

MODULE TWO

The Convergence of Humanitarianism & Human Rights

Assorted Principles for a Common Project

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Introduction to module two

Module one invited us to embark on a particular 'voyage' through the conceptual world in which our theory and practice take shelter. We have journeyed across imaginary lands and historical episodes, encountering a variety of visions, ideologies, moral and philosophical arguments, political doctrines, social movements and legal developments that have shaped the course of human history.

Back from our expedition, module two offers us some space for reflection. The following pages focus on those core beliefs, values and principles which mould our humanitarian identity ('humanitarian identities', to be more precise). Together we will revisit the moral foundation of our professions, while exploring a number of ethical and practical dilemmas, challenges and contradictions which so often affect our decisions and actions.

Module two pursues three main **learning objectives**:

- the participants will be able to identify the key values & principles underlying humanitarianism and the human rights ethical framework;
- in conjunction with module one, the participants will acquire a historical perspective concerning the origins and development of such values and principles; and
- the participants will be able to analyse critically the main challenges, dilemmas and opportunities arising out of the practical application of some core principles of human rights and humanitarianism.

Guidance notes

Using this module as a supporting tool, I encourage you - reader, facilitator, trainer or trainee - to engage in a process of re-examination of your professional identity. *How do - or perhaps should - human rights and humanitarian values and principles guide our actions?*

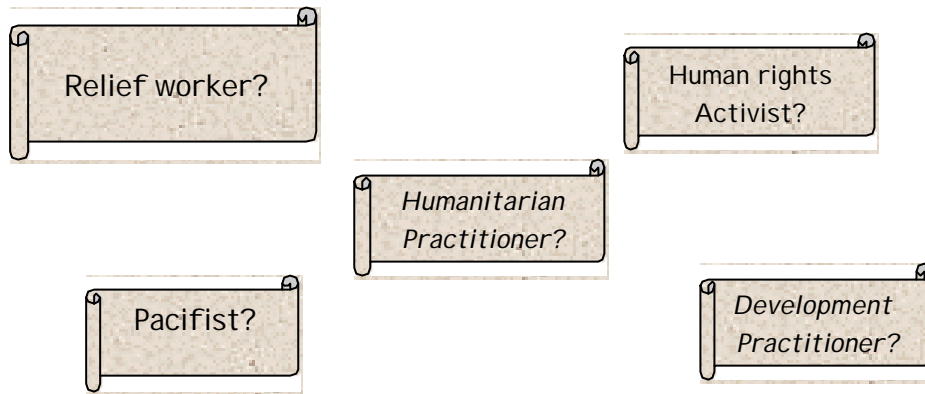
The module is mainly about attitudes and values. Yet we should try to strike a balance between ideas and practice, between our principles and the realities of their application. Various learning methodologies can be adopted, ranging from individual brainstorm exercises and role-plays to thematic presentations and the analysis of case studies. But remember. The most valuable source of learning often resides in those who 'practice' humanitarianism and human rights themselves. It is, therefore, essential to enable the participants to share their experiences, viewpoints, doubts and hopes. By doing so, we will all learn.

HUMANITARIAN IDENTITY: A moral riddle?

Who are we, professionally speaking?

Have you ever pondered about your professional identity?

Look at the work you do, at the language you use, and think of your values and principles. Would you define yourself as a ...



In the course of the two learning programmes on rights and humanitarian standards that ActionAid implemented earlier this year, the participants were encouraged to reflect about their professional identities. At one point, they were offered 'different labels' (see above) and told to choose one or more to describe themselves.

Most of them picked at least two labels.

A few chose all of them!

It seems that we are dealing with a case of '**multiple identities**'. Not surprisingly, Slim depicts the ideal modern humanitarian practitioner as a species of chameleon, highly qualified, and always ready to cope with unexpected situations, to change colour in accordance to its surroundings (Slim, 1995). Yet it seems that this new breed of '**humanitarian chameleons**' – or aspirants to chameleon - are getting more and more confused about their real identities. A number of factors may be contributing to this sense of identity crisis (see table 2.1).

Guidance notes

This introductory section provides some initial 'food for thought' and discussion around the nature of our 'multiple' professional identities - both as individuals and as staff of humanitarian agencies. Brainstorm exercises and group discussions may be used to reconsider our understanding of humanitarian and human rights values as well as the vision and core principles of our organizations. *What do we mean when we use the term 'humanitarian'? Are human rights 'humanitarian'?*

It is advisable to ground our discussions around values and principles on the particular geo-political and social context in which the participants normally operate.

Table 2.1 – Why are we talking about a 'humanitarian identity' crisis?

FACTORS	
Volatile, insecure and complex environment	<ul style="list-style-type: none"> ▪ changing nature of conflicts. ▪ wide array of influential actors (e.g. global networks, multi-nationals, rebel groups). ▪ power of sovereign states increasingly challenged. ▪ violence, neglect and extreme poverty.
Enlarged mandate and operational scope of agencies working in emergencies	<ul style="list-style-type: none"> ▪ together with traditional 'relief' work, agencies are increasingly undertaking activities of reconstruction and rehabilitation, peace-building, human rights monitoring and reporting, advocacy, dissemination and promotion of human rights and humanitarian standards, etc. ▪ integration of emergency work and long-term development.
Convergence of diverse professional traditions: humanitarianism, human rights, social policy, pacifism...	<ul style="list-style-type: none"> ▪ 'ever-enlarging' terms of reference may present serious ethical and practical dilemmas and contradictions (see below). ▪ the mixing of different jargons, principles, perspectives and methodologies may produce certain sense of puzzlement. ▪ need to rethink our professional culture .
Relationships with other actors in the humanitarian arena	<ul style="list-style-type: none"> ▪ we are increasingly operating through partnerships, networks and alliances. In addition, new forms of collaboration and negotiation are adopted. ▪ we often find ourselves working alongside government representatives, the media, private companies, the military, etc. ▪ the diverse and often contradictory nature of the values and interests held by the different actors may raise serious scruples.
Trends towards the 'professionalisation' of humanitarian practice	<ul style="list-style-type: none"> ▪ visible signs of professionalisation: adoption of codes of conduct, development of operational standards and best practices, use of a common jargon, proliferation of specialised academic programmes. ▪ professional knowledge and expertise under increasing scrutiny ▪ higher external pressures: demands for greater accountability, loss of independence, higher expectations.
Gap 'rhetoric-reality'	<ul style="list-style-type: none"> ▪ humanitarians may be perceived as too naïve, even Quixotic (noble, unselfish or gallant but in an extravagant or impractical way¹). ▪ danger of falling into utopian idealism, scepticism or even cynicism.
Lack of a common 'narrative'	<ul style="list-style-type: none"> ▪ as suggested by Slim², the human rights ideology, for instance, has not a common narrative comparable to the great accounts of other ideologies or religious traditions (e.g. Exodus, the life of the Prophet Mohammed or Marx's great narrative of history).

The interaction of such factors is increasingly forcing agencies and practitioners not only to *refine* their operational strategies and *seek* to equip staff better to function in emergencies, but also to *review* and *rethink* some of their fundamental principles and objectives.ⁱ

This module intends to create a reflective space to revisit the moral foundations of our professions: those values and principles that guide and inform our work.



Interacting with other actors in the 'humanitarian' arena.
Some participants of ActionAid's learning programme on rights and humanitarian standards in Soroti (Uganda).

Photo: Nickson O. (AA Uganda)

Module two has two main sections:

- *"Where do we come from?"* explores the gradual process of convergence of different professional traditions in the field of emergency practice, with particular emphasis on the articulation of a rights-based humanitarianism. The core values and principles underlying humanitarianism and human rights are reviewed.
- Section II highlights a number of critical challenges, dilemmas and contradictions concerning the theory and practice of a rights-based humanitarianism. This section includes a mini-case study on ActionAid's emergency work in Sierra Leone.

I. WHERE DO WE COME FROM? Visions, values and principles

In module one, we talked about the utopias, dreams and visions of some well-known thinkers, scholars and writers.

How about us?

What are our dreams, what are our visions?

ActionAid, for instance, envisages

"a world without poverty in which every person can exercise their right to life with dignity"³.

In similar terms, Oxfam imagines a "just and safer world in which people take control over their own lives and enjoy their basic rights". And Save the Children Fund would like to see a "better world for children, where their right to a happy, healthy and secure childhood is ensured"⁴.

Such declarations may provoke different reactions and feelings, ranging from indifference to inspiration, from scepticism to genuine interest. It will be often easier, though, to skip those lines and go straight to the 'practical' stuff. Who has time nowadays for poetic expressions?

Yet a more careful reading of the above statements may help people, including ourselves, understand who we are, what do we stand for and what values and principles sustain our work (Box 2.1). And this is not a trivial question. Clarity of principles is the basis of good practice.

Adopting rights-based approaches

The fact is that by adopting the notion of human rights as the cornerstone of our work, we become heirs of a rich and multiform human tradition, whose revolutionary visions imagine a world in which people's dignity and intrinsic value are respected and protected.

Interestingly enough the last years of the 20th century have seen the revitalisation of the idea of human rights and its consolidation as the prevailing discourse in this global era.

Box 2.1 - ActionAid's vision: reading between the lines

A world

(it reflects a universal, 'internationalist' vocation)

without poverty

(a clear message of solidarity with the poor)

in which every person

(it reaffirms the principles of equality and non-discrimination)

exercise

(it conveys the idea of active agency and empowerment)

their right

(a moral and legal claim)

to life with dignity

(beyond mere survival).

"The language of human rights", Robinson concludes, "has become the acceptable voice – indeed, virtually the only voice – of morality in international relations"⁵

In the field of development and emergency practice, we have witnessed the **convergence** of what, until recently, were considered as different moral and 'professional' traditions. As analyses of poverty, needs, power, gender, vulnerability and rights deepen our understanding of the context in which we operate, the 'boundaries' between development, emergencies, human rights and politics have begun to fade.

Guidance notes

Against the background set up by the previous module, this section may help us understand the organizational context in which the increasing adoption of rights-based approaches is taking place. A few words may be useful to set the scene. Then the participants could be asked to reflect around their own organization's vision, mission and values, paving the way for coming debates.

Driven by recent re-definitions of poverty and vulnerability, more and more aid agencies have made explicit moves towards a rights-based mode, at least by word of mouth. In the midst of a program of reform, UN agencies showed their commitment to mainstream human rights throughout all their activities. Some fifty years after the UN Universal Declaration of Human Rights, the United Nations affirmed that they are *"increasingly integrating a human rights component into its peacekeeping operations and into its humanitarian activities, as well as advocating a rights-based approach to peace-building in the aftermath of conflicts"*⁶.

Also in 1998, the British Government declared its *"intention to place human rights at the centre of its international development and foreign policies"*⁷

A number of non-governmental agencies have eventually embraced rights-based approaches: Oxfam, Save the Children Fund, and more recently, Help Age International and ActionAid. At a collective level, the Sphere Project is attempting to translate human rights and humanitarian principles into operational standards for disaster response (see module five).

Especially in the field of emergency practice, such a fusion of 'theories and practices' has profound implications for our work, but also for our 'professional' identities. While many are trying to assemble new rights-based paradigms, others keep hearing grating noises coming from some of their junctures.

But where are those noises coming from?

Let us concentrate on perhaps the two most distinctive converging 'traditions': humanitarianism and human rights.

Rights-based Humanitarianism: the merger of two unsuited traditions?

Traditionally human rights and humanitarianism have been portrayed as two separate segments of analysis and practice. They have been considered as two different traditions, with different origins, autonomous developments, based on different principles, and embodied in different legal bodies.

Thus the **Humanitarian Tradition** appears strongly associated with the Red Cross Movement initiated by Henri Dunant in the nineteenth century (see Box 1.12). Humanitarianism has usually been seen as the incarnation of a *philanthropic* impulse: those actions which spring from feelings of charity and



compassion. In practice, humanitarianism would focus on *assisting and providing relief to victims of war or other human disasters*, as activities separate from the vicissitudes of the scenario in which the 'emergency' took place.

As a matter of principle, 'classical' humanitarianism appears *de-politicised*. Humanitarians are neutral, give assistance without discrimination, and have no intention to redress or change anything to do with the 'crisis' itself – particularly in situations of armed conflict. In this respect, it is often said that behind the humanitarian philosophy underlies a basic idea: *simply that war has limits*.⁸

The **Human Rights Tradition**, instead, appears closely related to the political principles of *liberty* and *equality* that were consecrated in the American and French revolutions back in the late eighteenth century.⁹ This tradition is also linked to a series of historical developments, such as the anti-slavery movement and the civil rights movements. The idea of human rights was to culminate in the 1940s, when it was internationally recognised and embodied in the United Nations Charter and, later, in the Universal Declaration of Human Rights.

Based on the principles of *equality* and *non-discrimination*, the ideology of human rights is about '*justice*', has a clear political nature and pursues the protection of individuals primarily against the arbitrary power of the state. Yet

Are human rights and humanitarianism really separate and distinct traditions?

Was the 19th century anti-slavery movement part of the humanitarian tradition or part of the human rights tradition?

Would you describe the Nazi Holocaust as a humanitarian crisis or a human rights crisis?

Is the Genocide Convention an instrument of humanitarian law or human rights law?

* * * *

As we pointed out in module one, humanitarian aid has been largely redefined in the course of the last decade. A **new humanitarianism** has emerged, adopting new roles (e.g. conflict resolution and advocacy) and establishing fresh relationships with other 'traditional' disciplines, such as development and human rights, of a more explicit political nature.

To some, such a move may bring adverse consequences to the very soul of humanitarianism. In line with it, Fox argues, "*politicians should do politics, human-rights organisations should do human-rights work, and humanitarian aid should be based on traditional principles of humanity, neutrality and the universal right to relief*".¹⁰

Others believe that the principles and values underlying humanitarianism need to be rethought or reinterpreted. Slim, for instance, identifies two different strands within humanitarianism: a humanitarian tradition based on charity and another humanitarianism based on rights. He concludes that humanitarianism is increasingly understood as a matter of right.¹¹

Darcy, although under the heading "Different traditions: human rights and humanitarianism", admits that the two traditions are linked: "*both are universal in their application, and based on a recognition that our shared humanity makes certain demands on us. Both, too, can be linked to an analysis of human need*".

He concludes: "*humanitarian actions should themselves be seen as one part of a spectrum of human rights activities*" (Darcy, 1997:4).

Guidance notes

Once the wider context has been outlined, it is essential to review the principles underpinning rights-based humanitarianism. Firstly, the participants may be introduced to the core principles of humanitarian action, using, for instance, the Code of Conduct video or through a short presentation. Time for discussion and questions will be allowed.

Particular emphasis should be given to the definition of two principles: *neutrality* and *impartiality*. Their differentiation may raise some doubts and confusion.

... But which 'humanitarian' and human rights principles are those we are talking about?

PRINCIPLES, WHAT PRINCIPLES?

Principles, we argued earlier, can be understood in different manners: as general truths, as moral standards informing our behaviour and actions, and also as guiding rules that are to be observed in particular situations. Below you will find a summary of the principles which inform both humanitarianism and human rights theory and practice.

The principles of humanitarian action

The principles of humanitarian action are those standards and guiding rules that tell us how agencies and individuals should act in emergencies.

In the context of emergency work, we usually talk about the principles of humanitarian action. Though closely related, they are different from the so-called *humanitarian principles*; that is, the legal principles underlying International Humanitarian Law (see Module 3).

Since their original formulation by the International Committee of the Red Cross, the principles of humanitarian practice have been widely adopted by many other humanitarian agencies, further refined, expanded and, more recently, questioned.

Box 2.2 - Four Fundamental Principles of the International Committee of the Red Cross

The principle of **humanity** – or the imperative to “*prevent and alleviate human suffering wherever it may be found... to protect life and health and to ensure respect for the human being*”. The formulation of this principle makes clear that it encompasses not only a purely physical dimension: saving life. It also extends to a person's liberty and happiness.¹²

Neutrality is perhaps the most controversial principle (see below). According to it, humanitarian agencies may not participate (take sides) in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature.

The principle of **impartiality** presents two main aspects: *non-discrimination* and *proportionality*. Being impartial means that assistance must be offered to all sides in the conflict, and provided making no discrimination as to nationality, race, religious beliefs, class or political opinions. It also implies that assistance must be given according to need.

The principle of **independence** seeks to ensure that humanitarian agencies have the freedom to operate purely on humanitarian considerations independent of any political, military or economic interests or interference.

Forced to operate in increasingly challenging and complex arenas, post-Cold War humanitarian agencies have engaged in a process of revision and [re]-formulation of principles and values. By doing so, several objectives have been pursued, including:

- a) reaffirmation of their commitment to essential humanitarian values;
- b) self-regulation, and the achievement of higher standards and greater accountability to donors and people affected by emergencies;
- c) to secure sufficient humanitarian space to operate, while protecting fundamental human rights through the negotiation of joint ethical frameworks in conflict situations.

In 1994, over 140 agencies agreed and signed a common ethical framework, containing ten core principles of humanitarian action. The document, called the *Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Response Programmes*, enunciates a list of basic moral and operational principles.

Box 2.3 – NGO/Red Cross Code of Conduct (1994)

The humanitarian imperative comes first

Aid is given regardless of the race, creed or nationality of the recipients and without adverse distinction of any kind

Aid will not be used to further a particular political or religious standpoint

Relief aid must strive to reduce future vulnerabilities to disaster as well as meeting basic needs

We shall endeavour not to act as instruments of government foreign policy

We shall attempt to build disaster response on local capacities

Ways shall be found to involve programme beneficiaries in the management of relief aid

We shall respect culture and custom

We hold ourselves accountable to both those who we seek to assist and those from whom we accept resources

In our information, publicity and advertising activities we shall recognise disaster victims as dignified human beings, no objects of pity

Similar initiatives have been undertaken in the context of specific countries (e.g. Joint Operating Principles in Liberia; Code of Conduct for Humanitarian Agencies in Sierra Leone; Ground Rules in South Sudan). Furthermore, a different typology of code has been developed as part of wider inter-agency projects, such as *The Sphere Project's Humanitarian Charter and Minimum Standards in Disaster Response* and the *People in Aid Code*.

It is perhaps too early to assess the impact of these codes and projects. In practice, as Leader points out, adherence to a particular Code has not necessarily meant its 'internalisation' and implementation by the agencies signing up to it. Furthermore, effective compliance mechanisms have not been articulated so far.¹³ Such initiatives, however, are playing a positive role in generating constructive debates and discussions around the values and principles of humanitarian agencies, increasingly relevant in the current global context.

Human Rights Principles

Modern human rights are based on the notion of **human dignity**. Refraining from direct appeals to God or Nature as the ultimate source of human rights, the drafters of the Universal Declaration (1948) recognised 'the inherent dignity of all members of the human family' as the moral foundation of the new international legal order.

As Robertson suggests, inherent dignity, in such a context, echoes the Kantian notion of dignity, as *intrinsic human worthiness*.¹⁴ Every person, by virtue of his or her humanity alone, possesses human dignity. As a result:

- a) Fundamental rights and freedoms are not given by any authority (they are **inherent**); and therefore they may not be taken away (they are **inalienable**).
- b) Human rights are considered as **universal**. They belong to every person.

These are the primary characteristics which distinguish human rights from other rights. From them, it derives the core **principle of non-discrimination** (box 2.4).

This general principle is further specified through the principle of **equality before the law**

"all are equal before the law and are entitled without any discrimination to equal protection of the law" (article 7 UDHR)

Box 2.4 - Non-discrimination

It is the core principle of the notion of human rights.

"No one must be granted or denied human rights on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status" (Article 2 UDHR).

But, as Robertson (2000) rightly indicates, the enjoyment of basic rights and freedoms depends, to a large extent, on the implementation of a principle of a more technical character: the principle of **state responsibility**, from which springs the **right to an effective remedy**.

Guidance notes

A second list of principles and values (human rights) is ready for discussion with the participants. In groups or in plenary session, the two sets of principles are contrasted. *Can we identify any overlaps? Are they complementary? Are there any possible tensions or incompatibilities between them?*

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him [sic] by the constitution or by law (Article 8 UDHR).



At first glance, there seem to be no major contradictions between the two different sets of values and principles: humanitarian and human rights. On the contrary, both 'traditions' share a common moral basis represented by the universal idea of **human dignity** and the core principle of **non-discrimination**.

Moreover, both are closely linked to the concept of **human need** (Darcy, 1997:4). Human dignity is related to those conditions that are necessary for a social and participatory life in both the private and public sphere. As Bustelo discusses (inspired by T.H. Marshall), such conditions (or basic needs) are more likely to be met among the members of a community in which citizenship

"expands from civil rights (e.g. liberty, freedom of thought and speech) to political rights (e.g. participation in political life), and finally, to social rights (e.g. right to a minimum standard of economic well-being and security)".¹⁵

What are then the points of friction between humanitarianism and human rights?
What are the sources of those challenges, dilemmas and contradictions faced by the 'brave' champions of a rights-based humanitarianism?

Much has been argued and written on the topic. A rich variety of arguments and counter-arguments are normally put on the table when discussing 'rights' issues. Our next section highlights some of the main challenges, dilemmas and contradictions affecting the theory and practice of a humanitarianism based on the notion of rights. In an attempt to frame the debates around rights and humanitarianism in a more systematic and coherent way, they appear under different headings:

- a) Intrinsic considerations - those factors which arise from the very nature of the particular tradition (i.e. human rights)
- b) Strategies and styles: *how to be political?*
- c) Limitations of a rights-based approach to emergencies

Guidance notes

So far we have dealt with principles and values mainly from a theoretical angle. Perhaps we have already identified some possible difficulties concerning their practical application. *Who is not aware of the huge gap which often exists between words and actions?*

Our next section unveils a number of possible dangers, contradictions and challenges related to human rights and humanitarian theory and practice. But, above all, it encourages the participants to place themselves before a number of ethical and practical dilemmas which may arise in the course of emergency work. It is time to make decisions. *How will we interpret the principle of impartiality in the face of gross human rights violations? How to ensure people's participation in the midst of violent conflict? How to reconcile our humanitarian imperative with the achievement of long-term goals?*

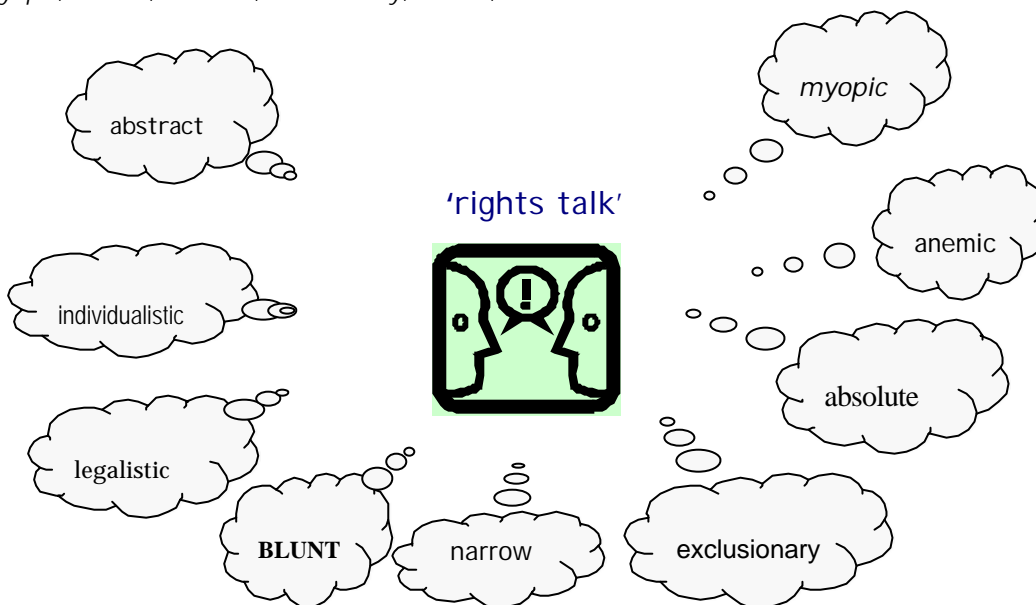
Short case studies (relevant to the specific context) may be provided for group discussion. The use of short role-plays is also recommended. Different participants or groups may assume contradicting positions, and debate around a number of dilemmas. Here again, it is important to ensure that the participants (most of them practitioners) mutually benefit from their personal experiences and views regarding the topics discussed.

II. Rights-based humanitarianism: Dangers, Dilemmas, Challenges and Contradictions

1. INTRINSIC CONSIDERATIONS

1. The vices of 'rights talk'

Hutchinson has enumerated a list of vices attributed to the rights talk: *'abstract, individualistic, legalistic, myopic, anemic, absolute, exclusionary, narrow, and blunt'*¹⁶



Let us examine some of them.

"Rights talk is abstract": the gap between rhetoric and practice

One of the most common reproaches addressed to the human rights system is the extraordinary gap between its rhetoric and its reality in many parts of the world. Bearing such a disparity in mind, to talk about rights, it is argued, may be counter-productive and even harmful in certain situations. For some, when people need food and shelter right now, to demand the satisfaction of those needs is *"more likely to succeed than claiming that existing rights to food and shelter must be enforced"*.¹⁷

Certainly, human rights bring with them a certain element of 'abstraction'. It is hardly surprising... They are just *symbolic* powers. In addition, some emergency situations may appear, to the outsider, surrounded by an atmosphere of abstraction, of a divorce from reality. *"Still"*, as Camus observes, *"when abstraction sets to killing people, one has got to get busy with it"*.¹⁸

Metaphors apart, the point is that human rights will remain just that, a mere abstraction, unless they are enforceable, particularly in those situations in which they are not widely recognised by society. As we



saw in imaginary Obwobwo, rights need effective mechanisms of implementation and enforcement to be effective in preserving human dignity, satisfying basic needs and protecting people's lives and integrity.

Working towards a wider social recognition of human rights and the establishment of the rule of law appear as essential steps in order to turn abstract standards into real and effective 'powers'.

Human rights as absolute and individualistic: how about responsibilities?

Glendon, in her book *Rights Talk: The Impoverishment of Political Discourse*, warns us of some possible dangers associated with the abuse of rights talk. Human Rights, she argues, tend to be formulated as **absolute** and independent of any necessary relation to responsibilities". Excessive emphasis on rights, it follows, may ignore the importance of responsibility (state responsibility and, perhaps most importantly, social and individual responsibility).

Our rights talk, in its absoluteness, promotes unrealistic expectations, heightens social conflict, and inhibits dialogue that might lead towards consensus, accommodation, or at least the discovery of common ground.¹⁹

Another recurring criticism of the notion of human rights relates to its disproportionate **individualism** and emphasis on self-sufficiency. As a result, it may encourage selfish attitudes of isolation and indifference to others, as individuals and as a community. My question is

Do human rights ignore responsibilities and the social dimension of human existence?

Debates about this subject tend to focus on the antagonism between individual and collective interests. Which ones should prevail in case of conflict? Human rights are often presented as the heirs of a Western, liberal tradition which favours the interests of the individual (e.g. property, privacy, freedom of speech) to the detriment of wider collective considerations (e.g. social homogeneity and equality, respect for traditional values), particularly associated with some Asian and African societies.

Such arguments, no doubt, constitute a useful reminder for those of us who engage in rights talk. Yet, as Perry observes, *"to believe in human rights – and to insist that they be adequately protected by international as well as by domestic law – is not to disbelieve in or otherwise minimize a human being's responsibilities to other human beings, in particular to the community to which she belongs".²⁰*

International human rights instruments, we are reminded, are explicit about the centrality of human responsibilities as a necessary complement of those rights. The Preamble common to the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights declares,

"Realizing that the individual, having duties to other individuals and to the community to which he [sic] belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant..."

Explicit references to human responsibilities and duties are also found in article 29 of the Universal Declaration of Human Rights, article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, and the Preamble of the African Charter on Human and People's Rights, just to mention a few examples.

Based on our understanding of human interdependence and vulnerability, human rights need, both in theory and practice, to reaffirm its essential social dimension. Rights are powers to act and to decide that are not based upon the individual's own force. The force of human rights may only reside in the active recognition of the community. I have to count on the others to enjoy my rights.²¹

2. Universality versus cultural relativity

A perhaps more serious objection to the idea of human rights concerns their substance: *are they really universal?* This question has generated endless debates and controversy since the inception of the notion of human rights.

Guidance notes

Sometimes we will have to deal with some degree of scepticism, or even cynicism, coming from the participants. *'The vices of rights talk* gives us a good opportunity to revisit, and challenge, a number of stereotypes, perceptions and assumptions concerning the nature of human rights.

The debate about universality will be highly relevant (and perhaps sensitive) in certain contexts.

For those who affirm their 'universal' character, human rights (such as physical security, free speech or freedom of religion):

- a) belong to every single human being;
- b) in addition, their general content is - and must be - the same everywhere.²² Their specific definition and implementation, however, allow culturally influenced forms (e.g. the right to a fair trial will be expressed differently in London than in a small village community in Uganda).

In contrast, the relativist position alleges that moral rights and rules vary from culture to culture, from society to society. Thus human rights' content and application will depend on the particular social and cultural context in which they are adopted and defined. Human rights' claims of universality may be seen as an unjustifiable attempt to impose Western values on other cultures or states: a sort of 'cultural imperialism'.²³

Box 2.5 - Different understandings of human rights.²⁴

Inalienable Absolute Universal Eternal, ahistorical Based on equal human dignity	<i>as opposed to</i>	Socially constructed, given and taken Contingent Particular, culturally specific Time bound, historicist Based on utility, power
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The **1993 UN World Conference in Vienna** witnessed a revival of the debate on universality. The resultant *Declaration of Principles* solemnly reaffirmed the universality of human rights. Yet, as Robertson (2000) describes, underneath its surface some irreconcilable viewpoints were put forward by leading politicians and statesmen of Asia and Africa. Human rights, it was argued, are an '*invention*' of Western liberalism. Therefore, they must be adapted to the different national and regional realities, each with a diverse historical and cultural tradition.

Debates of this nature may be highly enriching. They often represent legitimate claims. The term 'culture', however, tends to be used (abused) to hide partisan political, ideological or even personal interests. The defence of 'cultural relativity' and 'Asian values' by leaders such as President Suharto and Lee Kuan Yew may provoke some suspicions about the coherence of their argument. Likewise, the



credibility of some Western actors (e.g. multinationals) advocating for 'democratic' values in certain countries should be subject to closer scrutiny.

As we argued in module one, the very basis of human rights values - intrinsic human dignity - is not the monopoly of any culture, ideology or society. Universality, Linton maintains, has to be found in "those basic values normally associated with the satisfaction of the basic needs, both physical and psychological, of the individuals, as well as the realisation of the conditions necessary for the survival and effective functioning of society".²⁵

It is within such frames of values, where human rights must search for legitimacy in Western and non-Western societies. Each culture and each age have had their own reformers who have fought to put behind the oppression of one human being by another. Like Dr Ambedkar, the great leader of the 'untouchables' in India; or like Nelson Mandela in South Africa.

[...] Change was in the air in the 1940s. The Atlantic Charter of 1941, signed by Roosevelt and Churchill, reaffirmed faith in the dignity of each human being and propagated a host of democratic principles.

Some in the West saw the Charter as empty promises, but not those of us in Africa. *Inspired by the Atlantic Charter and the fight of the Allies against tyranny and oppression, the ANC created its own charter, called African Claims, which called for full citizenship for all Africans, the right to buy land and the repeal of all discriminatory legislation. We hoped that the government and ordinary South Africans would see that the principles they were fighting for in Europe were the same ones we were advocating at home "[...]"²⁶*

3. Indivisibility, Interdependence and Hierarchy of Rights²⁷

Since their original legal formulation, the 'indivisible' character of human rights has remained controversial. Such a controversy has deeply influenced the development and implementation of human rights law.

The idea of **indivisibility** presupposes that human rights form, so to speak, a single package and that they cannot rank one above the other on a hierarchical scale (van Boven in Vasak & Alston, 1982:43).

Although the Universal Declaration of Human Rights does not establish any hierarchy of rights (*all human rights appeared as equal in importance*), in practice, a clear dissociation between two different categories of rights has been favoured by different states and other international actors.

Western liberal countries, it is said, have traditionally given pre-eminence to the promotion and protection of civil and political rights, seen as necessary requisites to democracy and development.

In contrast, countries of a Marxist inspiration and, later, those embodying non-Western legal and philosophical traditions, opposed the liberal view, stressing the primacy of economic, social and cultural rights. Such a division, it is argued, has not only originated an artificial prioritisation among human rights (see module three: the three generations of human rights), but also hindered the process of recognition and implementation of women's human rights (see module four).²⁸

The ascendancy of a neo-liberal creed in the course of the last two decades has rekindled the debate around the indivisible character of human rights. Recent studies show that free-market reforms and structural adjustment programs have to a large extent failed to ensure the respect and protection of economic, social and cultural rights in many countries. As Massa Arzabe argues, the dissociation of the two groups of rights may contribute to, and even legitimate, the perpetuation of social exclusion and extreme poverty.²⁹

With such debates in the background, the 1993 Vienna Declaration reaffirmed that *"all human rights are universal, indivisible and inter-dependent and inter-related"* (para.5).

b) STRATEGIES, STYLES: How to be political?

1. Principles in conflict: balancing neutrality, impartiality and solidarity

As we suggested earlier, the incorporation of a rights-based perspective into emergency analysis and practice seems to be generating some contradictions and tensions amongst humanitarian practitioners. In this regard, the traditional humanitarian principle of neutrality is at the centre of most debates and discussions

Humanitarian 'orthodoxy' (traditionally represented by the ICRC) considers the principles of neutrality and impartiality as non-negotiable. Basically the humanitarians must stand apart from the political issues at stake in conflict. The adoption of rights-based approaches, they warn, may lead to the loss of neutrality and impartiality, endangering humanitarian immunity, access to the victims and, therefore, the very humanitarian imperative.

"By virtue of the principle of **neutrality**, humanitarian agencies may not participate (take sides) in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature"

Being **impartial** means that assistance must be given according to need, and offered to all sides in the conflict, and provided making no discrimination as to nationality, race, religious beliefs, class or political opinions.

Humanitarianism, according to this posture, is about saving human lives, alleviating suffering and 'humanising' war. By maintaining a neutral stance, it is argued, humanitarians can provide humanitarian aid with independence and impartiality.

According to others, neutrality may result in the adoption of unethical positions. As the experiences of the great humanitarian crises of the 1990s demonstrated, silence (or 'looking to the other way') in the face of gross and systematic abuses of human rights and humanitarian standards may imply some kind of undesirable 'complicity'. *When human rights are violated systematically, humanitarian values are inevitably eroded*.³⁰ Yet

Is it realistic to pretend that abstract, moral principles may be invoked in the midst of armed conflicts, especially when they entail a clear denunciation against the behaviour of the parties involved in it?

The dilemma, I think, involves not so much a conflict of principles or values (humanitarian versus human rights) as the adoption of a particular strategic decision, operational method or tactic. As Leader and Macrae put it, *"humanitarian action has always been a highly political activity... The issue is not whether humanitarian aid is political, but how"*.³¹

Thus neutrality, once the political nature of humanitarianism is accepted, becomes a *pragmatic operational posture*' (Slim, 1997), the operational means chosen to achieve certain humanitarian ideals in a hostile environment.³²

In any of its variants, the debate around the principle of neutrality is likely to continue generating new ideas, conclusions, recommendations and disagreements in the immediate future. A key question remains unanswered: *can we show 'genuine' solidarity in the midst of humanitarian crises, especially in conflict?*



Self-defence: internally displaced person in Katakwi (Uganda). Photo: Nickson O. (AA Uganda)

'Taking sides' and the principle of solidarity

Solidarity with the poor has increasingly become a central element in the rhetoric of international development. Solidarity with the victims of human rights violations in situations of emergency is a different matter, especially when one is operating in armed conflicts.

As we commented in module one, the Genocide in Rwanda in 1994 proved to be a turning point for many humanitarian agencies working in complex emergencies. Some organizations, such as *Médecins Sans Frontières*, 're-interpreted' the classical principle of political neutrality and chose to speak up denouncing those who were systematically violating the rights of civilians. The price of such a manifestation of solidarity was withdrawal or expulsion from the country.

Despite the obvious risks posed by adopting such challenging attitudes, more and more agencies are engaging in advocacy and condemnation of human rights abuses. In recent years, some NGOs, individually or through networks and alliances, have adopted a more proactive role in reporting and denouncing violations of human rights.

But how can agencies show solidarity in such situations? De Waal identifies four components of genuine solidarity:

- human rights objectivity and the pursuit of justice (commitment to a rights-based agenda)
- consultation with and accountability to the people with whom solidarity is expressed
- shared risk and suffering with the people
- concrete action in support and/or political or human rights lobby and advocacy.³³

Still, showing genuine solidarity poses fundamental dilemmas and critical difficulties, including the issue of security and well-being of field staff. The degree of solidarity, and its manifestations, will necessarily vary according to the particular context in which agencies operate. At least in theory, we may assume that engaging in public advocacy will result less controversial and risky in cases of natural disaster (e.g. post-earthquake stage) than in situations of war (e.g. civil conflicts).

Similarly, solidarity may well have a different meaning and implications for those agencies with long-established relations with particular communities and populations before being affected by a humanitarian crisis than for those intervening in the area for the first time. A whole range of factors will determine the strategy to adopt, including the agency's philosophy, mandate, resources available, credibility, etc.



ActionAid India, for instance, is actively pursuing the incorporation of a rights perspective into their development and emergency work globally. With the adoption of a rights-based approach, Harsh Mander, Country Director of AAI affirms, '*taking sides is absolutely imperative*'.

Solidarity, in practice, means the assumption of new roles and responsibilities: assisting in processes of 'conscientisation'; assistance in fighting legal battles; support to peaceful resistance and struggle; lobbying and influencing policies and law-making institutions; assistance in access to relevant information (see module five).

Recent emergencies in India (super-cyclone in Orissa in 1999 and earthquake in Gujarat in 2001) have tested ActionAid's efforts to apply a rights mode to emergencies. Informed by a strong commitment to taking sides with the most vulnerable, poor and marginalised, ActionAid India has undertaken a wide range of activities aimed at helping the most vulnerable individuals and groups affected by the emergencies to exercise their rights and redress power inequalities. These have included the mobilisation of communities to ensure that relief and rehabilitation packages actually reach the poorest as well influencing state policies so their rights and interests are taken into consideration.

In such a highly stratified and polarised society, to engage in a process of social mobilisation and advocacy work might be seen as compromising the 'humanitarian' principle of neutrality. In addition, it may generate further violence, especially from those who feel threatened by this kind of 'emergency' work.

But, as we mentioned earlier, the nature and scope of any expression of the principle of solidarity will necessarily vary depending on the levels of social and political violence prevailing in each particular context. In module five we will examine how different agencies working in emergencies are undertaking activities for the promotion and protection of human rights.

c) limitations of a rights-based approach

1. Rights alone cannot answer all our questions

In a time in which talking about charity or philanthropy may not be 'politically correct', some voices have been raised questioning the validity of the idea of human rights as the only supreme value upon which build human societies. As Rigterink points out, other equally important moral categories are being neglected under the domination of the human rights discourse. He refers to concepts such as responsibility and care.³⁴

In line with it, a number of philosophers – especially coming from a feminist tradition - have advocated for the adoption of an ethic of care, both in the private and public spheres of human life. Accordingly, alternative moral values - care, responsibility and trust – should "complement, or in some cases replace, notions of rights and obligations, reciprocity, justice and fairness".

A '**care ethics**' recognises the importance of such values and attitudes in key areas of human existence, including conflict prevention and social co-operation.³⁵ In addition, it provides a solid social and interpersonal foundation upon which articulate claims, entitlements and human rights.

ActionAid India, again, provides us with an interesting example of how considerations of justice, rights, care and compassion may be successfully harmonised in practice. Based on the active participation of the people in the processes of project planning and implementation, AA India designed a highly innovative emergency programme in response to the devastating super-cyclone which hit Eastern Orissa in 1999.



Together with the principles of participation, equity, gender focus, and sustainability, ActionAid's emergency response incorporated a strong component of 'caring and social security'. The objectives of the programme included:

- To strengthen democratic institutions at local level and ensure good governance
- To encourage a sense of public accountability and transparency
- Community-based disaster preparedness and management. A kind of social contract was established for the appropriate rehabilitation of widows and orphans, destitute, persons with disability, uncared aged.

2. Principles of humanitarian action in practice

I will remind you that we have already defined the principles of humanitarian action as those standards and guiding rules that tell us how agencies and individuals should act in emergencies. We have also discussed some of the dilemmas and contradictions that such principles may generate, both in theory and practice.

But perhaps the most testing difficulties faced by such principles arise as a result of the highly challenging environment in which humanitarian agencies operate. Below we insert a mini-case study based on Mike Young's study on the work that ActionAid carried out during the period of internal armed conflict in Sierra Leone (1995-2000). The study explores the challenges and dilemmas, both ethical and practical, which they faced when attempting to apply the principles of humanitarian action in the real world.

Guidance notes

When working with less experienced participants, the use of one or more relevant case studies may be more appropriate to illustrate the key dilemmas and challenges of humanitarian practice. Rwanda, Sierra Leone, Sudan, the Balkans constitute textbook examples in this respect. Videos (e.g. Rwanda genocide), for instance, can be used to open the group discussions.

With more experienced participants, I encourage you to be brave, and experiment more creative activities: socio-dramas, role-plays, the 'Rashomon' technique (groups of participants make a sculpture using their own bodies to describe a particular situation, feeling or message), etc.

Case study 2.1 – Humanitarian principles in action: the experience of ActionAid Sierra Leone

Since March 1991, Sierra Leone (West Africa) found itself immersed in a situation of 'complex emergency'. The conflict was characterised by massive displacement of civilians, severe food insecurity, acute armed violence, and gross violations of human rights, including the killing of thousands of people and widespread abduction of children.

Prior to their initial intervention in 1995, ActionAid had already implemented a series of long-term development programmes. As they soon realised, any shift towards relief work would unveil two critical realities: a) ActionAid Sierra Leone's lack of expertise in the field emergency policy and programming; and b) the serious constraints imposed by a limited budget.

Such shortcomings, however, were overpowered by a strong sense of moral obligation which led them to engage in a number of activities aimed to protect the lives and livelihoods of those people ActionAid had worked with since long. The first step was to build internal capacities through different initiatives (e.g. training, recruitment). Simultaneously, a flexible operational framework was designed informed by a relief-to-development programming approach.

The first big dilemma faced by ActionAid Sierra Leone appeared immediately:

Was the organization prepared to stay and accept abuses of humanitarian principles or leave in order to maintain the integrity of such principles at the expense of civilian lives?:

Access to the civilian population (many of them displaced) staying in certain areas was highly difficult, and often impossible due to lack of security. The lack of effective mechanisms of enforcement meant that humanitarian principles and standards providing for safe access to civilians were not respected. Political and military interests prevailed over any consideration of humanitarian character.

In this situation, any provision of humanitarian assistance and protection entailed not only serious risks (e.g. staff security) but also important political and ethical implications. Access to civilian populations and protection of staff often meant payment, in cash or kind, to combatants in rebel-controlled areas. The dilemma had no easy answer. On the one hand, such practices might be compromising the Code of Conduct itself, not to mention their possible impact of the conflict:

Was the conflict being further fuelled by the humanitarian intervention? Were such payments legitimising the position of rebel groups?

On the other hand, failure to assist and protect those civilians affected by the conflict could be seen as a lack of humanitarian concern on the part of ActionAid, a disregard of the humanitarian imperative

Haunted by such dilemmas, ActionAid undertook a number of complementary activities. These included registration of IDPs and support for shelter rehabilitation; physical protection and support to refugees; advocacy for the release of civilians, monitoring arbitrary arrests and passing information; and mine awareness education for voluntary returnees

Ethical deliberations, however, were not the only ones. Within such a context of extreme vulnerability and widespread violence, targeting the sectors of the population ActionAid was to work with became a difficult endeavour. Further tensions and outbreaks of violence are easily provoked when people perceive that humanitarian assistance is favouring the interests of 'others'. How to stick to the principle of non-discrimination in such scenarios? Constrained by insufficient resources, ActionAid opted for selective targeting of the most vulnerable individuals as perceived by the communities themselves.



Another important operational dilemma concerns the involvement and **participation** of people affected by the emergency in the management of relief aid. The escalation of the conflict, increasing human rights abuses and the massive levels of internal displacement often frustrated serious attempts of engaging people in the planning and implementation of the programmes. Only when the degree of security was relatively stable, participatory approaches were successfully adopted, especially through existing community structures.

* * * *

Guidance notes

Facilitators and participants may share certain sense of frustration, particularly when dealing with the last section of the module (principles in practice). We keep stressing the idea of 'learning for action'. Yet what kind of 'principled' action is possible in such contradictory contexts?

After a final look at the list of our principles, you may want to conclude this stage of our journey, by asking the participants to take another glance at our personal and organizational ethical universe and share some reflections.

The last section of module two has highlighted a number of dilemmas, challenges and contradictions of diverse nature and meaning. But they are not the only ones... As we will examine in module three, perhaps the greatest obstacle of all we face is the lack of effective legal mechanisms capable to enforce human rights and humanitarian standards (see module three).

Look at the language you use,
at the values you represent,
at the work you do...

* * * *

Conclusion

Rights-based Humanitarianism: assorted principles for a common project

*"One must be just before being generous,
as one must have bread before having a cake"³⁶*

The second stage of our learning journey is over. Throughout this module, you may have felt somehow uncomfortable, perhaps frustrated. Exercises of self-assessment are often challenging. Yet I believe that they are highly fruitful. I myself tend to question my professional identity regularly. And I must confess that, although some doubts, dilemmas and contradictions still accompany me, a more clear horizon has begun to emerge regarding the principles and values that guide my professional career.

As I said earlier, borrowing Lauren's argument, we are heirs of multiple visions and dreams. In us, a rich sequence of historical, philosophical, political and ethical traditions converge. Amongst such traditions, two emerge with particular importance: human rights and humanitarianism. Aware of their differences in nature and scope, we must acknowledge their sharing of a solid common foundation, sustained upon a strong belief in the intrinsic value of human dignity, a firm commitment to non-discrimination and the courage to act against the excesses of unlimited and arbitrary power.

Upon such a shared foundation, more and more people are trying to build a common project. In my opinion, the adoption of rights-based approaches represents another significant manifestation of such a commitment, another step towards the realisation of such a project.

Under this approach, our efforts should be directed not necessarily to prove that human rights have a universal origin or foundation (e.g. natural law, divine will). This is certainly a valuable enterprise. Yet we must acknowledge the difference between our cultures, traditions and societies, between our values, principles and visions. We must discuss and dialogue around them.

Human rights, I believe, is about envisaging, defining and building a common project. As Booth argues,

"We should have human rights not because we are human, but to make us human".³⁷

In module three, we will be introduced to the wider legal framework which sustain the values and principles that we have just re-visited.

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