



# HUMANITARIAN AFFAIRS THINK TANK

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## 'DE-INTERNATIONALISING' HUMANITARIAN ACTION: RETHINKING THE 'GLOBAL-LOCAL' RELATIONSHIP

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*The author is solely responsible for the views presented here, which do not necessarily reflect the positions of the organisation for which she works.*



# 'DE-INTERNATIONALISING' HUMANITARIAN ACTION: RETHINKING THE 'GLOBAL-LOCAL' RELATIONSHIP<sup>1</sup>

By Alice Obrecht / Research Fellow at ALNAP

## INTRODUCTION: THE INGO'S DILEMMA

The topic of enhancing the role of national and local actors in humanitarian response is increasingly in vogue. Supporting local capacities for disaster risk reduction and humanitarian response is a key focal issue in the discussions and preparation for both the Hyogo Framework for Action 2 and the UN World Humanitarian Summit. INGOs have also increasingly highlighted this issue, on the basis that “Partnerships between international humanitarian actors (whether donors, UN or aid agencies) and the government and local and national organisations of affected countries are emerging as a key way to work with local capacity as part of a coordinated response.”<sup>2</sup>

Thus far, this heightened attention to local capacity and ownership over response has largely focused on two issues: effectiveness and power. With regards to effectiveness, the core question being asked is: if properly resourced, can national and local actors deliver a more effective response and recovery than international actors because of their proximity and knowledge of local context?<sup>3</sup> The answer to this question seems largely in the affirmative, though some challenges and concerns have been noted, in particular that local and national actors may not be able to guarantee equal coverage of aid due to their smaller size or may be less inclined to uphold traditional humanitarian principles of neutrality and impartiality in distributing aid to members of their own society. There is also a widespread

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<sup>1</sup> Many thanks to Stéphanie Stern, Stephanie Rivoal, Juliano Fiori and Virginie Troit for immensely helpful feedback on an earlier draft of this paper.

<sup>2</sup> Nightingale, K. (2013). *Building the Future of Humanitarian Aid: Local Capacity and Partnerships in Emergency Assistance*. Christian Aid UK, p. 5.

<sup>3</sup> Ramalingam, B., Gray B. and Cerruti, G. (2013). *Missed Opportunities: The case for strengthening national and local partnership-based humanitarian responses*. ActionAid, CAFOD, Christian Aid, Oxfam GB and Tearfund. Cairns, E. (2012) *Crises in a New World Order: Challenging the humanitarian project*. Oxfam Briefing Paper 158.

view that situations of internal conflict are a special case in which international response still has a unique and necessary role to play over localised action.

With regards to power, the question typically runs: if local and national actors are more effective and enable a more appropriate aid response, then how can the international humanitarian system change in order to shift control downwards and better empower nationally and locally led humanitarian responses? This area of discussion has thus far focused primarily on changes to the financing architecture of the system, with some exploration also into how INGOs approach partnerships with local NGOs and how they might change these models to better support long-term capacity building.<sup>4</sup>

In this paper, I aim to identify and explore a dilemma that crosses both the effectiveness and power questions and which sits at the heart of the push towards localising humanitarian response. I argue that, with the exception of the ICRC and a handful of 'purist' Dunantist organisations, international relief agencies face an unpalatable choice between defending an international right to provide humanitarian assistance (on the basis that such a right is needed for effective response in conflict settings) and taking the actions necessary to build local response capacity. The 'purist' Dunantists I mention do not face this dilemma, as they have chosen to restrict the scope of their actions in a manner that is consistent with the international right to provide humanitarian assistance.<sup>5</sup> The challenge arises specifically for agencies that wish to build local response but maintain an 'exception' for internationally-led response in cases of conflict (by appealing to the comparative effectiveness of international versus local response in these contexts). This dilemma poses a fundamental challenge to the justification of such a position at the organisational level.

I then suggest two ways of 'de-internationalising' humanitarian aid by re-framing it in a way that does not assume humanitarian action to be a universal entity replicated by

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<sup>4</sup> Nightingale (2013); Cairns (2012); CAFOD (2013). *Southern NGOs' access to humanitarian funding: A CAFOD policy brief*. Available at: [http://www.cafod.org.uk/content/download/9734/78184/file/National%20NGOs%20and%20humanitarian%20financing%20CAFOD%20briefing%20paper%20final%20April%202013%20\(4\).doc](http://www.cafod.org.uk/content/download/9734/78184/file/National%20NGOs%20and%20humanitarian%20financing%20CAFOD%20briefing%20paper%20final%20April%202013%20(4).doc).

<sup>5</sup> However, even these organisations are exploring whether and how to engage in capacity building. See: Audet, F. (2011). *What future role for local organizations? A reflection on the need for humanitarian capacity-building*. *International Review of the Red Cross* 93 (884).

international actors and international law across varied contexts, but rather the province of local actors that is encroached upon by international agents. I suggest two ways of rethinking the power equation between international and local actors, concluding with an application of Jennifer Rubenstein's argument for applying principles of justice to the humanitarian aid sector.

## ENSHRINING THE INTERNATIONAL ACTOR: INTERNATIONAL HUMANITARIAN LAW AND THE RIGHT OF INTERVENTION

From the early 1990s onwards, the provision of humanitarian assistance has been enshrined as a universal imperative, or duty (Slim 2002). The most common and widely-cited reference to this is in the Red Cross Code of Conduct, which states that 'The Humanitarian imperative comes first,' and then defines this imperative as follows:

"The right to receive humanitarian assistance, *and to offer it*, is a fundamental humanitarian principle which should be enjoyed by all citizens of all countries. As members of the international community, we recognize our obligation to provide humanitarian assistance wherever it is needed. Hence the need for unimpeded access to affected populations is of fundamental importance in exercising that responsibility. The prime motivation of our response to disaster is to alleviate human suffering amongst those least able to withstand the stress caused by disaster. When we give humanitarian aid it is not a partisan or political act and should not be viewed as such."<sup>6</sup>

The humanitarian imperative refers both to rights and duties: a right to assistance possessed by victims of crisis and both a right and a duty to provide assistance possessed by international non-state actors. However, there is a fourth duty implied by the humanitarian imperative, though not explicitly stated in it: this is the duty of the state affected by crisis to allow access to victims by international non-state actors.

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<sup>6</sup> The Code of Conduct for the International Red Cross and Red Crescent Movement: <http://www.ifrc.org/Docs/idrl/I259EN.pdf> ; Italics added by author.

This duty is implied in the humanitarian imperative due to the nature of duties and rights. Duties and rights are deontic concepts. One of the defining characteristics of deontological ethics is its focus on actions over consequences as the primary unit of moral assessment, and its attempt to provide a clear structure for how different obligatory, permissible and impermissible actions fit together in a coherent logic (hence, deontology's Greek etymology: 'the science of duty'). In a deontic system, rights and duties basically operate as different perspectives on the same moral requirement. With respect to the act, 'setting another's house on fire', from the duty-bearer's perspective there is an obligation to refrain from performing this, and from the rights-holder's perspective there is a justified claim against having one's house set alight. The appeal of a deontic system is that it structures relationships and sets clear expectations for moral agents through the classification of actions as required, forbidden, or permissible (O'Neill 1996, p.127).<sup>7</sup>

Many deontic scholars contend that this structure plays an important role in establishing the existence of a right, as one cannot have an entitlement (a right) without there being a corresponding requirement on others to honour that entitlement.<sup>8</sup> Rights without corresponding duties are effectively 'empty,' as they consist of claims that no one has a moral obligation to fulfil. In this sense, the humanitarian imperative's statement of humanitarian assistance as both the subject of a right and a corresponding duty to deliver, is an important improvement upon other human rights declarations that fail to enumerate corresponding duties.

However, the humanitarian imperative also states a second right (see in italics above): the right of international actors to provide assistance. This right does not correspond to the duty to provide assistance, but rather corresponds to a duty held by *state* actors to allow access to affected people by international organisations. Taken at face value, without further explanation or conditions, this expressed right of international actors to enter territory and provide aid is far too strong. First, it clearly relegates the role of national governments to one of coordinating the international actors flooding into its borders on the basis of their 'right' to provide assistance on their own terms to the citizens of that

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<sup>7</sup> O'Neill, O. (1996). *Towards Justice and Virtue*. Cambridge University Press: Cambridge, UK, p.127.

<sup>8</sup> O'Neill, O. (2005). *The Dark Side of Human Rights*. *International Affairs* 81 (2).

government, denying the notion that national governments might themselves be the primary providers of assistance. Second, it does not acknowledge local humanitarian actors and their rights over international actors to deliver assistance or coordinate outside assistance so that it is delivered in a more appropriate, sustainable and culturally sensitive manner.

**We therefore need some sense of the conditions under which this right to access and duty to provide it become triggered.** For this, we can consider the conditions which define the parameters of humanitarian relief in international law. While the Geneva conventions and their Additional Protocols do not explicitly confer rights to international humanitarian actors, they come quite close, outlining an obligation on the part of state actors to allow relief to pass through or into its territory to citizens affected by conflict. For example, Article 18 of Additional Protocol II states:

“If the civilian population is suffering undue hardship owing to a lack of the supplies essential for its survival, such as foodstuffs and medical supplies, relief actions for the civilian population which are of an exclusively humanitarian and impartial nature and which are conducted without any adverse distinction shall be undertaken subject to the consent of the High Contracting Party concerned.”<sup>9</sup>

However, quite crucially, international humanitarian law also outlines the conditions that international relief providers must meet in order to qualify as the kind of relief intervention to which state actors are obliged to provide unfettered access:

“The obligation [of states to provide access] is subject to the condition that this party is satisfied that there are no serious reasons for fearing:

- a) That the consignments may be diverted from their destination,
- b) That the control may not be effective, or

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<sup>9</sup> References to international humanitarian law here follow closely the discussion and quotations in: Mackintosh, K. (2000). *The Principles of Humanitarian Action in International Humanitarian Law*. HPG Report 5, Humanitarian Policy Group, Overseas Development Institute.

- c) That a definite advantage may accrue to the military efforts or the economy of the enemy through the substitution of the above-mentioned consignments for goods which would otherwise be provided or produced by the enemy or through the release of such material, services or facilities as would otherwise be required for the production of such goods.”

**This poses a serious challenge to those who wish to uphold a role for international NGOs in conflict responses while arguing for a more localised response in ‘natural’ disaster responses.** Those who hold this view claim that there will always be a component of humanitarian aid that must be international rather than national or local, as international actors are uniquely able to deliver aid impartially and neutrally in situations of conflict. Putting to the side whether or not this is empirically true, this point cannot be reconciled with the view that international actors should continue responding to non-conflict-driven disasters and in these contexts attempt to deliver capacity-building and a transfer of ownership to local actors. Why is this so? Because the same conditions that characterise the unique international function for humanitarian relief also draw tight boundaries around what organisations providing this relief are allowed to do.

## HAVING THEIR CAKE AND EATING IT TOO?

Writing 15 years ago on the relationship between humanitarian principles and international humanitarian law, Kate Mackintosh outlined how the same international law that protects and enshrines the legitimacy of international humanitarian relief provision also limits the scope of this provision. In particular, paragraph c) in the above quote has “far-reaching implications”:

“In order to be able to satisfy an authority that no definite advantage would accrue to the military efforts or the economy of its enemy in the ways described, an organisation would have first to carry out some analysis of the impact of its relief work on the local economy...The second implication of paragraph c) is that assistance which is intended to

support the local economy runs contrary to strictures of international humanitarian law...A developmental approach in humanitarian assistance, as espoused by some of the relief and development agencies, might contravene the definition of humanitarian assistance in international law.”<sup>10</sup>

Mackintosh specifically cites objectives such as “capacity-building” as one of those which would, in the eyes of international law, disqualify a response as humanitarian.

This sets up the following dilemma: an international aid agency can either have their relief work in conflict situations legitimated by meeting the conditions for humanitarian relief through adherence to neutrality and impartiality, or they can give up this standing in favour of working more intimately with local actors to build national capacity. The current position, in which INGOs seek to argue for both roles for the same organisation simultaneously, is inconsistent, as the same organisation seeks to exercise its legal and moral right to access in some contexts while acting in ways that contravene the conditions on which this right is based in others. Note, here, that this is a critique aimed at the *individual* approaches taken by international aid organisations to the issue of localisation: While there can exist both an international function in humanitarian action and a drive for increasing local capacity to respond, the same organisation *cannot itself* fulfil both roles. In other words, if an international NGO is going to argue for its inclusion in a permanent international function in humanitarian action, they must be clear on the conditions that such actors and action must meet in order to qualify for this function, and they must accept that these conditions significantly limit what they are able to do in influencing and creating long-lasting benefits for local actors. By trying to retain this international function for themselves while also engaging in capacity-building efforts that seek to train local organisations in international standards and practices, international NGOs are attempting to have their cake and eat it too.

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<sup>10</sup> Mackintosh (2000), p. 9.



## REASSIGNING THE BORDERS OF HUMANITARIANISM

The above discussion projects a lens which assumes that the humanitarian space is a global one, into which the local context must be incorporated and made to fit, with national actors held up as potentially underused 'local' resources in a 'global' humanitarian system. Discussions of how to improve partnership tend to therefore focus heavily on how to train and build the capacity of local actors to use core standards and accountability practices. This approach risks assuming that humanitarianism is an international practice, that international actors are the most experienced and well-placed to train others on how to deliver humanitarian assistance, and that the standards and approaches developed by international organisations to operate 'legitimately' in societies that are not their own are also the gold standard to be applied to actors operating in their own society.

In the spirit of exploring what a 'de-internationalised' humanitarianism might look like, we can first reconsider the notion of humanitarian space as defined by the humanitarian principles. International actors treat the humanitarian principles as objective, global principles and seek to ensure that their actions take place within the 'space' of these principles, wherever they are operating. The image this conveys is that of isolated colonies that replicate the same conditions wherever they exist, across a diverse array of countries and cultures. The degree to which this image of humanitarian space is true in practice is beside the point (though one might expect it to be highly improbable that it is true in many cases, as has been pointed out by many authors). What I would like to focus on here is what this perception of humanitarian space implies for how international humanitarian actors approach local culture and particularities through their work. Local conditions and culture become details to be incorporated into standard operating procedures and international practices, rather than the *starting point* for thinking about a humanitarian response. The 'humanitarian space' that is universal and replicable is treated as the organising principle around which the environment must be analysed and fitted.

An alternative to this approach might consider redefining humanitarian space according to factors that are more responsive to local characteristics and variability. Vulnerability might

be an appropriate option. The first question for international actors then becomes, given a situation of vulnerability, what are the local resources for responding to this vulnerability? Then, only in second place asking: how can the tools and principles of an international humanitarian practice help to support these local resources? A second way of envisioning this alternative is to refer to several pieces of recent and ongoing work that have sought to understand and articulate the concepts and priorities which those affected by disaster or working locally in lower- and middle-income countries find most relevant for humanitarian action.<sup>11</sup> This work has highlighted the degree to which non-internationalised approaches to humanitarian relief centre on qualities of people rather than actions, and connect the aims of humanitarianism more deeply to traditional 'development' concepts such as integrity and justice.<sup>12</sup> Defining humanitarian space around 'them' instead of the international system and its defining principles reflects a different sense of borders, in which humanitarian action is not colonised in distinct locations around the globe by international visitors but instead is manifested from the ground up by local actors in response to vulnerability.

## APPLYING DISTRIBUTIVE JUSTICE TO THE HUMANITARIAN SECTOR

To conclude with a second way of 'de-internationalising' humanitarian aid by shifting perspective on the relationship between local/national actors and the international humanitarian system, I draw on a piece of work by Jennifer Rubenstein, entitled 'Humanitarian NGOs' Duties of Justice' (2008). In her article, Rubenstein connects the humanitarian sector to the concept of justice, assessing whether the humanitarian system meets the basic conditions necessary for holding this system to account for a just distribution of its resources. In political philosophy, the demands of justice—of ensuring a just distribution of burdens and benefits across a group—are considered by some to apply only in special cases, namely, in cases where there exists a shared institutional social structure that has wide-ranging and deep impacts on the interests and well-being of

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<sup>11</sup> See, for instance: "'The Power of Love' and why capacity building initiatives may fail: Lessons from Kenya", accessible at: [http://www.iris-france.org/docs/kfm\\_docs/docs/obs\\_questions\\_humanitaires/ENG-Kenya-juin2014.pdf](http://www.iris-france.org/docs/kfm_docs/docs/obs_questions_humanitaires/ENG-Kenya-juin2014.pdf), Save the Children UK's work on the anthropology & history of humanitarianism, described briefly at:

<http://www.irinnews.org/report/99963/local-ngos-crowded-out-in-disasters>, CDA's Listening Program: <http://www.cdacollaborative.org/programs/listening-program/>

<sup>12</sup> I owe this point to Stéphanie Stern.

individuals. Political philosophers who defend the position known as 'statism' argue that only nation-states possess the kinds of institutional structures that satisfy this requirement. Philosophers who promote a global scope of justice argue that there are socio-economic institutions and regulatory structures at the global level that would also satisfy this requirement, implying that obligations of justice apply globally regardless of nationality. However, both camps would agree that the practices through which life-saving humanitarian assistance is provided are not organised sufficiently to be considered a basic structure, and thus the demands of justice would not apply to humanitarian aid.

Against this, Rubenstein describes the many ways in which the humanitarian aid system is both highly institutionalised and structured—through its principles, codes, international laws, sector divisions, formalised funding and coordination structures—and significantly impactful on the life prospects of aid recipients. Outside of the debate over the ways in which humanitarian actors should engage in issues of justice in the societies where they respond, Rubenstein argues that the humanitarian aid system *itself* qualifies as an institutional social structure which international actors, particularly INGOs, 'help to create, sustain, and benefit from.' As a result, the demands of justice, including greater democratisation in how the rules of the international humanitarian system are decided and a fairer distribution of aid, are obligations that all humanitarian NGOs must uphold.

Rubenstein's paper does not consider the relationship between international and local NGOs, instead focusing on the need to place greater democratic control over the humanitarian aid system in the hands of affected populations. However, the implications of understanding the humanitarian aid system as a shared institutional structure to which norms of justice apply are quite clear: the current system is one in which the wealthy (INGOs, UN and Northern donors) control most of the resources, and thus hold greater say in how these resources are spent. Local and national actors in middle- and low-income countries are frequently shut out of deciding how these funds will be allocated, resulting in a system in which resources generated for the benefit of many are controlled and dictated by the few. Re-orienting our view of the humanitarian system to see it as a system in which all participants have claim to a just distribution of shared resources, might help us stop asking 'How should we build capacity for international-style response at the local/national

level?' and help us instead ask 'How can we end the unequal, and thus unjust, distribution of resources within the humanitarian system?'

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## CONCLUSION

In this paper I have sought to address the claim that an international NGO can both work to build the capacity of local responders and still maintain a long-term function for itself as a responder to conflict-driven crises. I argued that the conditions that an actor must meet in order to exercise a right to deliver humanitarian assistance are violated when the same organisation seeks to engage in longer-term capacity building, however worthy this latter objective may be. I then went on to explore two ways in which humanitarian action can be 'de-internationalised', first by redefining humanitarian space around vulnerability or local values and principles, and second by understanding the international humanitarian architecture as a social system to which principles of justice apply and are being contravened by the unequal distribution of resources at the international level.

The international nature of humanitarian action is grounded in its originating function to provide relief in situations of context. However, in order to ensure the widespread acceptance of the legitimacy of such actors by states engaged in conflict, this function was narrowly defined. While there is clearly still a function for international response in situations of conflict, there should also be an attempt to explore how far we can get in supplanting this function with a well-resourced local effort that, for instance, subscribes to concepts of justice and integrity instead of neutrality and impartiality, and which could serve a broader purpose of contributing to long-term peacebuilding and conflict reduction strategies within a society. There is an important role for International NGOs to support such local actors; in so doing, however, they sacrifice an adherence to neutrality and impartiality, the conditions under which they exercise a right to intervene and provide relief in a foreign country on their own terms in conflict settings. ■

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