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Executive Summary

The vast majority of agencies working in armed conflict are multi-mandate organizations. This paper explores the ethical tensions that arise when such agencies operate in contexts of armed conflict. It draws on a rapid literature review of academic and policy documents and was commissioned by World Vision as part of its support for a wider research project on humanitarian ethics at the Institute of Ethics, Law and Armed Conflict, University of Oxford.

Multi-mandate agencies may be statemandated like UN agencies, or selfmandated like World Vision. In both cases, their mandates may be described in three dimensions. They have a legal mandate; they specialise technically or demographically; and they take organizational positions with respect to a spectrum of ethical goals. They typically operate across a variety of domains, from humanitarian action to poverty reduction and social justice.

The paper identifies five sources of ethical tension for multi-mandate agencies.

- Classic differences between the humanitarian and development ethics.
- The dominance of political liberalism in current international development policies.
- Global policies that frame war as a development problem and therefore prioritize development strategies over humanitarian action. This tension is felt particularly acutely where liberal counter-insurgency programmes are being implemented.
- Protracted conflicts that cause agencies to move between relief and development roles over a long period.
- The conventional challenge of humanitarian neutrality.

The fact that the overwhelming majority of agencies operating in armed conflicts are multi-mandate agencies makes multi-mandate tensions a systemic rather than incidental feature of contemporary humanitarian action.

The literature concludes unanimously that the most intense multi-mandate tensions arise in the context of armed conflicts and "mixed emergencies", such as the Pakistan floods, where natural disasters and an armed conflict occur in the same place. In these situations, threats to the neutrality, impartiality and independence of agencies is the principal source of tension, in law and in practice, especially when the armed conflict is driven by a clash of values between politically liberal and anti-liberal forces. In such conflicts, multi-mandate agencies may be instrumentalized to consolidate liberal forms of development, through counter-insurgency (COIN), Winning Hearts and Minds (WHAM), or stabilization strategies.

Protracted crises induce agencies to merge and expand their humanitarian and development programmes. Agencies must think more deeply about their ethical obligations, their relationships, and their developmental values when they know that emergency work will continue for years. This deepening creates a new awareness of moral obligation and programme investments tend more towards capacity-building and development.

Agencies have nevertheless neither conceptualised the ethical tensions that arise in multi-mandate operations nor developed models for managing them.

Operational problems have been recognized in regard to Afghanistan, where

tensions are frequently mentioned; but explicit and detailed policy documents by multi-mandate agencies on this issue were hard to find. The lack of material makes it difficult to gauge how agencies solve multi-mandate problems on the ground.

The paper ends with six recommendations. These focus on ethical analysis, and on the need for independent funding and local research.

I. Introduction

This paper explores the ethical tensions that arise when multi-mandate agencies participate in humanitarian operations. It draws on a rapid literature review of relevant academic and policy documents, and briefly compares the experiences of multi-mandate agencies with those of other professional organisations that undertake emergency and development work.

The paper focuses on five strategic sources of ethical tension. It identifies situations in which these are most likely to arise, and policies that agencies have designed to manage them. It then gives examples of similar ethical tensions in politics, healthcare, human rights and policing.

2. Mandate Types

In humanitarian discourse, the term 'mandate' is used to describe the values, forms of legitimacy and mission of agencies that undertake humanitarian activities in contexts of disaster and armed conflict. The mandates of agencies can be understood in three different dimensions. They have a legal dimension; they specialise technically or demographically; and they take organizational positions with respect to a spectrum of ethical goals. For example, agencies may talk of having an official international mandate, or having a health, children's, humanitarian, or development mandate.

International agencies working in humanitarian operations may be state- or self-mandated. United Nations organisations, such as UNHCR,

UNICEF, UN WFP, UN WHO and UN OCHA, have international mandates that are legally recognized by states. So too do the International Committee of the Red Cross (ICRC), the International Federation of Red Cross and Red Crescent Societies, National Red Cross/Crescent Societies. and the International Organization for Migration (IOM). These agencies can be described as state-mandated. All other agencies - largely NGOs and CBOs - tend to be self-mandated voluntary organizations set up as private initiatives seeking public support. Self-mandated agencies are usually registered, recognized and regulated by states to differing degrees but do not have a formal international mandate. This first sense of 'mandate' reflects an idea of international legitimacy that derives from the authority of states or civil society.

An agency's technical mandate reflects its specialist field of professional practice or its demographic target group. Some agencies specialise (for example, in children, health, civilians or human rights) and in its first sense the term "multimandate" describes agencies that have several target groups or specialisms. For example, Oxfam, CARE and World Vision work generally on poverty and social justice and their target group is diverse (women, men, boys and girls). Because they work in a variety of socio-economic contexts, they have developed technical expertise in, for example, agriculture, health, water supply, education, and legal rights. In this sense, to describe an agency as 'multi-mandate' is to say that it specialises in several sectors or fields; in some respects, the term "multi-sectoral"

would be more exact and would avoids confusion with the meaning below.

A third sense of mandate distinguishes between humanitarian and development roles. Here, typically, ICRC and MSF will be described as "single mandate" agencies, meaning that they work only with an emergency humanitarian mission based in international humanitarian law and humanitarian principles. In contrast, World Vision, Islamic Relief, or Save the Children will be described (in a second use of the term) as "multi-mandate" agencies because they respond to emergency humanitarian crises but also to broader longer-term issues of poverty, human development and social justice and, when doing this work, advocate for political change of various kinds. The ethical tensions that are the focus of this paper tend to arise when agencies engaged in humanitarian/development multi-mandate (HDMM) operations try to 'balance', 'separate', 'finesse' or 'complement' the humanitarian and development aspects of their multi-mandate

Most of the literature that problematizes multi-mandate agencies concentrates on the third form of mandate difference – mixed relief and development mandates.

Analysts report strategic tensions, moral conflicts and culture clashes in agencies that work across and between the humanitarian ethic of emergency operations, and the broader human development ethic of programmes that aim to reduce poverty, increase social justice and build just national and international societies. A seminal paper on multi-mandate dilemmas distinguished four different philosophical strands of ethical action that, in some combination, underpin the ideology and actions of multi-mandate agencies: the charitable imperative;

principles of justice and rights; utilitarian social policy, and pacifism (de Waal 1994, p. 9).

The vast majority of agencies working in humanitarian operations are multi-mandate agencies in this sense. They include most UN agencies, most international and national NGOs, and of course all government donor agencies (such as USAID, ECHO, DFID or SIDA). The fact that the overwhelming majority of agencies operating in armed conflicts are multi-mandate agencies makes multi-mandate tensions a systemic rather than incidental feature of contemporary humanitarian action.

The Red Cross/Crescent Movement increasingly distinguishes itself from multi-mandate agencies on the grounds that its neutral, impartial and independent humanitarian approach (NIIHA) is both limited in aim and guided strictly by humanitarian principles (British Red Cross, ICRC and Lebanese Red Cross, 2012). MSF pursues the same approach, emphasising its single mandate and operational neutrality and independence.

Ethically, many humanitarian agencies logically evolve into multimandate agencies. Save the Children, IRC, UNICEF, Oxfam, CARE and many others began as humanitarian agencies created to respond to a particular emergency. All were naturally drawn into a wider and more political development ethic as their activities and their ambition expanded. Simply put, it makes moral sense to prevent suffering rather than simply repair it. If school children are repeatedly knocked down by speeding cars at a road crossing, a community organization may start by ferrying the injured children to hospital and providing first aid but will soon feel morally obliged

to recruit road-crossing volunteers, report reckless drivers, and campaign for a zebra crossing and strictly enforced speed limits.

3. The First Source of Ethical Tension: Humanitarian and Development Ethics

Multi-mandate agencies are well aware that the ethics of development and of humanitarian work are in tension. The stresses that arise when agencies combine humanitarian ethics and development ethics in a single operational space have traditionally been conceptualized as the relief-development tension (Maxwell and Buchanan-Smith 1994).

Legitimate differences of ethical goal are at the heart of the distinction between humanitarian and development programming.

Development ethics are not better than humanitarian ethics, or vice versa. The two activities have different moral goals. Humanitarian intervention is designed that vulnerable people can survive in dignity in extreme circumstances. Development interventions have much broader ethical ambitions, in that they seek to create economic and social conditions in which people can flourish, in which political societies are governed well. In their ideal forms, each has a different ambition and therefore ethic.

Relief seeks to relieve suffering in a person or community. Humanitarian relief has a narrow, quick and largely reparatory ethical goal, which is to

protect, bind wounds, stop hunger, quench thirst, end and prevent epidemics, restore livelihoods, repair infrastructure, reunite families, and restore dignity. Its aims and values are largely palliative, restorative and protective. It does not seek to address the root causes of suffering other than by changing the immediate behaviour of military forces through an advocacy of restraint. Its ethic can be described as an interim care ethic of limited moral scope, which is best suited to a crisis situation in which human beings are living in extremis on the edge of survival and where conditions for human flourishing do not exist. In these terms, the ethical horizon of humanitarian work is now, tomorrow, the next harvest, or the end of the war.

The forms of development that multi-mandate agencies promote seek to develop the full potential of a person or community. Development has a broader, accumulative, creative and liberationist ethical goal. It sets out to plan, design, reform, reorganize, empower, construct, expand, enrich and generally institute fairness and opportunity. Its ethic is largely evolutionary, revolutionary and progressive. Development actors specifically address root causes, aim to transform society, and advocate for reform. In its most ambitious expression, the development ethic seeks to create a good society; its ethical horizon is a just and prosperous future.

These differences of goal and ethical ambition mean that relief and development agencies naturally think differently about time, techniques

It needs to be noted, of course, that some forms of development have strictly economic (rather than social) development objectives, and that 'revolutionary' development projects may deliberately create conflict and crisis as a first purgative stage of political and social transformation.

and autonomy. Relief organisations act swiftly to reach those on the edge of death. In consequence, their interventions are often directive and interventionist, reducing opportunities for target populations to act autonomously. Their techniques of assessment, social organization, delivery and advocacy may be top-down. Particularly at the outset of an operation, relief agencies may apply an operational grammar that treats relief workers as the subjects, and people in need as the objects of a humanitarian process (Slim, 2009).

Progressive human development practice prioritizes agency, and seeks to influence societies structurally. At their best, development actors prioritize the agency of those they assist, who are encouraged to take decisions on resources and direction. Development techniques (of this kind) are deliberately bottom-up and participatory, and privilege indirect processes of facilitation. In development grammar, the professional works in a prepositional relationship 'with', 'for' or 'alongside' the target group (Slim 2009). The role of choice for a development actor is that of a catalyst or enabler.

Models that seek to resolve the ethical tensions between relief and development adopt an integrated or a sequential approach. Developmental relief models and rights-based programming try to resolve tensions simultaneously. They recommend an integrative model of practice in which good emergency work always involves developmental values such as participation, empowerment and justice. Such simultaneous models seek to integrate emergency and development ethics, and to combine long- and short-term goals in humanitarian operations. Other models, such as the relief-development continuum, rehabilitation and early recovery, adopt a

sequential logic that phases in development values over the life cycle of a crisis. Sequential models assume that not all development values can be realized in extremis and that it is appropriate to introduce them progressively, echoing the 'gradual realization' paradigm that underpins the operationalization of some economic and social rights. By contrast, the integrated model requires the application of both ethics throughout.

Humanitarian and development agencies are not alone in experiencing philosophical and practical tensions around ethical goals. Most large ideological projects including human rights, communism, democracy, religion, and peace - wrestle with paradigms of integration or phasing. For example, Christianity and other faiths struggle to reconcile paradigms of eschatology that are realized, deferred, partial, fulfilled, immediate, postponed, penultimate and ultimate. It is the challenge of the human condition, to live between now and later and, at the most frustrating moments, to call out, like Primo Levi, "If not now, when?". This call is frequently heard in emergencies when human suffering is so extreme that the immediate return to a system that respects all rights seems absolutely urgent though, in reality, it is harder than ever to achieve.

Tension between the humanitarian and development ethics is most keenly felt when emergency and development programmes are similar rather than different. Sound humanitarian interventions deploy values and techniques (such as respect or empowerment, and community participation or gender recognition) that are core elements of development and social justice programming. These values (dignity, autonomy, social justice) have

been acknowledged as humanitarian in articles 5-10 of the Code of Conduct. When humanitarian agencies work in protracted armed conflicts, they inevitably come to consider the sustainability of their health, food, water and income generation projects, even though sustainability concerns are more usually associated with development.

When agencies adopt both a care and change ethic simultaneously, it can stress their policy and culture.

Multi-mandate NGOs have often reported a "two cultures" problem, in which emergency and development staff think past one another. One prioritizes speed and urgent need, while the other emphasises long-term processes. NGOs also report policy tensions over modes of action, especially advocacy strategies. Typically, NGOs will report disputes between those who feel compelled to speak out about the injustice of a situation (atrocities, forced displacement, detention, etc.) and those who prioritize the need to "stay and deliver" care (OCHA, 2011a).

Organizational tensions in culture and policy have somewhat eased as humanitarian work has become more rights-based. Humanitarian professionals no longer see themselves as emergency technicians but members of an international profession that is grounded in the laws of war, the rights of civilians and a growing body of criminal law on the conduct of armed conflicts. Theorists have argued that rights-based humanitarian action is legally and ethically appropriate, and reduces the tensions between relief and development programming (Slim, 2000, 2002; Darcy, 2004). Many multimandate agencies now feel that that "we are all human rights workers now" or that emergency work in war and disaster is as

much about rights and justice as development work is.² UNICEF and Save the Children consider that all their humanitarian work protects and realizes the rights of the child (Cotterrell 2005), while UN OCHA's sectoral leadership on protection of civilians (PoC) is explicitly grounded in law and rights (OCHA 2011b). The new field of protection practice has been defined in terms that are explicitly rights-based (Slim and Bonwick 2005, ICRC, 2009).

The new theory of resilience also seeks to integrate humanitarian and development values in a single ethical goal. Resilience strategies aim to create conditions in which individuals, families, communities, cities, systems and states are resilient in the face of shocks and disaster. This new aid orthodoxy integrates humanitarian and development functions and specifically asks donors and agencies to make multi-mandate investments and adopt multi-agency practices (DFID, 2012, 2011; European Commission 2012; Gubbels 2012; UNICEF 2011). While resilience strategies are appropriate and uncontroversial in many natural disasters, they can undermine the neutrality of humanitarian action in armed conflicts if the improvement of political and economic structures is perceived to advantage one side against another.

² For example, Oxfam's corporate position is that "Oxfam takes a rights-based approach to its development, humanitarian and campaign work". At: http://policy-practice.oxfam.org.uk/our-work.

4. Second Source of Ethical Tension: Political Liberalism as the Dominant Ethic of Contemporary Development

Development theory is not politically neutral and the current international orthodoxy in development ethics is political liberalism (as opposed to socialism, Islamism or authoritarianism, for example). In consequence, development actors are already perceived to be politically aligned when they begin to operate in an armed conflict. The significance and associated risks of this alignment will depend on whether the parties involved tolerate or oppose liberalism and consider it to be relevant to their conflict. The liberal ideology of current development thinking greatly complicates traditional relief-development tensions in humanitarian work because liberalism is itself an issue in several conflicts and is considered to reflect western imperialism by Islamist and socialist states, various armed groups, and states wary of western hegemony.3

Politically liberal ideas lie beneath prevalent international notions of development which are shared in whole or in part by most multimandate agencies. Liberalism is founded

³ Such states would include Iran, Syria, Egypt, Sudan, Venezuela, Cuba, North Korea, Russia and China.

on the moral principles of freedom, equality, rights, and law. Development as it is understood, elaborated and paid for by western governments is designed to deliver political liberalism and western security around the world (Duffield 2001, 2007). The great majority of INGOs subscribe to this political philosophy, though many inflect it with Marxist or religious influences to curb what they perceive to be its social, cultural, environmental or market excesses. Ethically, therefore, Save the Children, Oxfam or World Vision will prefer political liberalism to political Islamism, but may seek to correct the worst effects of privatized food distribution or a free labour market, or the manner in which liberal culture generates consumerism and sexual license.

Ethical tensions over development between liberal governments and liberal agencies and NGOs are usually about means rather than ends. The commitment to liberal ideas that they share creates a political affinity between liberal governments and multimandate development agencies and NGOs. Ethical tensions between them focus less on what liberal development is and more on how to achieve it (Slim 2004). In this manner, some NGOs oppose protective trade restrictions on the grounds that they inhibit universal economic development, or argue that going to war in Iraq, Afghanistan and Somalia is misguided because war will hinder the emergence of just liberal development in those societies.

Unlike liberal development theory, the humanitarian ethic does not have a grand vision of the good society and is essentially neutral about political goals; but it shares a commitment to individual rights and international rules. In principle,

humanitarian ethics do not challenge political ideologies, unless they promote excessive and indiscriminate violence.

Since violence is usually a means rather than an end in politics, humanitarian ethics and action focus on means; conventionally, therefore, humanitarian advocacy concentrates on how violence is used, rather than on its end purpose.

Nevertheless, humanitarian ethics do share liberalism's commitment to a rightsand rule-based world order and can therefore appear politically liberal to those who are not.

Significant ethical tensions therefore arise in multi-mandate agencies from contests over liberalism. These contests are of two main types: conflicts over means with liberal donors; and conflicts over ends and means with antiliberal parties in a conflict. Accepting funding from liberal governments can create ethical problems when agencies disagree with the means that governments use to promote liberal development. Most of these problems emerge as ethical concerns about association, manipulation or complicity in liberal projects of war or state-building. Ethical concerns also arise when multi-mandate development operations antagonize anti-liberal forces. When anti-liberal parties decide that education, vaccination, governance or livelihood projects are dangerously liberalizing, agencies face ethical choices with respect to staff safety, access, and their values. To protect their staff or programmes, for example, agencies have had to decide whether or not they will agree to withdraw services for women (in Afghanistan), halt vaccination projects (in Pakistan and Nigeria), legitimize and strengthen the capacity of authoritarian regimes (in Syria and Sri Lanka), and provide routine curative care after Sharia amputations (in Mali).

It is also evident that anti-liberal forces seek to co-opt multi-mandate agencies into their own WHAM strategies. When the tide began to turn in their favour, Taliban leaders in Afghanistan began to ask NGOs for aid to support populations in areas under their control. In doing so, they were quick to request development interventions that went beyond immediate humanitarian action (Terry 2011, Valente 2011).

5. Third Source of Ethical Tension: Framing War as a (Liberal) Development Problem

Armed conflict and disasters are now routinely regarded as development problems by aid donors, major UN agencies such as UNDP (Clark 2013), the World Bank (2011), and NGOs. International aid policy consistently assume that states fall into armed conflicts because they are insufficiently liberal. Framed as failures of development, disaster and conflict responses are expected to combine humanitarian, development, security and good governance, and international aid funding is now built around an "integrated approach" that is essentially a multi-mandate strategy of political change. It is an approach that tends automatically to subsume humanitarian ethics within liberal development ethics. This makes liberal but not humanitarian sense.

A development model that takes a political approach to disaster mitigation and prevention and prioritizes multi-mandate approaches has existed for more than three decades (Sen 1981; Cuny 1983; Blaikie et al 1994). Central to this approach is the belief that political root causes drive hazard and shape vulnerability. Natural disaster theories are therefore deeply grounded in development strategies of political and social change.

Armed conflict is now also considered, particularly by fragile state theorists, to be a development problem that requires multimandate programming. As noted above, since the 1990s armed conflict has been modelled as a process that causes societies to regress or deviate from a liberal development trajectory. This political approach has come to dominate aid theory in the last 20 years. It recommends simultaneous political, social, economic and humanitarian interventions, to create the changes required to sustain a liberal peace (DFID, 2010). In other words, donors have adopted political, multi-mandate, multi-sectoral and developmental policies to address armed conflict that resemble those they apply to famine and disasters.

Many political economists and social theorists argue that armed conflict is development. These theorists point out that most conflicts include a struggle over economic resources, resistance to marginalization, or a direct contest between western liberal and alternative local or Islamist interests (Keen 2008, 2012; Cramer 2007; Berdal and Malone 2000). In such conflicts, strong governments and political entrepreneurs in armed groups lead innovative processes of violent economic and social change that shape non-liberal development. These

theorists conclude that western aid provides a way to counter non-liberal development; it becomes a tool for securing liberal interests around the world (Duffield 2001, 2007; Matthei 2010). On this analysis, humanitarian, development and governance aid are key elements of western efforts to manage conflict.

Their recognition that war is a development process is one reason why western nations have decided to engage in it so directly and so developmentally – both militarily and through a new "science" of conflict management, post-conflict reconstruction and state-building. In areas of geo-strategic interest, western powers seek explicitly to take control of the forces that drive war and disaster in order to produce liberal development outcomes that suit them, and to which they are ethically committed.

The new paradigm of conflict as (liberal) development naturally politicizes agencies that go beyond humanitarian to promote political and social reform and public goods.

Their ethical and technical affinity with western liberalism causes many multimandate NGOs to become the agency of choice for western liberal powers. The close political fit between liberal governments and liberal NGOs has confronted multi-mandate NGOs with two fundamental questions:

- How much do NGOs share the liberal ethics of western donor governments on the ends and means of a just society?
- 2. How far can multi-mandate NGOs legitimately and practically distance themselves from liberal donor governments when those governments are a party to wars in which liberal NGOs play a humanitarian role?

The struggle to answer these questions, in terms of practical conduct, has been at the root of most of the anxiety that international NGOs and academics have displayed about recent UN, NATO and Coalition wars in Afghanistan, Somalia, Iraq and Kosovo.

6. Fourth Source of Ethical Tension:Protracted Crises

Protracted crises have made multimandate programming increasingly common. Wherever vulnerable populations face recurring or prolonged hunger, flood or conflict, UN agencies and NGOs usually find themselves oscillating between emergency and development work; and those they serve want them to do both. In protracted crises, merging emergency and development programmes is a logical and ethical response to people's needs.

The relief and development traditions differ as ideal types but in practice protracted crises bring them together. As multi-mandate agencies spend more time with particular communities, their operational commitments and moral responsibility grow, causing their humanitarian and development 'wings' to cooperate and eventually merge their work. Quite simply, ethical demands thicken and increase as agencies come to know people better, and do more with them.

In many humanitarian crises, protracted engagement closes the gap between relief and development. In some armed conflicts, agencies work with the same communities for many years. The relationships that develop in such "chronic emergencies" (Sri Lanka, Somalia, Northern Uganda, Darfur, Zimbabwe, the DRC, etc.) transform the ethical and programmatic ambitions of agency staff. If I know that my agency is likely to be present next year, I feel a responsibility to think about what I must do this year to prepare for next year's demands. As I know more about the conditions and needs of the people around me, I become aware of programming options that I would not have perceived if my agency had been present for a short time. If I expect to work closely with a community for several years, it becomes appropriate to develop working relationships that are less directive and more participatory. ICRC and MSF both routinely find that mandate expansion is inexorable. Their hardest moral problems usually concern mandate restraint and how to exit responsibly as their moral and programme commitments naturally expand (MSF 2006; Harroff-Tavel 2003).

The deepening of relationships and commitments creates a new ethical situation. It creates 'a fine line between the provision of life-saving assistance and the promotion of measures to avoid future crises, between emergency response and the tackling of structural inequalities - in short, between humanitarian action and development, or, in a broader sense, politics' (Donini et al. 2008, p. 7). The thickening of responsibility and obligation is particularly significant for local agencies, such as churches, local NGOs and Red Cross/Crescent societies, whose staff cannot leave because they belong to the society. Unlike exogenous NGOs, they do not have exit dilemmas but entrenched staying dilemmas which are usually resolved by taking on more rather than less.

The merging of mandates over time brings obvious advantages for both communities and agencies. For members of the community, the agency becomes more deeply engaged with all aspects of their wellbeing and development; it advocates for long term justice, not just protection and welfare. A multi-mandate agency is also able to be more fully itself. As its different mandates come together, it can play fully to its strengths and satisfy the various expectations of its staff.

At the same time, when the humanitarian and development values of an agency merge, it may appear to breach humanitarian neutrality. To warring parties, agencies that develop a close relationship with communities that are strategic or partisan may seem to be taking sides or giving a military or economic advantage to the enemy.

7. Fifth Source of Ethical Tension: Neutrality

As noted, most of the agencies that deliver humanitarian aid are multi-mandate and most of the tensions that multi-mandate agencies report arise in the context of armed conflicts (notably Afghanistan). The main preoccupations are threats to agency neutrality and the fear that agencies will be co-opted politically by the belligerents. The stresses reported are most acute when multi-mandate agencies and warring parties share liberal political values.

The literature is unanimous that the most intense humanitarian/development multi-

mandate tensions occur in armed conflicts or "mixed emergencies", like the Pakistan floods, where natural disasters occur in the same place as an armed conflict.

Tension arises most frequently, in law and practice, because agencies fear that their neutrality and impartiality are endangered. Article 23 of the Fourth Geneva Convention states that aid may be withheld if there is evidence that through this aid "a definite military advantage may accrue to the military efforts or economy of the enemy". Common Article 3 (which specifically addresses non-international armed conflict) declares that "an impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict". Both these norms directly or implicitly affirm the principle that provision of aid should be impartial and neutral. The same values are affirmed in Articles 2 and 3 of the NGO Code of Conduct (a soft law ethical guide for use in natural disasters that is now widely applied by agencies operating in contexts of armed conflict).

The principle of humanitarian neutrality assumes that aid can assist and develop the capacity of civilians in conflicts but should not assist parties to the conflict. Since most development activities tend to benefit state parties and to be implemented in association with official structures and ministries (Macrae and Harmer 2004, p. 13), agencies therefore find it difficult to justify their claim to be neutral. In addition, most warring parties want to use aid to strengthen their capacity, and want aid neutrality for their enemies but not for themselves. NATO's current use of aid in the context of its counter-insurgency operations clearly illustrates this. Aid

programmes in NATO-controlled areas in Afghanistan are regarded by NATO as legitimate, whereas aid distributed via the Taliban is subject to restrictive counterterrorism legislation. During the mixed Somali emergency of 2011, neither Al Shabaab nor Western powers could accept that aid would be distributed neutrally in territory controlled by the other side. Both parties therefore restricted the distribution of food aid, with devastating results (Slim 2012).

Parties to conflicts mistrust developmental approaches to war because they are assumed to be partisan. Aid that improves infrastructure, strengthens governance capacity and increases the security of affected populations can give a decisive advantage and legitimacy to one side in a conflict. For this reason, it is both contested and fought for.4 Development aid is rarely contentious after natural disasters but is extremely sensitive in the context of armed conflicts – particularly those in which winning hearts and minds (WHAM) is a strategic objective. In Donini's words, "the incorporation of humanitarian action into the political and world-ordering agendas of key donors and the UN Security Council entails growing costs, both in terms of principle and practice" (2008, p. 31).

Not surprisingly, most of the literature on ethical problems in multi-mandate operations has examined experiences in Iraq, Afghanistan, Somalia and Pakistan, where UN or NGO operations have been largely financed by a party to the conflict.

'Belligerent donors' have explicitly identified humanitarian and development aid as instruments of counter-insurgency and WHAM (Donini 2012). Humanitarian agencies face particularly acute ethical problems when belligerent donors make use of aid to pacify, stabilize and liberalize a contested state. NATO Provincial Reconstruction Teams (PRTs) have come to symbolise this problem.

The problems associated with military stabilization policies vary from situation to situation. Much of the analysis of stabilisation describes tensions that arise during the pursuit of humanitarian, development and security objectives (Bailey 2011; Gordon 2010; Menkhaus 2010). However, the success of stabilisation, and its impact on humanitarian action and principles, varies from case to case. How humanitarian agencies perceive stabilisation activities, and their involvement in them, are context specific. Resented in Afghanistan, stabilization was more accepted in Haiti.

Though stabilisation in Haiti was much criticised, it reduced violence and increased (certain measures of) stability (Muggah 2010). Some humanitarian agencies in Haiti felt that military actors insufficiently understood humanitarian mandates and principles. Some also resented efforts to collapse or forcibly integrate humanitarian, development, and security mandates into a single agenda. Nonetheless, stabilisation was broadly accepted by the humanitarian community. Mixed-mandate agencies cooperated more visibly with military and police elements than the ICRC and MSF and relied more on military actors for their own security; but even ICRC staff suggested that stabilisation activities had extended rather than shrunk agency space. At the same time, Haiti may be categorized as a "lesser situation of

⁴ Though aid after disasters can be politically controversial, for example when politicians exploit it for electoral advantage, the principle that it is appropriate to provide development aid after disasters is not disputed.

violence", and the absence of conventional warfare made civil-military cooperation easier to achieve (Muggah 2010, p. 458).

Stabilisation programmes in contexts of counter-insurgency have been more controversial for humanitarian actors. Where stabilisation programmes have aimed to overturn regimes or support counter insurgency strategies, humanitarian actors have found it problematic to cooperate with them. This has been the case in Afghanistan, Iraq and Somalia, for example (Donini 2012).

NATO counter-insurgency interventions are not the only ones to have created ethical problems for multi-mandate agencies. Insurgencies and counter-insurgencies in Mozambique, Sri Lanka, Northern Uganda, Sudan, and Ethiopia's Ogaden region have also posed problems. In each of these conflicts, humanitarian agencies have been planned into (or out of) insurgency and counterinsurgency strategies, with the objective of using their relief and development resources to win hearts and minds (Uganda) or consolidate a new demographic status quo that has been militarily achieved (Darfur, Sri Lanka). Agencies in Syria have reported similar ethical tensions because they are being locked into government or rebel structures and strategy. Mali's armed conflict is likely to generate similar risks of co-option or perceptions of co-option.

The literature indicates that UN and NGO multi-mandate aid operations have been manipulated or 'instrumentalized' (Donini, 2012). NGOs and academics report a kind of systemic coercion. Using accelerated programmes of development that aim for "quick wins" and high WHAM impact, NATO and NATO governments

deliberately employ NGO resources to secure political and military benefits.

Most value clashes inside agencies tend to occur over means rather than ends, and methods more than goals. Frictions usually arise over which 'mode of action' an agency should be in at a given time. For example, tensions may increase when an agency wants to move from an advocacy of restraint to an advocacy of change. Or an agency may hesitate to name and shame people suspected of violating human rights (denunciation) when it needs access to very vulnerable communities. (This dilemma was apparent when the ICC investigated Sudan's conduct in Darfur, for example.) Development colleagues may urge humanitarian staff to replace a substitution model of service provision by an empowerment model. Or humanitarian colleagues may urge development teams to return to less consultative methods because people need immediate assistance if they are to survive.

Ethical tensions arise in situations where it is hard to read how aid plays into local politics and conflicts. There is often a problem of knowledge. NGOs engaged in humanitarian and developmental programming are well aware that their presence, resources and projects can have an impact on the conflict. They need nevertheless to strengthen their capacity to analyse social and political context and to develop policy frameworks that manage risk and strengthen their operational performance on the basis of that analysis. (See conclusions.)

In other situations, ambiguity arises because NGO and counterinsurgency ethics resemble each other. NGOs can experience understandable moral confusion because

they share many of the same liberal development goals that drive western counter-insurgency programmes. While their humanitarian ethic seeks to be neutral and impartial, their development and justice values align with counter-insurgency objectives. Women's rights and girls' education in Afghanistan are obvious examples. The two parties share ethical ends, if not means (Slim 2004). NGOs that 'live their values' in such conflicts can seem to be taking sides – and they probably are.

The literature is unclear about the security implications of being multimandate as opposed to singularly humanitarian in approach. Violence against aid workers has mainly increased in places where liberal counter-insurgency programmes confront Islamist insurgencies. In these contexts, there is evidence that half the aid workers targeted in 2008 were targeted for political reasons. This said, initial comparisons did not suggest that faith-based or multimandate organizations were being disproportionately targeted by comparison with single mandate agencies (Stoddard et al 2009, p. 4-5). A later study, of Afghanistan in 2011, reached similar conclusions. It found that the security of NGO staff is determined more by the protective measures they take than by their mandates; and that, regardless of mandate, projects which are agreed with the community and address their needs are most acceptable to armed opposition groups (Valente 2011). This suggests that multi-mandate agencies may have a security advantage because they can respond to a wider variety of community needs.

How donors label conflict situations defines agencies' operational environment and this often gives multi-mandate organizations a strategic advantage. Situations in which

significant armed conflict continues have been labelled "post-conflict" (Afghanistan: Donini 2012), "early recovery" (Darfur: Young 2012), or "post-emergency" (South Sudan: Poole and Primrose 2010). Such labels describe political intentions more than reality on the ground, but in consequence donors require agencies to frame their programmes in developmental not humanitarian terms, even when the communities with whom they work are in an acute emergency.

8. Agency Policy

A quick literature review of publicly available documents reveals that agencies rarely refer explicitly to these tensions or describe how they manage them.

Afghanistan, where tensions are mentioned frequently, is the major exception. The absence of material makes it difficult to gauge how agencies are solving multi-mandate problems.

Some agencies explain why they have diversified their mandate; most have not addressed this question publicly. Save the Children has explicitly justified its adoption of a humanitariandevelopment mandate (Bookstein 2007, p. 149; Save the Children 2010, p. 11). Oxfam has undertaken to adopt a joined up approach to humanitarian action, campaigning and long-term development, and works on human rights, poverty, unequal power relations, and justice. World Vision works to transform communities, respond to disasters, and advocate for global change. UNICEF has a development pillar and a humanitarian pillar and a specific mandate to protect children's rights (as defined in the International Convention on the Rights of the Child).

Most agencies agree that a multimandate approach offers important "complementarities" that enable them to respond faster and more fully to people's needs. As seen above, in protracted emergencies agencies tend to expand their activities to meet the needs and demands of those they serve. An NGO that is supporting development projects in a country when it succumbs to war or disaster is considered to have a strategic advantage that will enable it to be a more informed and efficient humanitarian actor. This may be particularly applicable in the case of sudden onset disasters (earthquakes, floods) that can result in a high number of casualties requiring urgent treatment in a very short time. In Haiti, for example, World Vision International could act faster after the earthquake of January 2010 because it was already on the spot (Irwin and Sattler 2011). Prior presence is also vital to effective medical relief: MSF has long recognised that victims who sustain serious injuries or are trapped under rubble will not survive if medical assistance does not reach them in the first forty-eight hours (Brauman and Vidal 2011, p. 220).

Humanitarian assistance can act as a vanguard project: it can enable agencies to gain the acceptance of communities and armed actors, and create space for political justice programmes. In the Nariño region of Colombia, for example, Oxfam's territorial rights programme was developed slowly on the basis of its humanitarian work. Oxfam used food security, the provision of water filters, and public health awareness projects to create space for its land rights programme (Oxfam GB Programme Policy Team 2011).

Single mandate agencies routinely emphasise their humanitarian mandate. ICRC and MSF deliberately and

explicitly maintain much narrower humanitarian mandates. MSF defines itself as an 'international, independent, medical humanitarian organisation that delivers emergency aid to people affected by armed conflict, epidemics, healthcare exclusion and natural or man-made disasters'.

Unlike MSF, Save the Children does not consider that, in contexts like Afghanistan, humanitarian aid and development assistance are incompatible (Hofman and Delaunay 2010). While acknowledging that development projects may compromise humanitarian principles, Save the Children believes that mixed mandate agencies have a role to play both in providing emergency assistance and helping the Afghan government to build capacity (Save the Children 2010, p. 11).

Some academics discourage multimandates and humanitarian pluralism on the grounds that singlemandate agencies are better equipped for humanitarian action. Political co-option of development interventions during the 'war on terror'

led some to argue in favour of humanitarian purism and rigid separation of mandates (Rieff 2002). Others who take a similar view have argued that simple mandates will improve bureaucratic and operational efficiency across the UN and NGO system (Weiss 1999 and 2012).

It is hard to know if the tensions in Afghanistan are exceptional or if multi-mandate friction in other settings is under-reported. Mandate tensions may be under-reported for two reasons. First, evaluations may not be considering mandate questions and challenges. Second, because they need to generate funding, agencies may be reluctant to acknowledge such problems,

especially if doing so might lead them to close certain activities.

Oxfam and Save The Children speak in general terms about potential tensions and make some suggestions for overcoming them. Oxfam expects tensions to occur in fragile and conflictaffected political environments, where 'there is a balancing act to be achieved between a long-term development agenda, reconstruction, and more immediate humanitarian needs' (Oxfam GB Programme Policy Team 2011, p. 4). Specific tensions are not discussed, nor does the document say how Oxfam should manage, leverage or avoid such tensions. It notes nevertheless that tensions between different strands of programming need "active management" and underlines the need for detailed contextual and risk analysis.

Save the Children suggests that development work may compromise humanitarian principles in some (unspecified) circumstances, while affirming that mixed-mandate agencies are able to provide humanitarian assistance impartially based on assessed need. Its concerns are similar to those identified by MSF. However, rather than advocate for strict adherence to humanitarian principles at the cost of taking action in pursuit of other objectives, Save The Children opts for a more nuanced situational approach. When tensions arise, 'NGOs must make hard choices that require delicate judgement about what actions are in the best interests of beneficiaries' (Save the Children 2010, p. 11). Decision-making should be based on humanitarian principles (Save the Children 2010, p. 31), but it is not always the case that decisions should prioritise humanitarian principles if other approaches are more likely to serve the 'best interests of the child'.

World Vision, Oxfam, and Save The Children agree that sound analysis is essential – of context, need, potential threats to humanitarian principles, and the likely outcomes of different courses of action. The HISS-CAM tool (Clements and Thompson 2009), originally designed to help staff determine appropriate levels of interaction with armed actors in 'exceptional' circumstances, is considered to help decision-making on ethical dilemmas more generally. The tool encourages systematic analysis and balancing of principles and pragmatism. It emphasises humanitarian principles and a 'do no harm' methodology, but permits departure from humanitarian principles, albeit only after stringent review. "Within the context of development work, which is underpinned by long-term considerations that aim to assist communities to overcome poverty and injustice, any compromise of these principles clearly requires the highest level of justification and a consideration of mitigating options" (Clements and Thompson 2009, p. 26).

Humanitarian principles might be expected to clarify policy and operational tensions at field level but, in practice, principles seem more manipulated than respected.

There is little hard empirical data either on the impact of humanitarian principles or on how agencies apply them. Most analysis of humanitarian principles is based on the perceptions of interviewed aid recipients, agency staff and donors (NRC 2012; Donini 2008). This work suggests that humanitarian principles are rhetorically espoused by donors, with the approval of European public opinion, but that, in practice, donor aid flows are not impartial and needs-based but gravitate towards big geo-political conflicts and counterinsurgency support, where they are

subsumed into "integrated" multi-mandate WHAM strategies. For their part, agencies seem to use principles tactically, to secure access to the communities in which they work and make themselves acceptable to those communities. Agencies seldom confront donors directly or take a principled stand. With the exception of MSF, no major agencies are reported to have refused to apply for donor funding on grounds of principle. It is also possible that only ICRC has the international mandate, status and capability to stick rigorously to the principle of neutrality (Terry 2011).

9. Conclusion

Ethical tensions within mixed humanitarian and development mandates are not new. However, in modern armed conflicts they are often rendered more extreme because the liberal political orthodoxy of current development policies is frequently contested, notably by Islamist armed groups. Contemporary wars are also about different views of development, just as they were during the Cold War. This means that agencies which identify, or are identified, with liberal development values can play right into the dynamic of the conflicts in which they work. Those at risk include most multi-mandate agencies.

Alongside this geo-political tension, more familiar problems associated with neutrality, protracted emergencies and tensions between the relief and development traditions continue to put a strain on humanitarian policy and practice. Managing these tensions requires constant and prudent judgement on the following lines.

- Assess which ethical tensions are classic tensions between emergency and development ethics that can be resolved technically, and which are politically charged tensions associated with conflict over liberal forms of development.
- 2. In the second case, draw explicitly on humanitarian principles and the Code of Conduct to communicate limited humanitarian ethical goals and gain acceptance for them. In doing so, ground agency actions in International Humanitarian Law. Use IHL, human rights law and religious ethics to negotiate hard issues like girls' education, vaccination, and gender-balanced staffing.
- Take less money from belligerent parties whenever its acceptance is likely to instrumentalize the agency's programmes or harm the agency's reputation for neutrality. Build alternative sources of independent funding.
- 4. Conduct additional field research in specific localities to understand how parties to the conflict and local communities view multi-mandate approaches compared with a neutral, impartial and independent humanitarian approach (NIIHA). At present, for example, it is unclear in what circumstances, or whether, single-mandate humanitarian approaches or multi-mandate forms of aid are more likely to benefit warring parties.
- 5. Engage more deeply and explicitly with ICRC on the value, risks and complementarity of multi-mandate strategies and NIIHA.
- Develop clear policies on the ethics, value and risks of multi-mandate strategies in armed conflict, and communicate these clearly to staff, donors, warring parties and affected communities.

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