressed in an equal or equitable manner in emergencies, gender advocates often take a much broader view of the role that humanitarian assistance should play, emphasising the need and/or opportunity that disasters may provide for more extensive structural change with regard to gender roles and relations. Indeed, this raises questions that are not just limited to the gender context – rather, discussing them can highlight the cultural issues around the legitimate scope of social intervention by humanitarian aid agencies in a more general sense.

Some gender advocates argue that the striving for gender equality or equity should be expanded to encompass areas more and more removed from the basic concern of saving lives and alleviating suffering. In this vein, for example, an Oxfam nutritionist reportedly made the following recommendation to field officers after

visiting some feeding programmes in south Sudan during the 1998 famine: '[w]omen are naturally subservient and do not speak out; they are marginalised and their opinions are considered unimportant. Oxfam should therefore take the opportunity to challenge these traditional inequalities in the implementation of the programme, and indeed make this one of the core objectives of the programme.'<sup>41</sup>

In a similar manner, while Clifton and Gell welcome the attention that in recent years has been paid to meeting 'women's immediate practical needs' in emergencies, they argue that, in order to be truly 'gender-fair', humanitarian assistance should also 'challenge the long-term structural barriers' that contribute to women's vulnerability.<sup>42</sup> Likewise, El Bushra and Piza-Lopez argue that 'agencies should change the basic assumptions on which they plan their responses, away from the formulaic application of service projects (food, water, medication) and towards a planning framework based on assessment of a broad range of community and individual needs – including those which do not appear to an outsider to be a priority but which may be vital in raising levels of women's self-esteem'.<sup>43</sup> Neither Clifton and Gell nor El Bushra and Piza-Lopez in fact propose any concrete measures beyond those that could not just as well be justified on the more traditional grounds of their contribution to women's (physical) well-being in the most immediate sense (such as the inclusion of

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<sup>41</sup> Quoted in Pierson R. T. Ntata, 'Participation by the Affected Population in Relief Operations: A Review of the Experience of DEC Agencies during the Response to the 1998 Famine in South Sudan,' London: ALNAP, 1999, p. 36 (available at <http://www.alnap.org/pubs/pdfs/>).

<sup>42</sup> Clifton and Gell, *op. cit.*, in note 1, pp. 8-9.

<sup>43</sup> El Bushra and Piza-Lopez, *op. cit.*, in note 28, p. 191.



‘sanitary towels, rape counselling or cooking pots’<sup>44</sup> in the provision of humanitarian assistance). Nonetheless, the justificatory arguments they employ – the need to eliminate ‘structural barriers’ or to move away from a basic needs approach to address a broad range of community and individual needs – have potentially much broader implications that seem problematic.

In this context, it should be emphasised that the point is not to deny that power structures that subordinate women exist in most parts of the world. Neither is it to claim that it is somehow unreasonable to argue that, were such power structures not to exist, women would not suffer as disproportionately as they currently do in emergency situations. Indeed, there are probably a great many reasons, not only related to women’s vulnerability in emergencies, why undoing such structures would be a good thing. Nonetheless, the question is whether – and if so, to what extent – it is the role of humanitarian aid organisations to actively strive for undoing such structures, over and above to how they may end up challenging them simply by seeking to attend to the immediate needs of men and women in emergencies in an equal and equitable manner.

This section will be devoted to highlighting some of the main concerns in this context. These concerns can be divided into four sets of questions: (1) *how* gender equality or equity should be promoted; (2) *where* (i.e. in what spheres of activity) it is to be promoted; (3) *who* should promote it; and (4) *when* is it the right time to promote gender equality or equity. It is important to address these questions in

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<sup>44</sup> *Ibid.*

order to be able to evaluate the alternative that the 'gender perspective' proposes both to current humanitarian practice in general and to the approach of 'respect for culture' in particular. Let me now examine each of these categories in turn:

First, it is important to distinguish between two different ways of dealing with gender inequalities. One way of conceptualising the problem – and one that raises concerns of paternalism – is to advocate a specific blueprint of what gender relations (and social relations more generally) ought to look like, irrespective of context. While I have argued above that the assertion of the principles of humanity and impartiality in the context of humanitarian assistance is justifiable even if they conflict with cultural norms, this has been on the basis that staying alive is the basic precondition for the realisation of a wide variety of conceptions of human well-being. Thus, the argument made in this and the previous chapter about the difficulties involved in establishing what ultimately constitute human needs still applies in relation to more comprehensive conceptions of human welfare. Another way would be a more open-ended participatory approach that is genuinely responsive to the preferences of the beneficiaries, both women and men. In practice, most current gender advocates in the humanitarian literature appear to try to combine elements of both. Nonetheless, there is a tension between the two that is not easily skimmed over. As Julie Mertus notes in the context of Afghanistan, even notwithstanding the Taleban views on women, 'Western gender views may in some respects be incompatible with Afghan wishes. A thorny issue for gender and human rights advocates is therefore how to help

Afghan women without causing harm or alienation.’<sup>45</sup> Of course, it may be possible to address this problem through devising adequate representative structures and, as such, it is a problem that is probably more associated with the specific features of current practice than any fundamental inconsistency. At the same time, for reasons that will be discussed below, it is doubtful whether humanitarians would be the best choice for undertaking such efforts.

Second, by explicitly stating that attending to men’s and women’s immediate needs in emergencies in an equitable manner is necessary but not sufficient, Clifton and Gell appear to suggest that humanitarians should engage in undoing the structures that promote women’s inequality more generally. The question here is what, if any, would be the limits of such activity. After all, there are many activities that admittedly promote gender equality or equity but are nonetheless likely to contribute only marginally, if at all, to the tasks that are arguably most central to the self-understanding and *raison d’être* of humanitarian assistance, namely saving lives and alleviating suffering. The example of admitting women as members of a previously male-only sports club might be (an admittedly remote) case in point. Even if such measures may over time contribute to an overall improvement in the status of women, which in turn may mean that they will become less vulnerable to the effects of disasters or armed conflict, their relationship to humanitarian assistance is, at best, indirect. In such cases, there would seem to be a strong case to be made that the promotion of gender equality or equity, while probably a good thing in itself, would be a misuse of the scarce

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<sup>45</sup> Mertus, *op. cit.*, in note 10, p. 67.

resources available to humanitarian assistance. Indeed, in contexts like these, the argument from proportionality (i.e. that humanitarian aid should be provided in proportion to the degree of suffering that it seeks to address) would appear to work against, rather than in favour of, striving for gender equality or equity. Of course, the sports club membership example is an extreme point on a scale where on the opposite end would be activities that are directly relevant to the business of saving lives and alleviating (physical) suffering, with undoubtedly many much more ambiguous cases in between. Moreover, it may be impossible to determine once and for all where the 'cut-off point', as it were, would be, independent of context. At the same time, it is important to be clear that such a continuum does exist, rather than simply asserting that gender equality or equity ought to be promoted across the board.

Of course, in response to the above argument it could be said that what constitute appropriate tasks for humanitarian aid agencies is in many ways precisely what needs to be debated, rather than assuming in advance that saving of lives and alleviating suffering in a direct sense must always take priority. Especially if the idea that there is some set of universal basic human needs is abandoned, this seems a relevant issue to raise. This leads us to the third question, namely whether, and to what extent, international humanitarian aid organisations are the appropriate agents of fundamental social change. The normative argument often made in this context is that any radical change should be initiated by the members of the society themselves, rather than from the outside.<sup>46</sup> This argument is usually

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<sup>46</sup> This argument is usually attributed to John Stuart Mill. A more recent advocate of this position

based on the idea that self-determination, 'life lived from the inside' and according to one's own values, is more valuable than even the greatest good that is imposed from the outside.<sup>47</sup> Even if the argument about the importance of self-determination is accepted, however, it may nonetheless be asked how it would in concrete terms be possible for those subordinated in virtually all areas of their lives (in this case, women) to muster the necessary strength to overhaul the social arrangements that are the source of their subordination without outside help even if that was what they sincerely wanted to do. Even if we believe that it may in principle be legitimate to have 'outside help' in initiating social change, however, there are a number of reasons for doubting whether humanitarian aid agencies would be appropriate to this task:

As has been frequently noted in recent years, the activity of humanitarian assistance is plagued by what appears to be a structural problem of lack of accountability, in particular in relation to the recipients of humanitarian assistance.<sup>48</sup> Even with the measures that have been taken recently to address this problem (such as the Code of Conduct, the Sphere Project, or the Humanitarian Accountability Project), it is by no means clear that it can ever be wholly eliminated. After all, 'international humanitarian assistance' remains a set of loosely connected, largely unregulated (or, at most, self-regulated), often *ad hoc* processes, engaged in by an extremely diverse set actors, including NGOs, IGOs

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is Michael Walzer, in particular in his book *Just and Unjust Wars: A Moral Argument with Historical Illustrations*, New York: Basic Books, 1977.

<sup>47</sup> For a discussion of this argument see, for example, Will Kymlicka, *Contemporary Political Philosophy: An Introduction*, Oxford: Clarendon Press, 1990, pp. 199-205.

and governments. There are many practical advantages to this diversity. For one, although governments provide the bulk of funding for humanitarian assistance, they are unlikely to gain direct access to beneficiaries in the territory of other states due to concerns with sovereignty, national pride, espionage, and the like. Thus, insofar as a fundamental overhaul of the existing states system is not on the cards, NGOs and IGOs are needed to carry out humanitarian assistance in practice, even if they are largely dependent on governments for their funding. Similarly, the lack of accountability and the *ad hoc* nature of the system may also actually serve a purpose: in order to save lives, it is often important to be able to make decisions quickly in emergencies, and the more people need to be consulted, the longer the decision-making process is likely to be. Whatever their advantages, however, the point here is that, amidst this heterogeneity and lack of accountability, it seems that if anything, we would be better off by seeking to limit the powers of humanitarians to what is necessary for saving lives here and now, rather than encouraging them to take on broad projects for sweeping social change.

There is also the question of access: outspoken advocacy and criticism of the existing societal arrangements, including gender relations, may sometimes prevent humanitarians from engaging in activities where they do in fact have a comparative advantage. A case in point here would seem to be the decision taken by Oxfam GB in Afghanistan, when the Taleban took control of Kabul in 1996 and Oxfam's local female staff were prevented from coming to work. According

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<sup>48</sup> See Chapter 1 of this thesis for a more detailed discussion of this issue.

to Suzanne Williams,

*There was considerable debate between those who thought that Oxfam GB should take a high-profile position on what was happening to women, and not implicitly support an unjust system by working with 'approved' women, and those who thought Oxfam should try to find ways of working with women wherever possible, within the constraints. In the end, it was judged that the net benefits to women of Oxfam GB staying and working with the opportunities which could be found, were greater than abandoning direct interventions to focus exclusively on advocacy for women's rights.*<sup>49</sup>

As Clifton and Gell rightly point out, the situation of Afghanistan under the Taleban was in many ways unique.<sup>50</sup> For this reason, any general lessons from this experience should be drawn with care. At the same time, the dilemma faced by Oxfam GB (and similar experiences by other humanitarian organisations<sup>51</sup>) does demonstrate that adopting an undifferentiated policy of promoting gender equality or equity may in some contexts actually serve to undermine what are arguably the main tasks of humanitarian aid.

Arguably, there are other institutions much more suited to engaging in far-

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<sup>49</sup> Suzanne Williams, 'Contested Terrain: Oxfam, Gender, and the Aftermath of War,' *Gender and Development* (Vol. 9, No. 3, November 2001), p. 22.

<sup>50</sup> See Clifton and Gell, *op. cit.*, in note 1, p. 13.

<sup>51</sup> See, for example, Julie A. Mertus's description of how a number of different aid agencies (including CARE, Save the Children-US, and an NGO called the International Assistance Mission) coped with the same problem. Mertus, *op. cit.*, in note 10, pp. 60-61.

reaching social change, in particular each individual state within its jurisdiction and the states system as a whole. The fact that they, for various reasons, often fail to engage in promoting such change in practice should not be taken to mean that it is necessarily the role of humanitarian aid agencies to do so. Both humanitarian practitioners themselves as well as academics writing about humanitarian assistance sometimes behave as if the responsibility for addressing every social problem in the world rested on the shoulders of international humanitarian assistance. Indeed, as Mark Duffield has observed: 'There is a certain narcissism of aid at work in which relatively small inputs are credited with powers and effects beyond reasonable expectation.'<sup>52</sup> Clearly, humanitarians need to be careful so as not to exacerbate the existing problems, or to create new ones through their intervention. At the same time, this should be distinguished from a responsibility, or indeed a licence, to intervene in spheres unrelated to their mandate or capabilities.

Fourth, another question is whether it is worth it in the immediate aftermath of a disaster or armed conflict to try to take on cultural norms and practices, even if they do discriminate against women, as long as they do not directly threaten their lives or physical well-being. On one level, the issue here is about the use of resources and giving priority to where needs are most urgent in a given context. On another, it is about social research: those trying to alter societal structures for the better should be very well-informed indeed about the features of the society they seek to change, as well as what the consequences of their interventions are

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<sup>52</sup> Mark Duffield, *Global Governance and the New Wars: The Merging of Development and*



likely to be. As Joanna Macrae has pointed out, this 'requires great sensitivity and careful political analysis'.<sup>53</sup> Such efforts are by definition time-consuming and should not be engaged in lightly. At the same time, successfully saving lives and alleviating suffering in disaster situations tends to require quick decision-making and action. Whether we like it or not, there is a real tension between being sufficiently informed and accountable to be able to actually help people in changing their society for the better in the long-term, and intervening quickly in order to save lives under the chaotic circumstances of a disaster.

### CONCLUSION

The purpose of this chapter has been to try to shed some light on some of the most important issues regarding the interrelationship between gender issues and 'respect for culture' in international humanitarian assistance, an area of research that has previously been neglected. The first section of the chapter gave a brief overview of the issues that have been raised in relation to gender issues in international humanitarian assistance, while the second section examined the relationship between the aim of 'gender equality or equity' and 'respect for culture' in international humanitarian assistance. The third section examined the normative arguments that could be made in favour of 'gender equality and/or equity' and respect for culture, respectively. Finally, in the fourth section,

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*Security*, London: Zed Books, 2001, p. 98.

<sup>53</sup> Joanna Macrae, 'Foreword,' in Claire Pirotte, Bernard Husson and François Grünewald (eds.), *Responding the Emergencies and Fostering Development*, London: Zed Books, 1999, p. xx; see also François Grünewald, 'The Choice of Partners: The Naïve and Ideologists Need not Apply,' in the same volume, pp. 80-82.

concerns regarding whether it should be the role of humanitarian aid agencies to actively promote social change in the societies where they intervene were also examined.

There is no question that the debates surrounding gender issues have made an important contribution to international humanitarian assistance. In particular, they have brought much needed attention to the fact that some basic needs may be gender specific, or should be addressed in a gender-specific manner. In addition, in relation to 'respect for culture', the arguments made regarding gender serve to bring home the point that culture and customs are only one axis of concern for humanitarian assistance, and one that may in some contexts be limited, or even trumped, by other considerations. At the same time, as I have tried to show in this chapter, it is important to put both of these group-specific concerns, gender *and* culture, into perspective regarding the overall aims of humanitarian assistance. In particular, it is important to be careful not to 'over-correct' for past mistakes and oversights with regard to gender and/or culture at the expense of other considerations. On one hand, the reason for this is a normative one: humanitarians need to avoid the pitfalls of both cultural imperialism and cultural relativism. On the other hand, it is pragmatic: humanitarian assistance has limited capacities and resources. This makes it necessary to set priorities, which also sometimes involve difficult trade-offs.

## **Implications of Respect for Culture and Customs for Humanitarian Policy and Practice**

### **INTRODUCTION**

In the previous chapters, I first described the existing normative framework of international humanitarian assistance and the emergence of the norm of respect for culture and customs that has taken place since the mid-1990s amongst humanitarian practitioners and aid organisations. I then went on to examine the conceptual implications of respect for culture and customs for the existing normative framework, as well as discussing the relationship between gender considerations and respect for culture in the humanitarian context. The purpose of the present chapter is to bring some of the ideas expressed in the earlier chapters onto a more concrete level and examine the implications of the issues raised so far for contemporary humanitarian policy and practice. Therefore, in contrast to the more theoretical approach of the two preceding chapters, the emphasis of this chapter lies on operational considerations and practical methods for approaching cultural issues in humanitarian assistance.

Obviously, the concern with culture and customs is only one aspect of humanitarian assistance and thus the resources – whether they be time, money,

material or personnel – devoted to it have to be balanced with those required by other tasks. At the same time, as the discussion in previous chapters has sought to demonstrate, cultural issues can have serious implications for the success of humanitarian assistance. Thus, they should not, in any case, be treated as a luxury or marginal consideration.

Indeed, there is a broad recognition amongst aid workers and organisations today that cultural and customary issues have both ethical and practical significance for humanitarian assistance. This is evident both from the documents examined in the previous chapters, as well as from the interviews conducted with practitioners for the purposes of this thesis. Two major types of problems can be identified in this context, however. First, the concern with cultural norms and practices remains to a large extent to be translated into a sustained practice in humanitarian assistance. Second, there appears to be an inadequate recognition that respect for culture may not always be in harmony with the principles or other goals of humanitarian assistance. The purpose of this chapter is therefore to examine on one hand practical methods by which the positive effects of respect for culture can be harnessed for the improvement of humanitarian assistance, while at the same time clarifying some of the potential conflicts and suggesting ways of dealing with them in practice.

One problem with making detailed suggestions about how to deal with culture on the level of policy or practice is that, although it may be possible to talk about ‘cultural universals’ (even if their actual existence is disputed), culture as a

concept is usually used to describe differences between groups of people (as opposed to individuals), and in particular those differences that are socially constructed (as opposed to e.g. biological ones). For this reason, there are obvious built-in limitations to what can be said about cultural issues on a general level, without referring to specific cultural practices. Nonetheless, it may be possible to make certain general remarks.

In this regard, there are five main points that I want to make in this chapter, each of which carries with itself a set of distinctive operational considerations. First, despite the difficulties associated with working in an emergency context, humanitarians need to find ways of informing themselves about cultural norms and practices in the environments where they operate in order to evaluate their potential impact on their work. Second, in order to operationalise the norm of respect for culture and customs, it is important to develop concrete ways in which it is possible to support, or at least not undermine, cultural norms and practices in humanitarian aid operations. Third, while in most cases the relationship between cultural norms and practices, on one hand, and the principles and practices of humanitarian assistance, on the other, is basically harmonious, humanitarians also sometimes have to deal with 'hard cases' where cultural norms and practices conflict with humanitarian principles and practices; such situations require specific operational considerations. A particular subset of hard cases that seem to occur especially frequently in the context of humanitarian aid, and therefore need to be given special consideration, involve the interaction between humanitarian assistance, culture, and gender roles. Fourth, in order to deal with cultural issues

in the humanitarian context, it is necessary to involve the recipients (as well as stakeholders more broadly) of humanitarian assistance in the assistance process at all stages. Finally, fifth, taking cultural considerations into account in the hiring and training of humanitarian aid workers is also significant.

Each of the above-mentioned issue areas will be addressed in turn below. First, however, I will make some general remarks about the role of culture and customs in contemporary humanitarian policy and practice.

### **TOWARDS A MORE CULTURALLY AWARE HUMANITARIAN POLICY AND PRACTICE?**

To make full sense of its implications for humanitarian policy and practice, the discussion about cultural diversity and respect for culture needs to be located within the wider context of recent attention to diversity both within the humanitarian community, as well as more broadly in contemporary social and political thought. Diversity, including cultural diversity, between both individuals and groups is an empirical fact that can have profound implications for the success of humanitarian assistance. The emphasis on diversity in the context of humanitarian aid is relatively new: in the past, humanitarian thought and practice tended to see humanitarian assistance as responding to a set of universal and objective basic human needs, centred around physiological survival and physical health. Humanitarian aid was taken to be something of an 'exact science', where what mattered was getting things like calorific and nutrient requirements or litres of available drinking water per person right. Experience has shown these

assumptions to be, if not entirely mistaken, at least insufficient on their own. Diversity, both 'natural' and socially constructed, and both between groups of people and between individuals, can mean that aid that saves lives and alleviates suffering in one context fails to do so in another, or at least works less effectively and/or efficiently. Thus, in recent years, academics, policy makers and practitioners dealing with humanitarian assistance have increasingly become concerned with how humanitarian assistance can accommodate diversity, whether that be based on culture, gender, or some other factor. This concern has been reinforced by broader developments in social and political thought that have emphasised the significance of various forms of diversity.

With regard to cultural diversity, however, this concern is to a large extent yet to be translated into a sustained practice, certainly at least when compared to other forms of diversity such as gender. On one hand, the reason for this may be the perception of relatively low priority of cultural issues from the part of the relevant actors, and especially donors – whose requirements after all determine to a large extent the emphases in humanitarian aid programmes. In this context, it is worth emphasising that it is in fact in the material interest of donors to require cultural issues to be taken into account, as it can increase the effectiveness and efficiency of aid. On the other hand, the practical difficulties associated with collecting and using information in the emergency context may also stand in the way of putting respect for culture and customs into practice. In this regard, the aim of this chapter is to point to some issues that need to be taken into account when collecting information about cultural norms and practices, as well as using this information

in an operational context, as well as suggesting some possible tools for that purpose.

As has already been stated above, the understanding, and to a large extent also accommodation, of cultural diversity is necessary for the success of humanitarian assistance. At the same time, it is important to note that the recognition of cultural diversity and the requirement that it be respected does not only have positive implications for humanitarian assistance, but may also bring with itself some problems.

For one thing, focusing on shared culture may obscure important differences within it. Members of a cultural group are not all the same, and in many contexts, shared cultural membership may be less important than distinctions within the group, for example based on differences in wealth, urban or rural background, education, and so on. A particularly important distinction may in this context be gender, as gender roles are both culturally specific and often connected to unequal power structures. There is also the danger that culture will be seen as static and immutable rather than something that can and does change over time, with or without the intervention of humanitarian aid agencies.

In addition, the attempts to accommodate cultural diversity in practice may bring their own problems. One such problem may be the conviction that because each context is different, it is not possible to draw any lessons from one context to the next, or to set standards or identify best practices. This is an issue that has been



raised, for example, by the Quality Platform in its criticism of the existing efforts to set standards for humanitarian aid, such as the Sphere Project. As Mary B. Anderson has pointed out with regard to similar issues in the development context, however, this problem can perhaps at least in part be dealt with by focusing on standardising the process regarding the questions to be asked, rather than the solutions offered.<sup>1</sup>

A further problem is the question of how to respond to situations where the culturally specific norms and practices conflict with the universalistic principles and norms of humanitarian assistance. Respect for culture is sometimes interpreted to mean that outsiders cannot express any judgement regarding the cultural norms and practices of others. This is the position of cultural relativism. In the absence of a common yardstick on the basis of which different cultural norms and practices could be evaluated, relativism seems an attractive and tolerant approach. At the same time, culture may serve as a justification of norms and practices that threaten the lives and/or health of certain groups or individuals, irrespective of their consent. In such cases, adopting a cultural relativist position would appear fundamentally inimical to the most basic humanitarian values and indeed the entire *raison d'être* of humanitarian aid.

Those who see interference with cultural practices by outsiders as in principle unjustified should be prepared to accept the full consequences of their position: to

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<sup>1</sup> Mary B. Anderson, 'Understanding Difference and Building Solidarity: A Challenge to Development Initiatives,' *Development and Social Diversity, A Development in Practice Reader*, 1996 (available at <http://www.developmentinpractice.org/readers/socdiv/anderson.htm>).

engage in humanitarian assistance by definition involves some degree of interference and if all interference is deemed unacceptable, then the only real answer is not to give humanitarian aid at all. If we accept, however, that interference does not necessarily have (only) negative effects, then there are a number of issues to consider. An open-minded search for a common ground is a good starting point for dealing with cultural conflicts. However, it is not clear that a common ground can always be found, and the prospect of acting against the will of at least some members of the cultural group can arise. In this context, it is also important to distinguish between humanitarian assistance as a narrowly defined activity aimed at saving lives and alleviating suffering, on one hand, and the task of more comprehensive social change, on the other. While the argument in the previous two chapters has been that the principles of humanitarian assistance, humanity and impartiality, should be affirmed in the context of humanitarian assistance narrowly defined (as the business of saving lives and alleviating suffering), the argument has also been that humanitarians should not seek to interfere with the societies in which they operate beyond what is necessary simply to carry out their primary tasks.

Having made these general remarks on the kinds of issues that respect for culture raises in humanitarian policy and practice, let me now turn to discussing some concrete methods for addressing the issue of culture in the context of humanitarian aid operations.

## EXISTING TOOLS FOR DEALING WITH CULTURAL ISSUES IN HUMANITARIAN PRACTICE

On the level of policy, most aid organisations working on international humanitarian assistance today pay at minimum lip service to the importance of being aware of the local cultural and social context. Perhaps the best-known expression of this sentiment has been the *Code of Conduct*'s commitment to 'respect for culture and customs'. Suggestions of how to go about putting these principles into practice are harder to come by, however. In this context, three programming and training tools, the UNHCR's People-Oriented Planning approach, the same organisation's *Handbook for Emergencies*, and the broad-based Sphere Project can be identified as going relatively far in taking concrete steps to incorporate cultural issues into their approach. The People-Oriented Planning approach, as well as the UNHCR and Sphere handbooks each provide excellent starting points for approaching the issue of culture and customs in international humanitarian assistance (see Chapter 2 for a detailed discussion of how these documents address the issue of culture). At the same time, they also have their limitations.

Out of the existing tools for planning humanitarian aid programmes, the People-Oriented Planning approach provides perhaps the most detailed example of what a framework for analysing a broad set of social factors – including culture and customs – that can contribute to the needs of the recipient population might look like in practice. The broad categories of interrelated factors identified by People-Oriented Planning include, among others, community norms, social hierarchies,

family and community power structures (including protection mechanisms for women and children); economic activity (including division of labour according to gender); religious beliefs and practices; demographic considerations; attitudes of recipients to aid workers; and (in the case of recipients that are refugees) attitudes to refugees in both the country of origin and the receiving country. Conducting an assessment of this kind at the outset of an aid operation will help to identify cultural issues that are relevant to the particular assistance situation. An advantage of the People-Oriented Planning approach is that it also locates cultural issues in the context of other, closely interrelated issues, rather than dealing with them in isolation.

The limitations of the People-Oriented Planning Approach as well as the UNHCR and Sphere handbooks include the fact that all (and in particular the UNHCR documents because of the organisation's explicit refugee focus) have a tendency to deal exclusively with camp situations. As has frequently been pointed out in recent years, the question of setting up camps need not arise in all humanitarian assistance contexts, as people may either be able to remain at their homes or be housed together with a host population. Aid organisations, however, may often prefer the camp context as it means that they can have more control over the situation. Obviously, such control may have both positive and negative consequences, and in many humanitarian aid operations setting up camps may simply be unavoidable. The greater the extent to which aid organisations and aid workers 'run the show', however, the more likely it is that issues related to the local context, existing structures and practices – including those related culture

and customs – are relegated to the back-seat. As one practitioner expressed this problem,

*[t]raditional humanitarian action has been very substitutive in its approach, especially since Yugoslavia and all the big UN operations. It has been very refugee focused, and what [UN]HCR does by definition, establish alternative administrative structures for people who have been radically displaced. That approach, [which] should be limited to a specific situation, seems to have permeated throughout humanitarian action. Under the rubric protection of humanitarian space, protection of the integrity of humanitarian action, we have had great difficulty or we have justified not engaging with local community leaders or local community structures. And we find it extremely difficult to empower, to a certain extent, local communities in the provision of humanitarian aid.<sup>2</sup>*

Even if it may be impossible to completely do away with the camps, however, making a concerted effort to involve the recipients of humanitarian aid and other stakeholders in decision-making at all stages of humanitarian assistance can provide a way of alleviating this problem. The use of participatory methods as a way of addressing cultural issues in humanitarian assistance will be discussed in more detail below.

A further problem with the approaches taken by People-Oriented Planning, the

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<sup>2</sup> Charles Petrie, UNDP New York, personal communication, 19 March 2002.

UNHCR Handbook, and the Sphere Project in relation to cultural issues is that none of them makes explicit the distinction between those cultural and customary norms and practices that are either neutral or even beneficial in relation to the principles and practices of humanitarian assistance, and those that fundamentally challenge these basic principles. They each give examples of cases of both types, advising accommodation in some cases while in others advocating a strong stance against certain practices. Yet, they fail to make the reasoning behind taking the one or the other stance explicit, essentially leaving it to the intuition of the individual aid worker to decide which cases to accommodate and which to discourage. For example, the UNHCR Handbook asserts that '[c]ulture and tradition cannot be used as reasons to exclude refugee women from participation in decision-making' but does not in any way explain why this might be the case.<sup>3</sup> Yet, aid workers will undoubtedly be faced with questions asking them to justify their position from various corners, not least the recipient population, when attempting to implement these guidelines. Also, they will likely have to deal with cases that do not directly correspond to examples given in the existing handbooks. In both cases, being able to trace the reasoning behind the position they are asked to take would seem to be of crucial importance. Thus, these documents cannot really offer any guidance for situations where there is a cultural clash between the norms and practices of the recipients and those of the aid workers, what I have described as the 'hard cases' below.

Moreover, because of their broader focus, cultural considerations represent only

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<sup>3</sup> United Nations High Commissioner for Refugees (UNHCR), *Handbook for Emergencies* (second

one concern among many in the People-Oriented Planning approach, the UNHCR *Handbook for Emergencies* and the Sphere Project. ‘Mainstreaming’ cultural issues like this makes of course sense in the context of an operational manual – which the People-Oriented Planning approach, UNHCR’s *Handbook for Emergencies* and the Sphere Handbook essentially are – that has to provide a balanced overview of the wide range of issues that may need to be simultaneously taken into account in the context of humanitarian operations. It also serves to locate cultural issues in a broader context and shows how they relate to other considerations. At the same time, this means that cultural considerations may not receive as detailed attention as they might require. Indeed, there are still very few ‘culture check-lists’ or other specialised tools available for aid workers, compared to other cross-cutting issues such as gender or environment.<sup>4</sup> While locating cultural issues in the broader context is undoubtedly necessary, they would benefit from being supplemented with specialist material as well.

Having made these remarks about the way in which the issue of culture is dealt with in the existing tools for humanitarian aid workers, let me now turn to examining the kinds of operational considerations that cultural issues raise for humanitarian policy and practice.

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edition), Geneva, 2002, p. 115 (available via <http://www.unhcr.ch>).

<sup>4</sup> The only exception to this appears to be the checklist on cultural issues and sanitation that appears in the UNHCR *Handbook for Emergencies*. See Ch. 2 (*ibid.*) for a discussion of the contents of this checklist.

## **BEING INFORMED ABOUT CULTURAL NORMS AND PRACTICES**

As was argued in Chapter 3, the relationship between cultural norms and practices and the principles and practices of humanitarian aid can be either one of neutrality (i.e. the two do not influence one another), mutual benefit (i.e. the two positively reinforce one another) or conflict (i.e. the two cannot be simultaneously realised). In each of these cases, a different course of action may be required. For this reason, it is important that humanitarian aid workers and organisations become informed about the cultural norms and practices in their areas of operation in order to be able to evaluate their possible impact on their work.

When and how should cultural information be gathered in humanitarian aid operations? Cultural information can be gathered at all the stages in which information of other types is normally collected in the context of aid operations, i.e. at the beginning of the operation to assess needs; while the assistance programme is running to review progress and make adjustments if necessary; and in the end to evaluate whether the goals of the programme were reached. Likewise, in terms of methods, information about cultural issues can be gathered in much the same way as other relevant information is gathered, i.e. through surveys, interviews, household visits, and so on. Collecting information should also be viewed as a two-way process: on one hand, it provides the opportunity for aid workers to find out about cultural norms and practices that may have an impact on their work; on the other hand, it is also a chance to inform the recipients about what the aid organisations are doing, as well as to involve them in the



process of decision-making. As Johan Pottier has observed, '[a]ccess to information is not only a right refugees should have, but also a strategy to prevent misinformation and over-reaction.'<sup>5</sup>

In principle, collecting cultural information could be either incorporated into all exercises of information gathering (i.e. 'mainstreamed') or it could be entrusted to people who have specifically been given this task. Both approaches have their advantages and disadvantages. Like in the case of other 'cross-cutting issues' such as gender or environmental effects, mainstreaming culture has the benefit of locating the relevant issues within a broader context and requiring everyone involved in the operation to give some consideration to the issues in question. At the same time, in practice mainstreaming often means that the issues that are 'mainstreamed' end up only being paid lip-service to and relegated to the back-burner by people whose primary concerns lie elsewhere. By contrast, using 'cultural specialists' means that culture will be given special attention in its own terms. The problem with the specialist approach, however, is that the work of the specialists often fails to be integrated into the larger whole and therefore has negligible effect. Thus, a combination of the two approaches would seem to be preferable to using either one in isolation.

What kind of issues should those collecting information about culture for the purposes of humanitarian aid focus on? While it has been one of the arguments of

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<sup>5</sup> Johan Pottier, 'Why Aid Agencies Need Better Understanding of the Communities they Assist: The Experience of Food Aid in Rwandan Refugee Camps,' *Disasters* (Vol. 20, No. 4, 1996), p. 327.

this thesis that physiological or ‘basic’ needs cannot be said to possess some absolute or necessary universal priority, there are good reasons why they should be given priority in information gathering, as well as in humanitarian aid more generally. The most obvious one is that staying alive is a basic precondition for whatever else people may wish to do in this world, and therefore the most people can be assumed to want to survive, whatever else they may want. Another reason is their central role in the value system on which humanitarian assistance is based and therefore in its entire *raison d’être*. Moreover, in more practical terms, humanitarian aid agencies arguably have a comparative advantage in this area through their expertise in ensuring survival and satisfying physiological needs. At the same time, they also have certain institutional features (e.g. relative lack of accountability) that would appear to make them less suited for more ‘developmental’ tasks that seek to promote a more full-fledged conception of human welfare (see the last section of Chapter 4 for a discussion of these issues). For these reasons, and given that there are usually limited time and resources in an emergency context, it would seem to make sense to begin the exercise of information gathering by examining those cultural norms and practices that can be directly related to basic physiological needs (i.e. food, water, shelter, sanitation and medical care), broadening out if possible and as necessary.

When collecting information about cultural norms and practices, it is also important to pay attention to the stringency of, and/or degree of attachment to, the cultural norm or practice in question, distinguishing absolute taboos or requirements from preferences that may be less exacting. On one hand, this makes

sense because in situations where there are insufficient resources to accommodate all cultural norms and practices (i.e. in most humanitarian aid operations) it may become necessary to rank cultural norms and practices both in terms of their stringency as well as their necessity in relation to physical survival/physiological needs. On the other hand, the stringency of a norm and its importance for survival may be decisive factors when deciding how to act in a situation where the norm in question conflicts with the principles of humanitarian assistance. Thus, while there is arguably a strong case to be made for finding ways to accommodate cultural norms and practices that are both essential to survival and highly stringent (e.g. certain food taboos or the requirement of gender-specific medical care in some cultural contexts) when providing humanitarian assistance (with the exception of certain 'hard cases', to be discussed below), cultural norms and practices that are either less exacting and/or less essential to survival can be accommodated to the extent that resources permit.

It is also important to emphasise that it should not be assumed in advance that certain types of cultural norms or practices will play a particular role in relation to humanitarian assistance independent of context. For example, even seemingly trivial or innocuous activities or objects with apparently little or no significance to humanitarian assistance (see Chapter 3 for a more extended discussion of this issue), can especially in the context of an armed conflict have taken on a symbolic meaning which may have unpredictable effects on humanitarian aid. Thus, information gathering should be carried out for each area of operation separately, and experiences from one context should not be assumed to apply across the

board.

After as much information as possible about the cultural norms and practices of the recipients has been gathered, it can be used for decision-making regarding how best to go about operationalising the norm of respect for culture and customs. It is worth emphasising, however, that gathering information about the culture and customs of the recipients should not only be a one-off event at the beginning of an aid operation, but rather a continuous process that feeds into programming at all stages, including adjustments where mistakes have been made or as the circumstances change. This is important not least because cultural norms and practices are not immutable but rather may be subject to change, both as a result of the humanitarian assistance itself as well as because of other factors.

As was mentioned above, there are many cases in which cultural norms and practices are beneficial or at least neutral in relation to humanitarian assistance, and thus can and should be supported by aid programmes. There are a number of different ways in which the cultural practices of the recipients can in practice be supported in the context of a humanitarian assistance operation. It is these that will be examined in the next section.

## **SUPPORTING CULTURAL PRACTICES IN THE HUMANITARIAN CONTEXT**

Respect for culture can positively affect humanitarian assistance in a variety of ways. In some contexts, it may be necessary for aid to be successful at all, whilst

in others, cultural appropriateness can add to the effectiveness and efficiency of humanitarian aid in various ways, as well as signalling respect for the recipients. These categories are of course not entirely separate; for example, the perception of respect can add to the effectiveness of aid through increasing the commitment of the recipients to the aid programme or enhancing the security of the aid workers. Thus, in many contexts, it makes sense for humanitarian aid workers and aid organisations to not only to tolerate but also actually to offer positive support for cultural practices.

In Chapter 3, three types of situations were identified where providing culturally appropriate assistance and/or supporting cultural practices can have a positive effect on humanitarian assistance. First, there are situations where culturally specific goods or services are so intimately connected with physical survival that the provision of assistance in a culturally appropriate form can be seen as inherently necessary for saving lives and/or meeting physiological needs. Examples cited in this context included certain food taboos and the requirement that women be treated only by female medical professionals in certain societies. Second, even if culturally appropriate assistance is not strictly necessary in many contexts, it can add to the effectiveness and efficiency of aid, even if looked at strictly from a cost-benefit point of view. Third, there are cases where cultural appropriateness, while neither necessary nor necessarily more efficient or effective, nonetheless has added psychological or emotional benefits over other forms of assistance.

Arguably, in the context of humanitarian assistance, the primary way of supporting cultural norms and practices involves ensuring the cultural appropriateness (or at least not inappropriateness) of the provision for basic survival needs, namely food, water, shelter, sanitation and medical care. It is necessary to consider the effects of cultural factors and traditional practices on each of these functional areas separately. As the examples discussed in Chapter 2 illustrate, out of the existing tools available for humanitarian aid workers the People-Oriented Planning approach has provided perhaps the most extensive set of concrete examples to-date on how cultural appropriateness can be ensured in each specific area of basic needs provision. Likewise, the UNHCR's *Handbook for Emergencies* and the Sphere Handbook also provide useful examples in this regard.

Second, a number of different ways in which cultural appropriateness can enhance the effectiveness and efficiency of aid operations were outlined in Chapter 3. For example, culturally appropriate supplies can often be procured locally or regionally, which can help cut transport costs; providing the recipients with culturally appropriate supplies means that they can prepare their own food and construct their own shelters, and less personnel will have to be hired either to directly carry out these tasks or to teach the recipients how to use the unfamiliar supplies; the provision of supplies in a form familiar to and preferred by the recipients will also help prevent the diversion and trade of relief items, further contributing to the efficiency of aid; using existing distributive structures rather than creating duplicate ones may in many contexts be both the most cost-efficient

and effective way of reaching the recipients; and finally, awareness of cultural norms and practices can also contribute to the security of the aid workers, through signalling respect to the recipients.

Third, while supporting cultural practices that are essential for physical survival – or at least make basic needs provision more effective and/or efficient – may be of primary importance in a humanitarian aid operation, there are also many contexts in which support for cultural practices, while not strictly necessary for survival in a physiological sense, may help a community whose social rules, values and controls have been disrupted by the emergency to regain (at least something approaching) cultural normalcy, which may in turn contribute to the mental health of individual recipients and/or enable the recipients to re-build or develop their community. In particular in contexts where the recipients have been physically uprooted (i.e. in the case of refugees and IDPs), active support on the part of the aid workers and aid organisations may be a crucial factor in restoring cultural normalcy.<sup>6</sup>

Methods of this type of cultural support may include offering material support for the practice of religious or ritual activities; consulting and involving recipients (including their leaders) in decision-making; housing people in groupings similar to those they lived in at their place of origin; and ensuring the education of refugee or IDP children in their mother tongue.

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<sup>6</sup> The only document that I have been able to identify that addresses issues like these in the humanitarian context at any length is the UNHCR's 'Refugee Children: Guidelines on Protection and Care' (available via <http://www.unhcr.ch>).

The practice of religious and ritual activities is a central element in regaining cultural normalcy. Such activities may include religious festivals and rites of passage, such as birth, transition into adulthood, marriage and death. In recent years, aid organisations have become increasingly aware of the need to support such activities at least in certain contexts. For example, one observer notes that ‘...the ability to carry out traditional burial practices is an important part of the process of coming to terms with bereavement and some agencies are beginning to recognise that the provision of less standard relief items, such as burial shrouds, may help ease the process’.<sup>7</sup> Similarly, the Sphere Handbook includes ‘[c]ulturally appropriate burial cloth’ in its list of key indicators for the minimum standard for clothing.<sup>8</sup> Also, the UNHCR’s guidelines on refugee children point out that ‘...the provision of extra food for communal meals, or other material assistance for funerals (burial cloths, coffins, firewood, etc.) can give vital emotional support and sustain culture through a crisis’.<sup>9</sup> As the above quotes demonstrate, however, this issue is primarily addressed in the current practitioner literature in relation to funerals. While the emphasis on death may be understandable given the emergency context in which humanitarian assistance occurs, it seems equally important for mental health and community re-building to find ways of offering support also in the context of happier rites of passage, such

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<sup>7</sup> Bridget Byrne, *Gender, Conflict and Development: Vol. 1, Overview*. Report prepared at the request of the Netherlands’ Special Programme on WID, Ministry of Foreign Affairs (Bridge briefings on development and gender), 1996, p. 46.

<sup>8</sup> *The Sphere Project: Humanitarian Charter and Minimum Standards*, Geneva: The Sphere Project, 2000, p.193 (available at <http://www.sphereproject.org>).

<sup>9</sup> UNHCR, *op. cit.*, in note 3, p. 13.



as birth or marriage, to the extent that resources permit.

In this context, it should be noted, however, that there may also be some religious or ritual activities that humanitarian aid organisations have difficulty condoning, let alone actively supporting. Perhaps the best-known example of such a practice may be female circumcision or female genital mutilation. This is an issue that will be discussed in more detail below in the section on hard cases and cultural conflicts.

Like religious or ritual activities, traditional artistic activities, sport or play can contribute to the mental health of the recipients by providing entertainment and relieving stress, as well as building community spirit. Humanitarian aid agencies can play a role in this context by encouraging the assisted population to continue to practice and train traditional skills in dance, music, other arts or games, as well as providing material support, where required, for such activities.

Involving the recipients of humanitarian assistance in the decision-making regarding the assistance they receive is another important way of regaining control over their lives in a crisis situation. Because of the centrality of this concern, and the complexity of the issues involved, a separate section below will be devoted to participatory methods. A special case of participation involves traditional leadership: the recipients of humanitarian assistance often have at least a part of their traditional leadership structure intact, even if they have been forced to flee their homes. Support for traditional leadership may in many contexts be an

important element of cultural support: to the extent to which aid organisations consult and work through these leadership structures, they may both reinforce the status of traditional leaders as well as improve the efficiency and effectiveness of the delivery of aid. Where the community has lost its traditional leadership, it may also sometimes be necessary to assist in identifying new leaders.

There are some potential problems associated with aid organisations' support for particular leaders (whether traditional or new), however, which will be discussed in more detail in the following section. In particular in internal conflicts, which after all constitute the majority of contemporary conflicts, what could be described as local leadership may either not exist at all or may only represent the interests of a part of the population. Indeed, the assumption of 'conventional distinctions and benign interactions between people, army and government' in the context of the new wars where these distinctions have become blurred has been questioned by a number of observers.<sup>10</sup> As the discussion of Rwandan refugees in Chapter 3 demonstrated, supporting the existing leadership does not by definition contribute to the welfare of the population and each case should be carefully assessed.

Finally, other key measures of cultural support in the case of refugees and IDPs include enabling people who have been forced to flee to live in similar groupings as they did in their place of origin. Similarly, offering educational support for

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<sup>10</sup> Mark Duffield, *Global Governance and the New Wars: The Merging of Development and Security*, London: Zed Books, 2002, p. 100; see also Macrae *et al.*, 'Conflict, Continuum and Chronic Emergencies: A Critical Analysis of the Scope for Linking Relief, Rehabilitation and

refugee and IDP children in the use and maintenance of their mother tongue may be an important measure of cultural support.

This section has sought to highlight ways in which humanitarian aid can offer concrete support to cultural and customary practices. However, in doing so, it has also raised a number of questions about contexts where offering such support may be difficult or even impossible. In the following section, such cases will be examined in more depth.

### **HARD CASES: DEALING WITH CULTURAL CONFLICTS**

In many contexts, respect for cultural norms and practices is either neutral in relation to the principles and practices of humanitarian assistance, or may in fact positively contribute to the realisation the aims of humanitarian aid. However, aid workers and organisations need to be aware that cultural norms and practices can also run into conflict with the principles and practices of humanitarian assistance. Not all such conflicts are necessarily equally significant from the point of view of humanitarian aid and it may often be possible to simply work around them; nevertheless, humanitarians cannot easily ignore those cultural norms and practices that fundamentally challenge the basic principles of humanitarian assistance.

As was already explained in Chapter 3, such conflicts can take two primary forms:

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Development Planning in Sudan, *Disasters* (Vol. 21, No. 3, 1997), pp. 309-317.

on one hand, cultural norms and practices may challenge the primacy that humanitarians tend to give to basic physiological needs (i.e. food, water, shelter, sanitation and medical care), for example giving the highest priority to religious needs or national honour instead. In practice, this can have serious implications for needs assessments, especially if they are conducted in a participatory manner. On the other hand, the conflicts may be about differing conceptions of just distribution. The distribution of humanitarian aid has traditionally been based on the principle of impartiality, according to which every human being is in principle entitled to aid, by virtue of their humanity alone, qualified only by the urgency of their (primarily physiological) needs. A cultural challenge to this principle can either take the form that – on the basis of a cultural norm or practice – some (groups) of people are either not considered to be entitled to assistance at all, or that criteria other than physiological need (e.g. gender, kinship, religious or ethnic affiliation, and so on; see the discussion on this topic in Chapter 3) should be used to decide how to distribute assistance. Again, depending on the degree that the recipients are involved in the distribution process, the implications for the distribution of assistance may be serious.

How should humanitarian aid workers and organisations then address such conflicts in operational contexts? It seems both ethically imperative and necessary from the point of view of effectiveness and efficiency of aid that efforts be made to resolve such conflicts, especially if and when they threaten the survival or immediate welfare of recipients. In the first instance, any apparent cultural conflict should of course be approached with an open mind: it may well be that

what appears to be a conflict is in fact simply the result of a misunderstanding or lack of information. Thus, gathering more information from and engaging in dialogue with the recipients about the norms and practices that give rise to apparent conflicts is a necessary first step. Methods by which this can be done have been suggested above. Moreover, even where the conflict is deemed to be real rather than apparent, dialogue should be used to try and negotiate an agreement or a compromise. In this context, the use of conflict resolution experts as facilitators may be helpful. Where the dialogue yields no resolution to the conflict, however, humanitarians are faced with the difficult choice between asserting the humanitarian principles over the conflicting norms and practices, on one hand, or adopting a policy of non-interference in relation to them, on the other. Trying to impose the humanitarian principles on reluctant recipients – even when it is done ostensibly for their own benefit – seems difficult to justify in the contemporary world. Moreover, humanitarians usually have relatively few tools at their disposal to really ‘impose aid’ in practice even if they wished to do so (although the potentially coercive effects of the unequal power relations between the givers and recipients of aid should also not be overlooked in this context).

At the same time, while a stance of non-interference may seem both more practicable and more respectful of the self-determination of the recipients, humanitarians should not lose sight of the fact that cultural self-determination may sometimes occur at the expense of other forms of self-determination, such as that of women, which may be equally or more important. In other words, a policy of cultural non-interference may in some contexts mean that humanitarians

actually make themselves complicit in what are essentially coercive practices. Thus, 'respect for culture' to a point of non-interference may not always be the neutral, tolerant stance that it appears at first sight, but rather may have grave consequences for some segment of the population that humanitarian aid seeks to help. As was pointed out in Chapter 4, the interaction between culture and other factors, such as gender, is something that humanitarians need to be consciously aware of. As one practitioner interviewed for this thesis put it:

*[t]he issue of culture is more awareness of local realities and respect for local customs, and local leadership and local structures. It is respect as much for the people as it is for their beliefs. But then you have another side to this whole cultural question, which is the Taleban and the women, and how do you address that.*<sup>11</sup>

As the above quote illustrates, one context in which humanitarians often experience conflicts between the principles and practices of humanitarian assistance, on one hand, and cultural norms and practices, on the other, is in relation to gender, and in particular the role and status of women. Gender roles form an important part of any culture, and in many cases there need not be any necessary conflict between respect for culture and gender issues in humanitarian assistance. Depending on how essential a particular norm is to physical survival, the stringency of the norm in question, as well as the availability of resources, humanitarian assistance may be able to accommodate many gender-specific

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<sup>11</sup> Charles Petrie, UNDP New York, personal communication, 19 March 2002.

cultural norms or practices. For example, if there is a stringent cultural norm that women can only receive care from female medical personnel, it is usually possible to make female doctors and nurses available in sufficient numbers to attend, at minimum, to the essential medical needs of the females in a given population.

A fundamental conflict arises, however, when cultural or customary norms or practices dictate that women's essential needs should either systematically be given lower priority than those of men, or even be ignored altogether, simply on the account of their gender. Such norms and practices are in an irreconcilable conflict with the idea that each human being is in principle equally entitled to humanitarian assistance, qualified only by the extent of his or her needs, expressed in the principles of humanity and impartiality. Depending on how the distribution of assistance is organised, such norms and practices may have a profound effect on the effectiveness of humanitarian assistance on women.

One concrete examples of a practice like this, cited in Chapter 4, is the fact that in many societies women customarily eat last and therefore usually the least, even where their needs may be equivalent to or even greater than those of men, for example as a result of pregnancy or breastfeeding. A somewhat different but related question is what stance should aid workers and organisations take on traditional practices that are considered harmful, such as 'female circumcision' or female genital mutilation. While such practices may not necessarily have direct implications for humanitarian assistance, the question of how they should be dealt with arises especially in camp contexts where aid organisations have some scope

to influence the behaviour of the recipients.

In such situations, humanitarian aid workers and organisations are faced with difficult decisions, as it may not be possible simultaneously to respect culture and customs and act in accordance with the humanitarian principles. Moreover, situations like these are often further complicated by the fact that the affected women themselves may appear satisfied with and supportive of practices that from the humanitarian perspective appear oppressive. What can humanitarians then do to try to deal with cultural conflicts of this kind in practice? Innovative short-term solutions have been described in the literature. For example, Julie Mertus cites the example of

*[a] resourceful aid worker in the Great Lakes Region of Africa [who] solved the problem of males hoarding food for themselves by changing the labelling on some of the boxes of biscuits to read “women’s biscuits”. When a rumour spread among the men that male consumers would grow breasts, women and girls suddenly had more to eat. From then on, some aid organisations specifically targeted their food provisions, creating new kinds of female-only food.<sup>12</sup>*

Solutions like this may sometimes be necessary but they will obviously only work where the educational level of the recipients is relatively low; moreover, it is

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<sup>12</sup> Julie A. Mertus, *War’s Offensive on Women: The Humanitarian Challenge in Bosnia, Kosovo, and Afghanistan* (with a case study by Judy A. Benjamin), Bloomfield, CT: Kumarian Press Inc., 2000, p. 112.



questionable whether resorting to such deception is not in principle unethical and in itself signify a fundamental lack of respect for the recipient population. In any case, if and when such deception is found out, it may destroy whatever trust may have existed between the aid workers and the recipients and thus have far-reaching consequences. More importantly, however, solutions like this will only address the specific problem at hand, rather than dealing with the broader issues associated with the problematic distributive practices.

Similarly, the existing programming tools, such as the Sphere Handbook, the People-Oriented Planning Approach and the UNHCR *Handbook for Emergencies*, tend to identify and condemn certain practices, such as female genital mutilation or unequal food distributions based on gender, on what appear to be primarily health grounds. The focus on specific practices rather than on the issues of principle behind them may mean, however, that aid workers ignore practices with similar implications if they have not been specifically identified. Moreover, by focusing on individual practices only, the broader context within which these practices take place is ignored.

How can humanitarians then balance the concerns with respect for culture and gender issues in practice? In the previous two chapters, I have argued that, in the face of an intractable conflict between cultural norms and practices and the humanitarian principles, humanitarians should assert the humanitarian principles, humanity and impartiality, and offer their services to those who wish to accept it under these terms. Admittedly, this is not necessarily an easy position to take in

practice, as it involves going against the norms or practices of at least some members of the cultural community in question. Ultimately, however, it is impossible for humanitarians to please everyone and their work will lose all its meaning if aid workers are infinitely flexible with regard to alternative value systems. Nonetheless, such situations should be approached with sensitivity and transparency. Informing the recipients of the aims of the humanitarian aid organisations, as well as offering support for those cultural activities that do not conflict with the humanitarian principles, convey respect that will soften the effects of going against local cultural norms in other instances. In addition, the use of participatory methods to the extent possible can also signal respect for the views of the beneficiaries. Moreover, they are useful in situations where it is not clear whether the conflict in question is an intractable one, as they provide a means for both collecting information and negotiating compromises. It is to them that I will turn in the next section.

### **PARTICIPATORY METHODS AND CULTURE**

So far, I have focused on questions related to *how* cultural issues should be dealt with in humanitarian practice. In the two sections that follow, I will deal with issues related to *who* should deal with them. In the present section, I will focus on the role that the recipients themselves can play.

In order to address the problem of coercive cultural norms and practices, it would seem that the structures through which cultural and customary norms and

practices come to be expressed in international humanitarian practice should at minimum be representative of a wide range of perspectives within each cultural community. In particular, it is important to identify groups that are particularly vulnerable to abuses of power and ensure that their views are represented. Such groups often include women, the elderly, children, disabled, as well as ethnic minorities. At the same time, it is important not to assume that any particular group is or is not vulnerable independent of a particular context.

One way to give voice to the different perspectives on cultural norms and practices among the recipients is through the use of the so-called 'participatory methods'. Unlike on many of the other issues discussed in this chapter, there is a fairly extensive body of literature available on the use of participatory methods in international humanitarian aid.<sup>13</sup> The humanitarian community has also voiced a commitment to participatory methods: for example, the *Code of Conduct* states that '[w]ays shall be found to involve programme beneficiaries in the management of relief aid,' and, according to the UNHCR's mission statement, the organisation is 'committed to the principle of participation by consulting refugees on decisions that affect their lives'.<sup>14</sup> Indeed, what is something of a catchall

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<sup>13</sup> See, for example, Raymond Apthorpe and Philippa Atkinson, *A Synthesis Study: Towards Shared Social Learning for Humanitarian Programmes*, ALNAP, 1999, p. 8 (available at <http://www.alnap.org/pubs/pdfs/rashared.pdf>); Tania Kaiser, 'Participatory and Beneficiary-based Approaches to the Evaluation of Humanitarian Programmes,' *New Issues in Refugee Research*, Working Paper No. 51, February 2002, Geneva: UNHCR (available via <http://www.unhcr.ch>); Pierson R. T. Ntata, 'Participation by the Affected Population in Relief Operations: A Review of the Experience of DEC Agencies during the Response to the 1998 Famine in South Sudan,' London: ALNAP, 1999 (available at <http://www.alnap.org/pubs/pdfs/ntatafinal.pdf>).

<sup>14</sup> *Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organizations (NGOs) in Disaster Relief* (available via <http://www.ifrc.org>); UNHCR Mission statement (available via <http://www.unhcr.ch>).

category of 'participatory methods' represents currently the primary way of involving the recipients in the decision-making about humanitarian aid.

In principle, it is possible to use participatory methods at all stages of humanitarian assistance – from planning through implementation and monitoring to evaluation. Possible participatory methods include formal representation by traditional or elected leaders, interviews with key informants, household visits, focus group discussions, surveys, establishing committees of affected people, and the employment of affected people in the programmes (especially in decision-making positions).

Unlike in development assistance where participatory methods have long ago become an established practice, and despite the normative commitments to the contrary, the use of participatory methods is yet to obtain a firm foothold in humanitarian practice. It has been pointed out that '[t]hough 'participation' has become a buzzword among governments and development agencies, not much has changed on the ground. This is more so in refugee and returnee situations'.<sup>15</sup> This conclusion is underscored by the fact that, in a synthesis study of 250 humanitarian aid programme evaluation reports on the ALNAP (Active Learning Network on Accountability and Performance in Humanitarian Assistance<sup>16</sup>)

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<sup>15</sup> Gaim Kibreab, 'The Consequences of Non-Participatory Planning: Lessons from a Livestock Provision Project to Returnees in Eritrea,' *Journal of Refugee Studies* (Vol. 12, No. 2, 1999), p. 136.

<sup>16</sup> ALNAP is an interagency humanitarian forum 'dedicated to improving the quality and accountability of humanitarian action, by sharing lessons; identifying common problems; and, where appropriate, building consensus on approaches'; for more information, see <http://www.alnap.org/>.

database, Apthorpe and Atkinson discovered that ‘only a few of these evaluations comment on the issues of consultation, and few are themselves participatory’.<sup>17</sup>

Of course, a number of factors limit the way in which participatory methods – most of which were originally developed for development assistance programmes in stable contexts – can be imported into humanitarian assistance.<sup>18</sup> These include an operational context that is often chaotic, the need to take decisions rapidly, and the limits for action presented by the available ‘humanitarian space’.<sup>19</sup> In situations of armed conflict, these factors are likely to be compounded with a volatile security situation and the need to take into account the protection needs of the affected population. In addition, in some contexts the expectations of the recipients may not be reconcilable with those of the aid workers and/or donors. For one, many donors are only concerned with ‘upward accountability’ (i.e. accountability to themselves) and thus do not require the use of participatory methods. Taking participatory methods seriously also means that aid workers themselves will have to be willing to relinquish at least some of the control. In refugee situations, host governments may also be hostile to the use of participatory methods, again perhaps for the fear of loss of control. Additional arguments against participatory methods include: the concern that informants may

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<sup>17</sup> Apthorpe and Atkinson, *op. cit.*, in note 13, p. 8.

<sup>18</sup> See Kaiser, *op. cit.*, in note 13, pp. 14–16.

<sup>19</sup> ‘Humanitarian space’ refers to the – primarily physical – space within which humanitarian aid agencies are able to operate and have access to recipients in the context of a given aid operation. Humanitarian space may be constrained intentionally (e.g. roadblocks, attacks on aid personnel or convoys) or as a result of poor infrastructure or climatic factors (e.g. the rainy season making roads unpassable). See Alistair Hallam, ‘Evaluating Humanitarian Assistance Programmes in Complex Emergencies,’ RRN Good Practice Review No. 7, September 1998, London: ODI.

be at risk in conflict situations, as well as that beneficiary populations cannot be trusted to provide accurate information for fear of losing assistance, that there is a lack of methodological know-how on participatory methods in a humanitarian context, and that there are often logistical obstacles that are too great to overcome for the sake of beneficiary involvement.<sup>20</sup> Together, all these factors may work against the widespread use of participatory methods in international humanitarian assistance.

The case to be made in favour of participatory methods is, however, at least equally strong. In addition to the protection against ‘tyranny of others’ that participatory methods offer, they can also more generally contribute to better decision-making by providing information about the recipients that might otherwise be difficult to obtain. For example, it has been reported that during the 1998 famine in Sudan,

*[p]articipation enabled agency staff to understand important social differences among different ethnic groups. This prevented the formulation of standardised programmes which could lead to conflicts among the groups. For example, two different social groupings can be identified among the Dinkas. Although they speak the same language the Agar and the Gok have substantially different cultural orientations with respect to gender. One group has no problem with strangers talking to their women while the other will not allow it.<sup>21</sup>*

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<sup>20</sup> See Kaiser, *op. cit.*, in note 13, p. 15.

<sup>21</sup> Ntata, *op. cit.*, in note 13, p. 32.

Participatory methods also have the added benefit of handing some of the responsibility for their welfare over to the recipients themselves. This can help prevent dependency and assist in developing skills that will enable the recipients to rebuild their lives after the emergency assistance phase is over. Thus, participation can provide a concrete means for realising the relief-development continuum,<sup>22</sup> which is today accepted by most aid organisations as an important goal. Moreover, the use of participatory methods is also in itself an indication of respect and dignity accorded to the people affected by a disaster.

In addition to the problems associated with translating the talk about participatory methods into action in humanitarian assistance, however, there may be a further problem associated with participatory methods, or at least the way in which they are currently being dealt with in the humanitarian context. Involving the recipients in the decision-making about aid is obviously a positive step in more than one respect; indeed, it is perhaps testimony to the inherent paternalism of humanitarian aid that the involvement of recipients has only recently even been talked about, let alone acted upon. At the same time, simply promoting participation in whatever form may gloss over certain important distinctions. Participation, or the fact that a broad range of views are represented in a decision-making process, on its own says little or nothing about how these different points

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<sup>22</sup> Relief-development continuum refers to the idea that relief assistance should positively contribute to, or at least not hinder, post-emergency development and, *vice versa*, that development assistance should strengthen, or at least not diminish, disaster prevention and preparedness (see the Introduction to this thesis for a more extended discussion of the issues at stake).

of view ought to contribute to reaching actual decisions. In particular, it leaves what are arguably the two central questions in politics, i.e. how should conflicting interests be dealt with and scarce resources allocated, unanswered. Indeed, if we look at domestic politics under normal circumstances, most political systems with the exception of certain dictatorships can be characterised as being at least to some extent 'participatory' in the sense that different interests are voiced in various ways; it is, however, precisely the *manner* in which these different interests are accommodated in political decision-making that distinguishes between different types of political systems and enables us to evaluate their advantages and disadvantages. Of course, humanitarian assistance is in many important respects not identical with domestic politics under normal circumstances, and many reasons can be given for why humanitarian aid organisations should not even seek to take over the role of the domestic government (see e.g. the final section of Chapter 4 on this). At the same time, it seems important that, if aid organisations are serious about using participatory methods, they carefully examine the implications of the different types of methods for their decision-making. To the best of my knowledge, there is no research that addresses this question in the humanitarian context; yet, this would seem to be something that clearly warrants further investigation even if it cannot be dealt with adequately in the context of the present analysis.



**CULTURAL ISSUES IN EMPLOYING AND TRAINING  
HUMANITARIAN AID WORKERS**

‘National personnel will play an important role because of their *cultural* knowledge and understanding of the refugees.’<sup>23</sup>

‘*Familiarity with the local culture*, patterns of disease and the public health services and previous experience in emergencies are as important as an advanced knowledge of medicine and medical techniques.’<sup>24</sup>

Participatory methods can be used to harness the capacities of the recipients and those affected by the emergency for the purposes of information and decision-making regarding cultural issues. That participatory methods come to be used in the first place, however, requires both individual aid workers and aid organisations to be aware of the significance of local context, including cultural issues, for their work. Moreover, participatory methods are not the only way in which humanitarian aid can be made more attuned to cultural issues, and in some contexts their use may be difficult or even impossible. For this reason, participation should be supplemented by other methods. It is thus equally significant to consider ways in which aid workers who are more aware of cultural and customary issues can be employed and trained.

In dealing with functional matters such as health care or nutrition, it tends to be

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<sup>23</sup> UNHCR, *op. cit.*, in note 3, p. 110 (emphasis added).

fairly clear whose primary responsibility it is to collect information and contribute to decision-making regarding them. For each of these functionally specific areas, humanitarian aid organisations employ specialists, such as doctors, nurses and other health care professionals, nutritionists, water and sanitation engineers, and so on. Responsibilities are much more difficult to allocate, however, when it comes to issues like culture that cut across virtually all functional areas that make up humanitarian assistance. In principle, there are two basic ways of taking culture and customs into account in the selection and hiring of aid workers. First, aid organisations can seek to employ people (whether foreign or local) who have specialised expertise on the culture and customs of the region; second, they can train existing aid workers in methods that enable them to understand cultural issues better. The contrast here is similar to that between using ‘gender specialists’ or ‘gender mainstreaming’.

The role of cultural experts or specialists would be to research and inform the organisation about local traditions and structures in the areas where they operate. Such experts could include anthropologists, sociologists, historians, political scientists, or others with specialised cultural knowledge. The problem with this approach, at least if it is used on its own, is that such experts may not always be aware of the other contextual and structural issues faced by aid workers in their work. As one practitioner put it: ‘[political scientists, anthropologists, or sociologists] should first have their years in the field or should go to the field, and then become part of the process, and the same goes for humanitarian practitioners,

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<sup>24</sup> *Ibid.*, p. 183 (on the issue of hiring specialised health staff; emphasis added).

they should regularly step out and find ways to do some reflection and thinking'.<sup>25</sup> Thus, ideally, experts would spend time in the field before taking on posts as advisors to humanitarian aid organisations, and/or humanitarian practitioners should receive training in the political, anthropological, historical and sociological dimensions of the issues that they face in the field. It is also possible to approach this issue by hiring staff locally and regionally rather than Northern expatriate staff wherever possible, with the hope that, in addition to their professional expertise, the local employees will bring to their work an understanding of the local structures and traditions. The conscious emphasis on hiring local staff is in fact something which many aid organisations, such as the IFRC, have already started to do.<sup>26</sup>

When using outside experts, humanitarians also need to be aware that different academic disciplines and schools of thought within disciplines frame problems differently, which may mean that they also come up with radically different solutions. For example, cultural anthropologists tend, by definition, to focus on cultural differences between groups of people. By contrast, the life science disciplines (medicine, nutrition, and so on) tend to emphasise what people have in common. Ideally, the two perspectives can complement one another to create a fuller picture, but the potential for conflict between different disciplinary approaches and schools of thought within disciplines should also not be underestimated.

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<sup>25</sup> Henk van Goethem, ReachOut Project, IFRC Geneva, personal communication, 23 September 2002.

The problem with hiring locally is that it is not always possible to do so, either because the necessary professional skills may not always be available within a given area, or because in some situations (in particular during armed conflict) it may be necessary for aid workers to be (or be perceived to be) neutral outsiders. In addition, many aid organisations may also find it detrimental to their fundraising 'back home' if fewer experts from the donor countries will be involved in their emergency operations. Even in our allegedly globalised world, the importance of being able to provide media footage of, for example, Finnish aid workers arriving at a disaster zone with Finnish transport planes should not be under-estimated, especially for organisations relying on donations from the general public. Thus, both the use of local (whether they be members of the assisted population or not) and outside experts have their own limitations and are thus perhaps best seen as complementing one another, rather than as alternatives.

So far I have discussed the advantages and disadvantages associated with using 'cultural specialists', whether local or foreign. Let me now turn to the issue of 'mainstreaming culture' for all aid workers. On the basis of what has been said so far, it seems important that the training that aid workers receive, whatever their area of expertise, explicitly draws their attention to cultural issues. Offering aid workers courses specifically focusing on cultural issues, intercultural communication, and so on, may be useful. At the same time, it is important that the issues raised in such training are clearly related to principles and practices of

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<sup>26</sup> John Watt, IFRC Geneva, personal communication, 24 September 2002.

humanitarian assistance and, in particular, possible ways of supporting cultural norms and practices as well as approaching potential conflicts in the course of their work are explicitly addressed.

Until now, I have mainly focused on situations where the culture of the recipients is very different from that of the aid workers and the questions that arise in such contexts. It should also be noted that there may be additional considerations to be taken into account in situations where there is a high degree of cultural closeness between the aid workers and the recipients of aid, as has been the case for example in the recent operations in the Balkans. For example, according to one European practitioner posted to Kosovo during the 1999 conflict, '[a]fter so many years of seeing African misery, you are confronted with people who could be members of your own family. It makes a big psychological difference, as it is easier to identify with these people. Their concepts of life are European, so there is a danger of becoming too emotionally involved'.<sup>27</sup> According to this aid worker, becoming 'too involved' meant that individual aid workers focused excessively on the needs of certain individuals at the expense of those of many others. Indeed, this problem may extend well beyond the attitudes of individual aid workers: the Kosovo aid effort in particular – as well as the Balkans aid operations more generally – was able to attract an unprecedented amount of interest (and therefore resources) from donors, aid organisations, and the general public alike. By comparison, arguably much more severe humanitarian emergencies (both in terms of the number of people affected and the level of their

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<sup>27</sup> Alex Brans, field officer for Merlin, quoted in Rebecca Johnson, 'Humanitarian Resources:

needs), e.g. the one in the Democratic Republic of the Congo, have become relatively 'forgotten crises'. While self-interested considerations, such as the geographic proximity of these crises and their potential effects on regional stability in Europe (e.g. through large refugee outflows) undoubtedly played a role in spurring this interest, the significance of cultural similarities and the ability of the donors/helpers to identify with the victims should not be underestimated. Another problem that aid organisations faced in the Balkans was that the pre-conflict standard of living had been relatively high, and thus the population had needs (e.g. for diabetes or heart disease medications) that humanitarian aid agencies were unused to providing for and therefore failed to anticipate, having primarily gained their experience of large scale refugee operations in developing countries.<sup>28</sup>

Finally, it is also important to remember that coercive practices may not only be a problem within the recipient population. As the UNHCR's 'Refugee children: Guidelines on Protection and Care' points out: '[t]he instability and uncertainty which characterizes many refugee populations makes them extremely vulnerable to coercion by agencies and individuals wishing to impose alien religious beliefs'.<sup>29</sup> For this reason, in selecting aid workers, as well as choosing agencies as operational partners (in the case of organisations such as the UNHCR and others that carry out much of their work through their partners), it is important to

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Training the Kosovo Aid Workers,' *People Management* (15 July 1999), p. 36.

<sup>28</sup> See Rebecca Johnson, 'Humanitarian Resources: Training the Kosovo Aid Workers,' *People Management* (15 July 1999), pp. 36-37.

<sup>29</sup> UNHCR, *op. cit.*, in note 6.

ascertain how the aid workers and agencies in question intend to relate to the culture and religion of the recipient community. Indeed, as was already argued in Chapter 2, aid workers would probably benefit more generally from being sensitised to the cultural specificity of many of their own beliefs and practices.

### CONCLUSION

The purpose of this chapter has been to shed some light on the kinds of operational considerations that the norm of 'respect for culture and customs' raises in the context of humanitarian assistance. The chapter started by examining some overall issues that respect for culture raises for humanitarian policy and practice. In the second section, some of the limitations of the existing tools for dealing with cultural issues in humanitarian practice were examined. The third section addressed the kinds of considerations that humanitarian aid workers need to take into account when seeking to inform themselves about the cultural and customary practices in their areas of operation. The fourth section discussed the ways in which humanitarians could offer support for the cultural practices of the recipient population, while the fifth section addressed the question how humanitarians should deal with those situations where the culture of the recipients conflicts with the basic principles of humanitarian aid. The sixth section discussed the ways in which recipient participation in humanitarian assistance could help humanitarians to address cultural issues, while the final section addressed the role of cultural issues in the context of hiring and training aid workers.

The aim of this chapter has been to offer an outline of the spectrum of operational considerations that 'respect for culture' raises for humanitarian assistance. On the basis of the discussion here, it is possible to identify a number of areas for further research: for one, concrete methods for gathering information about cultural issues and taking culture into account in the training and hiring of aid workers could be examined in much greater detail than has been possible here. In addition, as was already suggested above, it would be important to study the advantages and drawbacks of different types of participatory methods in adjudicating between conflicting needs and interests and deciding on how scarce resources should be allocated in the humanitarian context; this is something that has implications for humanitarian aid more generally, beyond the question of culture.



# CONCLUSIONS

Before discussing its substantive conclusions, let me first make a few remarks about the process of the writing of the thesis. Both the subject matter and the chosen methodology presented certain challenges for this thesis:

In terms of the subject matter, it quickly became clear as I started my research that the existing academic literature on the issue of culture in international humanitarian assistance was extremely sparse. On one hand, this presented an opportunity to make a genuine contribution to knowledge in an area where little had been said so far; on the other hand, it also meant that there was relatively little existing material to work with. Thus, I have largely had to try to reconstruct the kinds of counter-arguments that could be made against the positions taken in this thesis, rather than being able to position myself in relation to other authors as is normally the case. For this reason, some potential counter-arguments have undoubtedly been overlooked. This is a problem, however, that only further research into this topic can ultimately remedy.

Moreover, in terms of methodology, it was important to me from the outset that the thesis would not only make an academic contribution but that it would also have something concrete to say for the purposes of humanitarian practice and policy. Having worked for a humanitarian aid organisation myself, I know that aid workers often have to take positions on cultural and customary issues in their day-to-day work. At the same time, they rarely if ever have the time to consider the

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different dimensions of this issue – or indeed any individual aspect of their work – at any length. By contrast, examining a narrow slice of something in great detail is precisely what a doctoral thesis is supposed to do; thus, one of my aims in writing this thesis was to use the tools of political theory to shed light on the implications of ‘respect for culture and customs’ for humanitarian practice. At times, however, it turned out to be more difficult than expected to balance theoretical analysis and a practice/policy orientation within a single piece of writing and, in some ways, the outcome would no doubt be ‘neater’ if I had either sought to write a purely theoretical piece or a policy-oriented one with a specific case study/studies, rather than trying to do some of both.

Having made these brief remarks about the process of the writing of the thesis, let me now turn to its content:

The starting-point of this thesis was the observation that, since the mid-1990s, the international humanitarian aid community has increasingly become concerned with respect for the culture and customs of the recipients of humanitarian assistance. Evidence of this concern can be traced in aid agencies’ statements of principle, such as the *Code of Conduct*, as well as operational guidelines, such as the Sphere Handbook and the People-Oriented Planning approach. On one hand, this concern can be seen as reflecting the interest in the normative status of culture and community in social and political thought more generally that emerged around the same time; on the other, it also represents the recognition of the problems that have emerged in humanitarian aid operations when culture and

customs have been inadequately taken into account. At the same time, surprisingly little analysis has been devoted either by practitioners or by academics to the full conceptual and practical consequences of respect for culture for international humanitarian assistance. The purpose of this thesis has therefore been to examine the implications of the emerging norm of respect for culture and customs for the principles and policies of international humanitarian assistance. This task was tackled in five steps:

First, I presented a sketch of the existing normative framework underpinning international humanitarian assistance. This normative framework is expressed in a range of documents, including international legal documents, interagency agreements on principles, as well as the statements of principle of individual humanitarian aid agencies. The argument was that, out of the principles standardly referred to in the humanitarian context, namely humanity, impartiality, neutrality and independence, only humanity and impartiality could be said to be both fundamental in a normative sense and as a matter of fact shared by the majority of humanitarian aid organisations. Thus, these two principles could be taken to constitute the core of the normative framework underpinning contemporary international humanitarian assistance. Briefly described, humanity can be defined as the call to save lives and alleviate suffering, whereas impartiality is a distributive principle which defines every human being as in principle entitled to humanitarian assistance, conditioned only by the extent of his or her needs. It was also pointed out that, while these principles were originally justified with reference to Christian beliefs, in the contemporary world, their foundations have

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become much more uncertain – something which has also no doubt contributed to the emergent emphasis on ‘respect for culture and customs’, as opposed to an unqualified assertion of the humanitarian doctrine.

Second, I described the emergence of the norm of respect for culture and customs in the humanitarian context through an examination of legal documents, aid organisations’ statements of principle, and operational guidelines, as well as academic literature. While culture and customs had, prior to the 1990s, in the humanitarian context been understood primarily as pertaining to the freedom of religion and the right to a culturally appropriate education, evidence from operational guidelines such as the UNHCR’s People-Oriented Planning approach and the interagency Sphere Project clearly demonstrates that contemporary humanitarian aid organisations and practitioners see the significance of culture in the context of humanitarian aid much more broadly. In particular, in these contemporary documents, culture is treated as something that must be systematically taken account in the provision of basic survival needs (i.e. food, water, sanitation, shelter and medical care). Increasingly, attention is also being paid to implications of the interrelationship between gender roles and culture in the humanitarian context.

While these are clearly positive developments, there appears nonetheless to be in the contemporary literature by and for humanitarian practitioners an inadequate understanding of culturally-specific norms and practices as something that *both* the recipients of humanitarian assistance and the aid workers themselves possess.

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While the recipients' cultural norms and practices are recognised as presenting both opportunities and obstacles for humanitarian assistance, humanitarian aid organisations and aid workers are themselves usually presented as being somehow 'culturally neutral'. Furthermore, the fact that the humanitarian principles may run into conflict with certain cultural norms and practices appears not yet to be adequately recognised by the humanitarian community. For example, while certain cultural norms or practices (e.g. ones that disadvantage women or female children in terms of access to humanitarian aid) are frequently identified in the operational guidelines examined in this thesis as problematic, this divergence with the principle of impartiality is never addressed in a systematic manner.

Moreover, although the above-mentioned problems are to some extent at least recognised in the emerging body of academic literature on culture and international humanitarian assistance, at the moment, this remains a very small and somewhat uneven body of literature, both in terms of its content as well as the depth in which the implications of culture for humanitarian assistance are considered. In this regard, it is clear that there is much scope for further research, both on the issue of culture in the humanitarian context on a conceptual level, as well as in terms of concrete case studies on how cultural issues are played out in the context of specific humanitarian aid operations.

Third, I proposed a typology of the different kinds of relationships that may exist between respect for cultural norms and practices, on one hand, and the humanitarian principles, on the other. For one, many cultural norms and practices

simply do not come into contact with the humanitarian principles and thus are either neutral or irrelevant in relation to them. In other contexts, by contrast, deeply embedded cultural norms or customs may become so intimately connected with physical survival that it is not possible to distinguish between a particular, culturally appropriate (or, in the case of taboos, not inappropriate) form of basic needs provision, on one hand, and physiological requirements, on the other. In addition, there are also cases where – while not strictly necessary for physical survival – cultural appropriateness can improve the effectiveness or efficiency of humanitarian assistance. While the first type of relationship requires no action from the part of humanitarian aid workers, the next two point to the benefits – and at times even necessity – of culturally appropriate humanitarian aid. What all these three types of relationship have in common is that, in each of them, cultural norms and practices are basically in harmony with the principles and practices of humanitarian assistance. It is, however, also possible that cultural norms and practices run into conflict with the humanitarian principles. In principle, such conflicts may occur either in relation to conceptions of needs or their relative order of priority, on one hand, or with regard to conceptions of just distribution, on the other. In other words, while humanitarians have traditionally given priority to saving lives and alleviating physical suffering, as well as seeing every human being as in principle entitled to humanitarian aid (proportionate to their needs), it is conceivable that, by pledging to respect culture and customs, humanitarians may open themselves up to claims, made on cultural and customary grounds, that they ought to give priority to other types of needs and/or use different distributive criteria.

Fourth, I examined different ways of dealing with such potential conflicts between various cultural norms and practices, on one hand, and humanitarian principles and practice, on the other. In this context, I suggested that a set of complementary approaches to be adopted. In the first instance, it makes sense to approach any apparent cultural conflicts in the spirit of inquiry, trying to establish whether it may not in fact be possible to identify shared norms amidst the apparent conflict. Moreover, even if no pre-existing shared values can be identified, it may be possible to negotiate an agreement about values that both sides can accept. In addition to these two alternatives, however, it is also necessary to take into account the possibility that there may be value conflicts where no relevant shared values can be identified, nor does the possibility of a negotiated agreement exist.

In such situations of irresolvable value conflict, it would seem that humanitarians can do little but adopt a policy of non-interference, offering their services only to those with whom a common ground can be established. What makes a crucial difference in this context, however, is whether the policy of non-interference is adopted in relation to cultural communities, i.e. groups of people, in their entirety, or the individual members of such communities. The problem with the former approach is that it renders humanitarians vulnerable to becoming complicit in coercive practices that may be perpetuated in the name of 'culture and customs'. This is because amongst the membership of any cultural group, there are likely to be various contested versions of the culture rather than just a single one. Although it may at first sight appear a 'culturally neutral' approach, by accepting the

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version of the culture represented by its leadership, or any other faction of the group, humanitarians will in effect be taking sides in favour of one interpretation of the culture in question and against others. In some situations, such side-taking may have negligible effects (e.g. when it comes to something like food preferences). Nevertheless, where cultural or customary norms fundamentally conflict with the humanitarian principles, i.e. in cases where the allegedly cultural norms or practices involve the rejection of either the importance of staying alive, or the equal distribution of life-saving assistance, the question of personal consent becomes particularly significant. After all, choosing death or physical suffering for oneself is something entirely different from choosing death or suffering for someone else.

Thus, the argument adopted in this thesis is that humanitarians ought to offer their services, on the basis of their traditional principles, to those persons who seek their assistance, even where this appears to go against cultural norms or practices of the cultural community of which these persons are members. Moreover, the assistance should be offered on an equal basis to each person, in line with the principle of impartiality, and irrespective of any alternative conceptions of distribution. For one, impartiality, and the moral equality of persons that it implies, is a central element in the normative framework of international humanitarian assistance and for that reason alone ought not to be easily compromised in the face of conflicting cultural norms or practices. Moreover, insofar as we accept the view of values as human creations (as opposed to being based on divine will or some such thing), the argument about moral equality of



persons as a foundational moral principle appears to be the most plausible conclusion.

While reaffirming the status of the traditional humanitarian principles in the context of humanitarian assistance narrowly defined (i.e. involving the saving of lives and the alleviation of physical suffering), however, I also argued that humanitarians should refrain from taking on projects of more far-reaching social change. On one hand, humanitarians simply do not have the resources to undertake activities aimed at broad restructuring of the societies in which they intervene, at least not without material cost to their core tasks, i.e. saving lives and alleviating suffering; moreover, outspoken criticism of existing arrangements may in fact prevent humanitarians from undertaking these core tasks in the form of denial of access. On the other hand, it is a question of other institutions, in particular the state and the states system as a whole, being more suited to the task of instigating fundamental social change: by contrast, humanitarian aid organisations are a diverse collection of actors that lack the sufficient accountability to make decisions regarding human welfare beyond the core tasks of saving lives and alleviating suffering.

Fifth, I made some remarks about how respect for culture and customs could be put to practice in the context of humanitarian aid operations. In this context, I first discussed the kinds of issues that humanitarians need to take into account when collecting information about the cultural norms and practices in the environments where they operate. Ways of offering the recipients of humanitarian assistance

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‘cultural support’ were also suggested. I also discussed the practical implications of situations where cultural norms and practices run into conflict with the values of humanitarian assistance. In addition, the significance of recipient participation at all stages of the assistance process for the realisation of ‘respect for culture’ was addressed. Finally, I made some remarks about cultural considerations in the hiring and training of humanitarian aid workers.

In many ways, the focal point for this thesis has been the case of the ‘dead’ widow cited in the Introduction. For one, it was the troubling nature of this example that provided the major impetus for me to carry out this research. Moreover, when presenting my argument to an audience, it has been this example that has tended to have the most profound effect on people’s view on the proper place of respect for culture in humanitarian aid. This is perhaps because most liberal, tolerant people (which most humanitarians after all tend to be) instinctively see respect for culture in a thoroughly positive light, and it is only examples like this (and in general the relationship between status of women and cultural norms) that bring the potential negative implications of an unthinking, blanket application of the principle of ‘respect for culture’ into a sharp relief. For this reason, it also seemed important to devote an entire chapter specifically to the issue of gender, even if the normative issues dealt with are not entirely dissimilar to those in the previous chapter (although the gender chapter also serves to work out the argument in relation to the principle of impartiality).

As stated in the Introduction, one of the main purposes of this thesis has been to

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provide humanitarians with some tools with which to approach 'cultural' dilemmas they face in their day-to-day work. What does the argument made in this thesis then say about how humanitarians should relate to cases like that of the 'dead' widow? Briefly recapped, the example was as follows: in a village where the local distribution of food customarily went through male heads of the family, a widow had been left completely without and was starving to death. Although there would have been sufficient resources to feed everyone, this was accepted by her fellow villagers because they considered her, as a widow, to be effectively dead already. The aid organisation operating in the village was using the local elders as the channel of distribution for food aid and had decided not to intervene, explicitly in order to 'respect local culture', thus condoning the practice. On the basis of the 'value contextualist' position outlined in Chapter 3, I have sought to demonstrate that the position most consistent with the humanitarian principles would in fact have been that aid should have been made available for the woman. Of course, it is conceivable that she herself does not want to live, and she ought not to be forced to accept assistance against her will; at the same time, the starting assumption of a humanitarian aid organisation ought to be that, whatever else people may want, chances are that they do want to survive, and thus assistance ought to be made available to everyone on an equal basis. This basic commitment to egalitarianism (and therefore the principle of impartiality) is arguably also reinforced by the contemporary, non-metaphysical view of humans as equally valuable value creators. Moreover, I argued that humanitarians should be careful in interpreting the commitment to self-determination (which the commitment to respect culture arguably represents) in group terms, especially in a context like

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theirs that deals with decisions of life and death. Thus, to accept or decline assistance should be the widow's decision, and hers alone; the views of her fellow villagers should not have been taken into account in deciding her access to food and therefore survival. Indeed, a practical lesson that can be drawn from this example is that humanitarians perhaps ought to think again the use of existing distributive structures – such as elders – to distribute aid, in particular in situations where it is known that the local distributive norms exclude certain individuals or groups either in part or entirely on the basis of criteria other than need. Beyond providing the widow with access to food (and any other life-saving assistance she may need), however, humanitarians ought not to involve themselves in evaluating what she wants to do with her life (assuming she chooses to live). This they are not sufficiently accountable or otherwise qualified to do, and to engage in such wide-reaching projects would also take away scarce resources from their primary task of saving lives. Thus, however unjust they may think the overall gender relations in the village in question, humanitarians ought not to attempt to change them, beyond the way in which they already may do so simply by giving the widow the choice to survive, if she so wishes.

In sum, the contribution that the thesis seeks to make has been two-fold: on one hand, it has explored the interrelationship between the traditional humanitarian principles and the more recently introduced principle of respect for culture in humanitarian discourse. The working-out of potential relationships between humanitarian principles and culture seeks to provide the intended reader, a humanitarian practitioner, with some conceptual tools to categorise, as well as to

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reflect on, different cultural phenomena that he/she encounters in the field. In particular, I have wanted to illustrate that, while culture in many respects is something positive, or at least neutral, from the point of view of humanitarianism, certain cultural phenomena may in practice be antithetical to the aims of humanitarian assistance. As was already emphasised in the introduction, however, my aim has not been to offer a code of conduct in respect for culture or to improve those codes that already exist, but rather to clarify the general guiding principles of humanitarian assistance within their broader context, and thus to get practitioners to think more clearly about the problems of applying these principles while giving due respect to culture. Therefore, on the other hand, in addition to examining specifically the problem of respect for culture in humanitarian assistance, the thesis also seeks to make a broader conceptual contribution to humanitarian thought and offer a contemporary, non-metaphysical defense of the traditional humanitarian principles and humanitarian action. In this sense, it also seeks to locate the humanitarian principles and action within a more comprehensive 'world view', in relation to other international institutions and activities. In particular, these include the individual states and the states system, which I have argued are much better placed than humanitarians to engage in more comprehensive projects of social change, as well as 'global redistributive justice', in relation to which I have argued humanitarian assistance should be seen as a necessary complement rather than as an alternative. The 'world view' that I have proposed is an admittedly liberal one, with its emphasis on individual self-determination, moral equality of persons, and on enabling the realisation of as great a variety of comprehensive conceptions of human welfare as possible.

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Humanitarians may not necessarily agree with the ‘world view’ that is proposed here, or the place of humanitarianism within it; I hope that they will nonetheless be prompted by my argument to think how their own views relate to the issues and questions raised here, and what alternative ‘world views’ might look like.

In conclusion, the issue of the role of culture and customs in international humanitarian assistance can be seen as being both important in itself, as well as serving as one entry-point to a broader examination of the foundations of humanitarian thought and practice. In the latter sense, studying the implications of the norm of respect for culture and customs presents one way of addressing some of the main questions that contemporary humanitarians grapple with. It is also possible to approach these issues from other angles; for instance, the well-known contemporary debates about what constitutes quality and accountability in the humanitarian context arguably at bottom deal with similar issues, i.e. what humanitarian assistance fundamentally is or ought to be. In this thesis, I have sought to offer an argument in favour of an approach to humanitarian aid that reaffirms the traditional humanitarian principles – albeit on a contemporary, secular basis – while at the same time being sensitive to local context.

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