

*The Politics of Humanitarian Organizations: Neutrality and Solidarity,
the case of the ICRC and MSF during the 1994 Rwandan Genocide*

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Abstract

With the seemingly infinite existence of complex emergencies and the overwhelming presence of humanitarian organizations responding to such crises, it is essential that the assumptions, precepts, and actions of humanitarian organizations be critically examined and understood. The aim of this thesis is to explore differing traditions within humanitarian thought: neutrality and solidarity. In the process, this thesis will determine whether it is possible to maintain clear ideologies in the context of a complex emergency and whether the existence of different humanitarian ideologies results in a dichotomy or polarization of humanitarian action.

This study is of great import as it delves into the contemporary literature claiming that humanitarianism is currently in a state of crisis – the unsustainability of competing humanitarian ideologies operating together in a complex emergency.

Primary documents from both the International Committee of the Red Cross (ICRC) and Médecins Sans Frontières (MSF) regarding their operations in the 1994 Rwandan complex emergency were examined in order to provide a foundation for the theoretical investigation. Although the ICRC and MSF occupy seemingly polarized positions in the neutrality – solidarity debate, the investigation into their humanitarian activities during the 1994 genocide and the resulting refugee crisis reflected the difficulties of providing relief based upon humanitarian ideals. Due to the complex realities of the 1994 Rwandan crisis, the ideological notions dividing the ICRC and MSF were overshadowed by the simple humanitarian desire to aid those in need.

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Abbreviations

CDR	Coalition for Defense of the Republic
GIMCU	Emergency Medical and Surgical Intervention Group
ICRC	International Committee of the Red Cross
MSF	Médecins Sans Frontières
MRND	Mouvement Republicain National pour la Démocratie et le Développement
NGO	Non-Governmental Organization
FAR	Rwandese Armed Forces
RPF	Rwandan Patriotic Front
SMF	Secours Medican Francais
UN	United Nations
UNAMIR	United Nations Assistance Mission for Rwanda
UNHCHR	United Nations High Commissioner for Human Rights

CHAPTER ONE

The Politics of Humanitarian Ideology

The complex nature of emergencies in the 1990s brought to the surface what many believe to be a sort of crisis of humanitarian ideology – a crisis that has been gathering momentum for decades (Reiff 2002, Slim 2002, Weiss 1998, Prendergast 1996). Central to this ideological divide are the differing notions of what it is to be a humanitarian – one who exclusively relieves the immediate suffering of people in need or one who attempts to merge this with an awareness of the root causes of conflict and human rights. Reiff simplifies this debate as the conflicting ideologies between adherents of humanitarianism-against-politics and the politics of humanitarianism (2002: 26), or in other words, the neutrality-solidarity debate.

With the communication and transportation advancements of the last half of the twentieth century, humanitarian organizations now have a global reach, with many of the larger organizations instituting operations and offices around the world. As non-state actors began extending their reach beyond national borders, the number and diversity of humanitarian organizations began to multiply – solidifying their role in the international relief industry. This burgeoning of humanitarian organizations is widely believed to have taken place in the 1980s (Bryans, Jones and Gross Stein 1999, Keck and Sikkink 1998). According to Waters, there were approximately 1, 600 non-governmental agencies operating in the 1980s, a number which increased exponentially as there were approximately 4, 600 by the mid-1990s (2001: 2). The sheer volume of humanitarian relief organizations occupying space in the international arena was evident in the humanitarian response to the Rwanda crisis in 1994. Estimates claim the number of humanitarian organizations operating in the Rwandan refugee crisis to be well over one hundred (de Waal 1997: 199, Prendergast 1996: 45). It is important that the ideologies and actions of these humanitarian organizations be closely examined as they currently play an integral role in today's complex emergencies.

Not only has the number of non-governmental organizations (NGOs) increased since the 1980s, but so has the variety of organizations operating at the international level. Gross Stein (2001) claims that prior to the recent diversification of non-governmental agencies in the international area, most agencies operated according to “traditional” principles or were based on religious affiliations. Non-governmental agencies now operate under a variety of mandates and humanitarian ideals ranging from conflict prevention and resolution to sustainable development and human rights. In a press report, MSF discussed what it perceived to be the difficulties arising from the growing multitude of humanitarian organizations and ideologies.

And in this growing community of relief NGO, many mandates get blurred between the strictly humanitarian and non-governmental, and the political, information gathering, human rights monitoring, conflict resolution, even the notion of non-governmental has no more relevance in many cases.¹

Thus, the rise of multi-ideological humanitarianism is an important area of study as it highlights what many perceive to be the changing political nature of humanitarian relief efforts in complex emergencies.

The humanitarian principles traditionally guiding relief operations are based primarily upon the ideals of neutrality, impartiality and independence. Dominance of these particular humanitarian ideals at the international level is noticeable, as they provide the foundations for international humanitarian law. Vaux (2001) refers to this era as the “golden age” of humanitarianism – a time that spanned the better part of the Cold War. Humanitarian neutralists claim that ‘the provision of humanitarian assistance should be made on the basis of need alone and should be above and beyond any political, military, strategic or sectarian agenda’ (Predergast 1996: 39). Neutrality advocates claim that once relief workers lose their neutrality they can become ineffective or even part of the complexities of the crisis. Although most agencies and individuals have mixed philosophies and ideals of providing humanitarian assistance, the fundamental concern of neutralists is to provide responsible aid without discrimination against those in need (Brun and Ku 2001, Gross Stein 2001, Anderson 1999, Seybolt 1996).

¹ http://www.doctorswithoutborders.org/publications/speeches/2000/jt_foreign.shtml

This traditional mono-philosophical humanitarianism was shaken, however, as Biafra, a small region in Nigeria, attempted to achieve its independence in the late 1960s. The Biafra complex emergency is significant as it is singled out by many as the culminating event which initiated the ideological shift away from a humanitarianism based solely on neutrality to a more human rights based humanitarianism. Although the ideological shift is said to have accelerated following the end of Cold War tensions (Vaux 2001, Gundel 1999, de Waal 1997), according to de Waal, ‘an entire generation of NGO relief workers were molded by Biafra, and several agencies were either born from the relief operation or forever changed by it’ (1997: 73).

The humanitarian evolution away from neutrality was based upon the realization that ‘despite the best intentions of aid workers, and at times because of them, they become logisticians in the war efforts of warlords, fundamentalists, gangsters, and ethnic cleansers’ (Reiff 1998: 29). Although neutralist humanitarians go to great lengths to present themselves as nonpartisan and their motives as pure, they are deeply enmeshed in politics. This view reflects the *solidarist* assumption of providing aid in complex emergencies. There is a growing consensus amongst humanitarians who now identify the principle of neutrality as a barrier to saving lives, effectively enabling gross violations of human rights (Slim 2002, Weiss 1998, de Waal 1997, Prendergast 1996). Thus, solidarists claim an adherence to neutrality is unprincipled, as relief aid is so frequently manipulated. To provide relief in a complex emergency like Rwanda, solidarists believe it is morally repugnant to remain neutral amongst acts of gross violations of human rights. ‘It is impermissible to cede to virtue if it hinders rather than helps a political solution.... classical humanitarianism may seem unequivocally noble, but counterproductive efforts are uncharitable’ (Weiss 1998: 7).

The United Nations (UN) defines a complex emergency as any humanitarian emergency that combines ‘interstate and internal conflicts, large-scale displacements of people, mass famine, disruption of economic, political and social institutions, and, in some cases,

natural disasters’.² Due to the level of political and ethnic violence which engulfed the country between April and July 1994, the Rwandan emergency accurately embodies the definition of a complex emergency. During the Rwandan genocide as many as one million Tutsis and moderate Hutus were butchered in Rwanda. This ‘...was carried out by hundreds of thousands, perhaps even more, and witnessed by millions’ (Mamdani 2001: 6). The subsequent displacement of thousands of Tutsis in Rwanda and the “refugee” crisis which resulted from the mass exodus of millions of Hutu civilians with the Hutu army to neighboring Tanzania, Burundi and Zaire also accurately embodies the definition of a complex emergency.

Methodology

Upon examination of the literature pertaining to the neutrality – solidarity debate, two humanitarian organizations were situated on a spectrum of humanitarian ideas – from neutrality to solidarity—in order to explore the consistency between their ideological persuasions and relief initiatives during the Rwandan emergency. Upon analysis, this dissertation will explore whether the existence of different humanitarian ideologies results in a crisis of humanitarian ideology.

The method that will follow in this dissertation is three-part. The first involves a survey of the debate of neutrality and solidarity in humanitarian aid. This was accomplished by examining the growing literature on this topic. The second part of the methodology involves an analysis of the mandates, charters and literature from the two selected humanitarian organizations. The ICRC and MSF were chosen because a) they were key actors – the only two organizations operating in the genocide, b) they added to the “complexity” of the emergency and c) they are well known humanitarian organizations with established humanitarian beliefs guiding their operations. As well, these groups have major and up-to-date records and websites and are thus more accessible for academic study. The ICRC and MSF were then categorized into a *Neutrality-Solidarity Spectrum of Humanitarian Organizations in Complex Emergencies*. This spectrum was

² www.un.org/Docs/SG/human.htm

based on Thomas G. Weiss' 'Political Spectrum of Humanitarians and their Attitudes towards Traditional Operating Principles' (1998: 2).

Primary data found in action reports, documents, press releases and project reports from the two humanitarian organizations and secondary information from articles, books and post-genocide evaluation reports were used to meet dissertation goals. The primary and secondary information gathered illustrates the activities and project initiatives from the selected humanitarian organizations and how they put their principles into action in a specific complex emergency.

CHAPTER TWO

Humanitarian Ideologies in Theory and in Practice

In order to examine the puzzle that is humanitarianism based on ethics or ideology, it is important to first establish the nature of the current divide separating it. Neutrality and the humanitarian attempt to abstain from political involvement in a complex emergency will thus be examined and problematized in order to illustrate the birth of a more politically explicit humanitarianism – that of solidarity.

The questioning of humanitarianism in general, and relief aid in particular, has increased tremendously in recent decades. What once was sacrosanct is now the object of scrutiny. The role and impact of relief operations have since been thrown into the limelight, forcing many to question the ideologies framing emergency relief. This has culminated in a contestation for the future of humanitarianism. A tension between those maintaining an apolitical and neutral approach and those supporting a more human rights based and political humanitarianism has resulted in the neutrality-solidarity debate. Vaux articulates the neutrality-solidarity debate as an investigation into the necessity or precedence of humanitarian values according to what would best meet the “humanity” requirement – an evaluation of how to best meet the needs of those who are suffering in a complex emergency (2001: 2). The operational consequences and complexities of providing relief based on neutrality or solidarity will then be explored in order to understand the politics of humanitarian ideology in a complex emergency.

Traditional Humanitarianism: Altruism, Neutrality and an Aversion to Politics

At the core of traditional humanitarian values is the imperative to maintain a neutral stance in the midst of a crisis. Breaking from this neutral stance and acknowledging humanitarian relief as political was believed to be the ‘anathema to be avoided at all costs’ (Baron 2004: 1). The international protectorate of international humanitarian law – the ICRC – defines the concept of neutrality as ‘not taking sides in hostilities or engaging

at any time in controversies of a political, racial, religious or ideological nature'.³ This definition of neutrality has effectively created the basis of traditional humanitarian ideology – to provide relief based solely on the needs of all people rather than longer-term goals of conflict resolution and development. According to traditional humanitarians, providing relief is the embodiment of morality and altruism and as a result, is the necessary and sufficient attribute for providing relief. They hold that one must help people simply because they are human beings – thus not making political judgments on who should receive aid – ‘for if one is concerned about someone simply as a human being, then one does not exclude from one’s concern any human being, no matter what her relation to oneself’ (Blum 1992: 35). Therefore, according to those supporting the traditional principle of neutrality, relief aid should be fundamentally apolitical and should have no other agenda other than altruistic service.

In practice, neutrality refers to maintaining close relationships with the parties contending for power and negotiating the provision of relief with the necessary parties in order to build up trust. Neutrality means pushing aside feelings towards less desirable individuals, and working towards cooperative relationships with various warring parties to protect the provision of aid and relief workers in the field and to secure relief aid to those in need. Neutrality means associating with murderers and criminals in order to provide relief for all who suffer. Thus, the traditional principle of neutrality ‘is not an end in itself but merely a means to an end so when the welfare of the victims is at stake, humanity is the overriding principle’ (Brun and Ku 2001: 66).

The Neutrality and Politics Quagmire

At the heart of a humanitarianism based on neutrality is the assumption that relief work exists in a space separate from that of politics. In fact, it is to assume that humanitarian organizations can be distinct from the political realities of the complex emergency in which they operate. Jean Pictet (1979) insists on the separation of humanitarian relief

³http://www.icrc.org/Web/Eng/siteeng0.nsf/html/EA08067453343B76C1256D2600383BC4?OpenDocument&Style=Custo_Final.3&View=defaultBody5

from politics despite being increasingly confronted with the political realities of an emergency. He claims that ‘like the swimmer, humanitarianism is in politics up to its neck. Also like the swimmer, who advances in the water but who drowns if he swallows it, the ICRC must reckon with politics without becoming a part of it’.⁴ Pictet (1979) continues by arguing that ‘Red Cross institutions must beware of politics as they would of poison, for it threatens their very lives’.⁵ In this sense, politics is to be understood as being separate and distinct from the provision of relief in complex emergencies. It is to assume that providing aid to populations based on need is a fundamentally apolitical activity and should be regarded as such.

Baron (2004) and Bryans, Jones and Gross Stein (1999) disagree with the premise that humanitarian action can ever be separate from the political realities in which it operates. Bryans, Jones and Gross Stein claim that ‘neutrality itself has become a political position, whereby the “neutral” provision of resources distorts military and political outcomes by its presence’ (1999: 12). Baron claims that:

to assume that some actions are inherently un-political, to believe that as humans we are capable of stepping outside of a political space and into a political one is both problematic and often counterproductive (2004: 1).

It is assumed that by entering into the realities of complex emergencies, humanitarian organizations attempting to meet what they perceive to be the needs of populations undoubtedly become involved in the political intricacies shaping the emergency. Humanitarian organizations must make decisions such as which individuals qualify as the neediest or most deserving of relief, the locations of relief efforts, and which supplies are to be delivered. Thus, the unproblematic ideal of maintaining neutrality becomes highly problematic in practice as humanitarian organizations attempt to navigate through the political realities of a complex emergency.

The contestation arising from the unquestioning assumption that humanitarian relief can be apolitical centers around the question what is political? Is politics tied solely to power

⁴ <http://www.icrc.org/Web/eng/siteeng0.nsf/iwpList126/EA08067453343B76C1256D2600383BC4>

⁵ Ibid.

relations or does it invade every aspect of life and social relations? Baron (2004) adds that attempts to define a coherent notion of politics have been raging for centuries as theorists varying from Aristotle to Machiavelli to Hobbes grapple with the concept and its relationship with the living world. The lack of consensus regarding the definition of politics is reflected in the vast spectrum of humanitarian ideology concerning neutrality, as the two are inherently interconnected. Therefore, at the core of the divergence between traditional humanitarianism and its critics is how the concepts of neutrality and politics are understood in relation to humanitarianism.

Humanitarian Organizations, Human Rights and Solidarity

At the heart of human rights based humanitarianism is the ideological notion that simply meeting the survival needs of individuals in conflict is insufficient and insolent if relief does not address the root causes of conflict – the root causes of suffering. This is central to the conflict between neutrality and human rights – an ideological tussle between traditional humanitarians and solidarists. Humanitarians maintaining the neutrality based ideology claim any action to ease the suffering of individuals in need is just and legitimate, while solidarist humanitarians claim relief is just and legitimate only if it addresses the factors leading to suffering. The devastating reality which shattered the faith humanitarians place in neutrality was the awareness that relief workers were keeping populations alive only to face further suffering in the future.

This trend toward human rights based humanitarianism began to spread in the 1970s as people in Western nations became more aware of the immense suffering plaguing the rest of the world. According to Shatz,

the 1970s were the growth years of the humanitarian movement, when pictures of hungry children in war-ravaged lands first began to appear on billboards and in glossy magazines, when humanitarians came to view their work not as succor but as political solidarity, as consciousness-raising, as conflict-resolution, even as revolution.⁶

⁶ <http://www.msf.org/content/page.cfm?articleid=E75B9E30-D338-48E6-99565A21285CF2DB>

Along with a general increase in the awareness of Third World suffering and its impact on humanitarianism were the relief experiences of the late 1960s and early 1970s. Relief experiences such as the 1968 Biafra conflict began to push the humanitarian movement in a new direction. In the Biafra context, humanitarian relief workers were confronted with the possibility that their relief efforts were prolonging the suffering of those in need, rather than curtailing it. Negotiating with various warring parties helped only to strengthen their hold on power, and relief aid was failing to reach those in desperate need. MSF is one such organization created within the political realities of the Biafra conflict. Although the Biafra conflict may have brought to light what Ignatieff (2001) describes as the “advocacy revolution”, this revolution is said by Slim (2002), Vaux (2001), and Gundel (1999) to have accelerated towards the end of Cold War politics.

NGOs adhering to a more political ideology include Human Rights Watch and Amnesty International – organizations that insist on reporting the political realities of an emergency and pressure the proper authorities to take action. Other organizations, such as the International Rescue Committee⁷ and Actionaid International,⁸ include in their ideology an affiliation for human rights and a desire to match humanitarian initiatives with the political realities of an emergency – if they deem it necessary. Another step made towards the coupling of human rights and relief was the creation of the United Nations High Commissioner for Human Rights (UNHCHR) in 1993 – a UN body that works alongside humanitarian relief organizations and other UN bodies operating in the field.

At the core of the human rights based ideology is the notion that we are all “citizens of the world” with ‘universal rights of respect and consideration’ which are ‘correlated with

⁷ Included in the *IRC Mission Statement*, ‘IRC is committed to freedom, human dignity, and self-reliance. This commitment is expressed in emergency relief, protection of human rights, post-conflict development, resettlement assistance, and advocacy.’

<http://www.theirc.org/index.cfm/wwwID/2030/topicID/67/locationID/0>

⁸ Included in the *about us: history* statement, ‘ActionAid started life as a British charity based on child sponsorship, delivering specific services to individuals. We widened our scope after realising that we were only meeting people’s immediate needs without tackling the root causes of poverty.’

<http://www.actionaid.org/aboutus/history.html>

universal duties to assure or provide these goods to all humankind' (Simmons 2001: 180). This new generation of humanitarians argues that all individuals have rights – even in times of conflict – and for relief to be humanitarian, it must work towards addressing the injustices suffered by individuals. According to Hugo Slim, humanitarian organizations that base their operational philosophy on rights

do so because they regard the suffering of others as morally and politically wrong, because they believe all people have equal rights and because they want to change the world (2002: 1).

David Reiff however, criticizes any moral assertion with the provision of relief in complex emergencies:

It is important to state at the outset that however noble the humanitarian enterprise is, and however extraordinary it is, when one thinks about it, for groups to arise that are committed solely to caring about strangers; humanitarianism is by definition an emblem of failure, not success. The disaster has already happened; the famine has started; the cholera is raging; or the refugees are already on the move (2002: 21).

The point made here by Reiff – and shared by Gundel (1999), Maren (1997) and Prendergast (1996) – is a significant one to keep in mind when analyzing the relationship of humanitarian philosophy with the provision of relief in complex emergencies. All relief may affect the balance of power in a complex emergency. All relief – regardless of humanitarian ideology – normally ends up in the hands of belligerents; it often favors one side over another; and may effectively prolong the conflict. These authors argue that regardless of where a humanitarian falls in the spectrum of ideologies guiding relief efforts, abundant suffering and abuse of relief normally exists on a large scale.

The Neutrality-Solidarity Debate

Differing notions as to how relief workers should address the needs of individuals in a complex emergency are central to the contestation between neutrality and solidarity humanitarianism. Fundamental concerns to the practical application of humanitarian ideology include the notion of negotiated access and its relationship with sovereignty;

humanitarian silence versus that of vociferous protest; humanitarian security in a complex emergency; a questionable association of relief and empowerment; the option of humanitarian withdrawal or conditionality; and the contestation over a perceived universality of human rights. These concerns form the foundation of the puzzle that is humanitarian relief and ethics in a complex emergency.

Negotiated Access: *Sovereignty, Humanitarian Silence and Security*

One of the key issues of the neutrality-solidarity debate involves negotiated access. Prior to pursuing relief programs, humanitarian organizations must first assess who the relevant parties are in a complex emergency; how many parties are involved in the conflict; what relief initiatives are required; and which groups or geographical locations are most in need of assistance. According to Forsythe, negotiated access involves agreements between humanitarian relief organizations and all warring parties in order to provide relief (2000: 180). Sub-issues complicating negotiated access include the sovereignty of the state, publication of human rights abuses and security for both relief personnel and supplies. Patronage undoubtedly becomes entangled with negotiated access as all parties involved in a conflict attempt to gain material benefits from the presence of humanitarian relief organizations.

Humanitarians who promote the association of neutrality with humanitarianism argue it is possible to maintain neutrality in the context of complex emergencies and that negotiating with belligerents makes available certain benefits to relief organizations and programs (Brun and Ku 2001, Anderson 1999, Seybolt 1996). Often concessions are given to warring parties in order to reassure them that relief organizations will not become politically involved in the conflict or threaten their power. In return, humanitarian relief workers and supplies are granted safe passage; agreements are made so that civilian victims of war are able to receive relief; and any needy populations are eligible for help (Seybolt 1996: 4). Neutralist humanitarians further their argument for negotiated access by pointing out its capacity to maintain “partnerships” with belligerent parties, partnerships which can serve to promote international humanitarian law. Brun

and Ku refer to this as ‘short-term relief and stability during negotiations for longer-term solutions’ (2001: 68). The closed dialogue between humanitarian relief workers and various warring parties enables relief organizations to discuss and criticize the violation of international humanitarian law by belligerents without chastising them in public view. It is believed that this fuels cooperation and trust, helping ‘to reduce tensions and strengthen people’s capacities to disengage from fighting and find peaceful options for solving problems’ (Anderson 1999: 1). Thus, neutralist humanitarians claim that negotiations allow for increased relations between relief workers and warring parties, which in turn have the potential to further their awareness and compliance with international humanitarian law and possibly reduce the use of force against civilians.

Human rights based humanitarians fervently reject the argument made by neutralists that agreements, the protection of relief workers and supplies, or even the promotion of international humanitarian law can ever be guaranteed by warring parties in a complex emergency (Reiff 2002, Gundel 1999, Weiss 1998, de Waal 1997, Maren 1997, Prendergast 1996). Weiss argues that establishing agreements with belligerent parties in a conflict will always be problematic, as doing so would deny the reality that civilians are often the desired targets of belligerents in an emergency (1998: 2). It would also deny the reality that threatening civilians often reinforces the powerbase of warring factions. As well, Solidarists note that as a result of the political complexities of an emergency, it is often impossible for belligerent parties to uphold any agreements relating to relief assistance – to do so would be to assume there was sufficient discipline amongst the chaos.

Human rights based humanitarians claim that they are able to enforce human rights norms and international humanitarian law by monitoring human rights abuses and the impact of aid on the complexities of an emergency. Ignatieff claims the public criticisms to human rights violations is justifiable as it seeks to inform the public of the realities of the emergency and compels state signatories of human rights conventions to stay ‘up to the mark’ (2001: 10). By disseminating the complexities of a conflict, human rights based humanitarians claim they are able to use public pressure for state intervention –

military or otherwise – in order to narrow the gap between policy rhetoric and its application. Prendergast furthers the criticisms against negotiated access as he believes it restricts peace activism in three ways.

One, it reduces warring parties' responsibility for welfare of the people; two, indirectly funds conflict through diversion of aid; and three, it legitimizes warring parties basis for deflecting criticism (Prendergast 1996: 10).

Thus, solidarists claim any negotiations or agreements reinforce the ability of belligerent parties to abuse relief and violate human rights if not analyzed within the political realities of the complex emergency.

An additional difficulty with maintaining an air of neutrality in negotiations with belligerents is that humanitarian relief organizations are often perceived as favoring one side in a conflict over another, despite an adherence to neutrality. Gundel notes that all parties to a conflict carefully watch each other and humanitarian agencies in order to ensure that their opponents do not receive more aid, preferring instead to receive more for themselves (1999: 19). Despite the best efforts of humanitarians, it is questionable whether the provision of relief can ever appear to be neutral. With the perception of the belligerent parties being central to the process of negotiated access, neutrality based humanitarian organizations are often forced to compromise their ideals and principles in order to maintain access.

Sovereignty

At the heart of both the neutrality and negotiated access paradigm is the notion of sovereignty. Sovereignty is referred to as 'a claim relating to proper exercise of public authority' (Forsythe 2000: 20) where 'States are regarded as the primary unit of organization and political integrity in international affairs' (Mills 1997). The notion of State sovereignty has a long history in international relations, including the 1648 treaties of the Peace of Westphalia which guaranteed the State sovereign authority over internal religious and political matters and Article 2(1) of the Charter of the UN in which

sovereignty established the foundations whereupon the organization is based (Dungel 2004). Central to international law is the basis of state consent – ‘explicit consent via treaty law, implicit consent via international customary law’ (Forsythe 2000: 17). As the foundation of international law embodies strong linkages with the concept of sovereignty, access to populations within a state has traditionally been based upon negotiated consent.

The absolute authority of state sovereignty has become increasingly contested in recent decades by those supporting a more human rights based humanitarianism. Gundel and Mills claim that we are now in a transitional period where the concept of sovereignty is being questioned and that a growing acknowledgement is taking place involving the primacy of people over states in terms of international security (Gundel 1999: 10, Mills 1997). The centrality of sovereignty has come into question as most of the conflicts in the 1990s were interstate rather than between states. Human rights based humanitarians insist that in cases where the state is unwilling or unable to provide basic necessities to the population, they have a duty and a right to assist the population. This became evident in the enforcement of relief by UN peacekeepers in Somalia from 1992-1995 (de Waal 1997: 181-185). Human rights based humanitarians decreed the right to relief as being above and beyond that of state consent and that sovereignty could not be used as a basis to prevent humanitarian action. Mills (1997) contends that

the responsibilities which accrue to States mean that human rights must be seen as a part of the definition of sovereignty, rather than in opposition to it. In addition, within the concept of sovereignty, there is not only a right for the international community to violate international boundaries on behalf of human rights, but an obligation to do so.

Thus, human rights based humanitarians contend that the widespread abuse of human rights in a complex emergency is a legitimate justification for failing to follow the traditional practice of negotiating consent.

Neutrality based humanitarians, however, reject the legitimacy of humanitarian action usurping state sovereignty – insisting that this precedent would have dangerous consequences for humanitarian relief. Curtis argues that it is international humanitarian

law that sets limits on violence in war – defining the responsibilities of states and the rights of victims and non-state actors – and that this is separate and distinct from human rights laws, which are generally accepted as codes of behavior for good governance in peacetime (2001: 16). As such, the right to relief is only a tentative one in international law. According to Article 18 of the Additional Protocol II regarding state consent to relief actions, the responsibility to ensure the proper nourishment and other essentials of the population of a country rests primarily upon the State while relief organizations play a secondary role by assisting the State in its task.⁹ Relief organizations, thus, do not have legitimate authority within international law to question sovereignty or break with the traditional principle of consent. Dungen (2004) explains the dangers of usurping state sovereignty on the basis that ‘non-neutrality of any enforcement action and the absence of altruistic States imminently risk that force – veiled in humanitarian garments – will be used for other than purely humanitarian purposes’. It is the danger that the enforcement of relief, which would be a necessary outcome of relief without consent, would become political and lead to the destruction of the humanitarian ideal.

Humanitarian Silence

Central to the practical application of negotiated access and neutrality is the notion of humanitarian silence – the refusal to make public comments or criticisms regarding the political realities of a complex emergency. Humanitarian silence is also at the heart of the conflict dividing neutrality based humanitarians and solidarists. In fact, it was the inability of relief workers to publicly challenge the Nigerian government during the 1968 Biafra crisis that led to the inception of a more human rights based humanitarianism (de Waal 1997: 73).

Neutrality based humanitarians insist that silence is the key to maintaining operations in a complex emergency. Brun and Ku (2001) discuss a formula to humanitarian action, a formula that describes the relationships between neutrality, negotiated access and silence.

⁹http://www.icrc.org/Web/eng/siteeng0.nsf/iwpList126/EA08067453343B76C1256D2600383BC4?OpenDocument&Style=Custo_Final.3&View=defaultBody5

According to the formula, neutrality = confidence = trust = access (Brun and Ku 2001: 62). It is believed that remaining silent in the face of suffering allows humanitarian organizations to gain the confidence of the belligerent actors involved in a complex emergency. Confidence is established as silence reassures various warring factions that the relief organization will not become involved in the politics of the emergency or challenge their power and authority. Confidence then breeds trust, enabling certain guarantees to be extended to humanitarian relief organizations maintaining operations in the field. One such guarantee is that of access. Thus, humanitarians promoting a neutralist stance to relief efforts negotiate for access by maintaining silence.

Slim and human rights based humanitarians venomously appose the policy of maintaining silence in the face of human rights violations, as it is only ‘maintaining an inhuman status quo’ (2002: 3). Solidarists therefore contend that maintaining silence in the face of such violations reflects complicity with human rights violations and violators. De Waal claims that the ‘minimum duty of the humanitarian is therefore to tell the truth’ regarding the political realities of a complex emergency – in his example, famine (1997: 221). Thus, according to solidarists – those who concern themselves with the impact of the root causes of conflict and suffering – maintaining silence only prolongs and guarantees further suffering.

The difficulty of negotiating relief efforts with human rights and political awareness is that humanitarian organizations attempting to address the suffering of vulnerable populations are often in danger of being declared “persona non-grata” (de Wall 1994). This point proves to be a particularly important one for humanitarian organizations pursuing a rights based ideology. If human rights based humanitarians, or solidarists, agitate warring parties enough to be expelled from a country or region, there will no longer be organizations with the necessary mandate to “witness” abuses and raise awareness of the plight of populations in a complex emergency. This proves to be the great conundrum of human rights based humanitarianism – the possibility of failing to meet their human rights based mandate and relieving the suffering of individuals in an emergency.

Security of Relief Workers and Programs

Due to the prevalence of insecurity in complex emergencies, humanitarian organizations attempt to navigate as best they can in order to guarantee the security of relief operations and workers while minimizing the abuse of aid. Humanitarian security is a fundamental concern shared by all relief workers, regardless of their particular ideology. The conflict between neutralists and solidarists arises, however, due to differing notions on how to achieve and maintain security in a complex emergency.

Neutrality based humanitarians list security as a fundamental justification for their adherence to the abovementioned principles of negotiated access, sovereignty and silence. Traditional humanitarians claim that failure to observe the principle of neutrality ‘could result in dangerous strategic and operational consequences’ as their ‘ability to operate relies on their being perceived as such [neutral] in all circumstances...’ (Brun and Ku 2001: 61). Based on the formula mentioned above by Brun and Ku (2001) pertaining to negotiated access and silence, neutrality based humanitarians claim that any breach from these principles would serve to increase insecurity in a complex emergency. Neutrality based humanitarians claim that despite the critiques made by solidarists, the agreements and concessions made with belligerent parties are necessary strategic and operational consequences of maintaining relief operations in a complex emergency. Without such guarantees, the ability to provide relief becomes questionable at best or devastatingly unworkable at worst.

Brun and Ku extend their criticisms against human rights based humanitarians, claiming that the interaction of neutral relief organizations with those based on human rights is what breeds insecurity and threatens neutral relief organizations at the policy level and their staff in the field (2001: 60). Based on this hypothesis, it is the wide-spread existence of multi-ideological humanitarian relief organizations co-existing in the same humanitarian space that is destabilizing the previous norms of respecting relief personal as a neutral third party. Humanitarian relief workers are no longer guaranteed personal

security due to the development of solidarity based relief organizations that become actively involved in the politics of an emergency and publicly criticize belligerent parties.

Human rights based humanitarians contradict the superficial linkages made between neutrality and security by pointing out, accurate or not, that warring parties will most likely view relief workers as favoring one side over the other, and it is this that fuels suspicion and insecurity. Forsythe argues that although relief organizations may adhere to the principle of neutrality, the reality of such presence ‘was not widely respected in almost all of the armed conflicts and complex emergencies [Rwanda is listed in the paragraph as an example] after the Cold War’ (2000: 182). As a result of the complex nature of current emergencies, relief workers can no longer expect that they will not be attacked, regardless of humanitarian ideology. In fact, Reiff claims that ‘today, they are at times the favorite targets of fighters in the zones in which they operate’ (2002a: 27). Smyser adds that ‘almost 200 UN relief workers lost their lives during the decade of the 1990s, when the world was suppose to be safer after the end of the Cold War’ (2003: 7). With the absolute security of relief workers being highly questionable in post-Cold War complex emergencies, solidarists reject the traditional humanitarian argument that silence and neutrality contribute in any way to guarantees of security.

The juxtaposition of Human Rights and Humanitarianism

Relief as Empowerment

Coinciding with the rise of human rights based humanitarianism is what Hugo Slim refers to as ‘an appropriate swing away from its [humanitarianism] more sentimental, paternalistic and privileged discourse of philanthropy and charity, to a more political, egalitarian and empowering ideology of rights and duties in war’ (2002:4). The notion of empowerment in the context of relief operations pertains to a radical change on how one describes and perceives individuals in need. Are they helpless victims that relief workers charitably assist, or are they individuals with certain rights – rights which demand intervention in order to guarantee and protect such rights? The perception of relief

recipients is central to the neutrality-solidarity debate as it is an argument made by solidarists to justify their political involvement in a complex emergency.

While neutrality-based humanitarians remain faithful to the ideal of maintaining an apolitical stance in a complex emergency, solidarist humanitarians claim this infringes on the rights of individuals, effectively disempowering them. It is based on a perception that those suffering in a complex emergency are needy victims rather than deserving participants. Hugo Slim argues that ‘rights dignify rather than victimize or patronize people’ and that relief based on rights empowers individuals to become the ‘rightful claimants rather than unfortunate beggars’ (2002: 15). Solidarists argue that relief based on neutrality results in relief workers and belligerent parties deciding who gets aid and how much – and with the emphasis on charity and the goodwill of the relief provider, humanitarianism becomes effectively impenetrable from any sort of accountability – opting instead to favor ‘operational presence whatever the cost’ (de Waal 1997: 190).

Human rights based humanitarians further justify their claim that relief based on rights empowers those it serves, as it provides a guideline for evaluating relief operations in a complex emergency. Slim insists that by basing evaluations of relief operations on whether they positively or negatively contribute to human rights, relief organizations are able to evaluate the effectiveness of their efforts – making them accountable to the empowered recipients of aid (2002: 16). By grounding humanitarian action in rights, humanitarian relief becomes explicit to everyone, and provides humanitarians with an integrated moral, political and legal framework in order to evaluate their efforts.

The Universality of Human Rights?

A further complication to the dilemma that is humanitarian ideology pertains to the universality of human rights. Forsythe broadly defines human rights as ‘fundamental moral rights of the person that are necessary for a life with human dignity’ (2000: 3). Solidarists argue that the end of Cold War politics, the apparent victory of Western liberal values and the ratification of the 1948 United Nations Declaration of Human

Rights by nearly every State have effectively established universal agreement to human rights norms. At the heart of the Declaration of Human Rights – and the treaties and declarations which have followed – is an emphasis placed on the ‘dignity and worth of the human person’ - the individual (Simmons 2001: 186).

Human rights can include any or all political, social and economic rights – rights ranging from the protection against acts of rape to rights protecting private property. Of all the complications arising from a humanitarianism based on human rights is the notion that there is a *universal* consensus on which human rights should be protected in a complex emergency. Many non-Western cultures vociferously contest the universality of human rights and claim instead that international human rights laws are dominated by Western notions of rights and the individual. Gundel describes this as ‘the “clash” of moral value systems which seems inevitable when mainly Western humanitarian agencies move massively into societies with an entirely different basic moral value system’ (1999: 22-23). As a result, human rights initiatives in humanitarianism should be treated with great suspicion as there exists ‘no fixed morality that can be applied globally’ (Vaux 2001: 3). Rieff, who critiques the overall effectiveness of the relief industry, questions the sensibility of championing universal human rights in a complex emergency. He warns that adhering to the humanitarian principle of human rights provides a false sense of usefulness, for human rights norms often fail to make people safer in the chaos of contemporary emergencies (Rieff 2002: 13).

Coinciding with the theoretical difficulties of providing relief based on rights is the difficulty arising from its practical application. The fundamental question here is what the course of action should be when pursuing some rights becomes contradictory to other rights. Vaux states that ‘instead of simplifying the [traditional] principles and exploring more fundamental values, the tendency in the last two decades has been to expand and elaborate the principles, making them ever more pragmatic’ (2001: 4-5). Vaux’s concern lies in the development of human rights based humanitarianism and the difficulty of establishing a coherent mandate based on a variety of human rights, especially when the abuse of human rights is rampant. Weiss claims that it is inevitable for humanitarian

relief organizations to make political judgments, and that in all cases, ‘judgments about what is just and right, about whose capacities are built, about which local groups are favored’ must be cautiously taken into consideration when providing relief (Weiss 1998: 9).

As the heart of solidarity based humanitarianism is the acknowledgement of the political realities of an emergency and the complexity of adhering to impartiality. Some victims will inevitably be seen as more deserving than others of relief. The President of the ICRC discussed this point when he states;

wars, or at least some of them, are now said to be fought for "humanitarian reasons," meaning that one side is humanitarian and the other diabolical. This caricature of war could lead to discrimination against the victims, since there will be the "good" victims of the "humanitarian" side and the "bad" victims among those who oppose the "humanitarian" intervention (by Cornelio Sammaruga, International Herald Tribune, 12 August 1999).

This reflects the inherent contradiction of associating humanitarianism with human rights – for how can one determine a victim from a perpetrator when civilians normally play a role in the conflict. Vaux notes the danger of this stating that relief efforts based on the wide mandate of human rights allows humanitarians ‘plenty of scope to develop our own ideologies, to choose whom to help and whom to ignore, to enjoy a sense of power and to overlook the capacity of those we help’ (2001 :2).

Withdrawal or Conditional Relief

The idea to withdraw relief or place conditions on its distribution is met with powerful responses by both neutralist and solidarist humanitarians. The withdrawal of humanitarian aid takes place when an organization terminates its relief efforts in a specific location or country following what the organization deems intolerable acts or consequences – such as insecurity, abuse of aid, or violence against civilian populations. Placing conditions on relief aid refers to when an organization threatens to terminate relief operations if certain guarantees or agreements are not respected.

Human rights based humanitarians claim that in cases where violations against the rights of civilians occur, organizations have a legitimate responsibility to consider withdrawing their relief. Justification for this tactic is the notion that it may persuade perpetrators of abuse to respect the rights of citizens (Prendergast 1996: 10). Bryans, Jones and Gross Stein contend that ‘a new political humanitarian ethic needs to be developed’ so that relief organizations can ‘identify the situations in which it is only their willingness to suspend delivery and disengage which offers a chance to regain sufficient leverage to retain control over delivery and management of relief supplies’ (1999: Executive Summary). Gross Stein (2001) also comments that along with suspending relief efforts, humanitarian organizations should establish a clear set of conditions for the return of relief aid in the case of withdrawal – including the end to diversion of relief, unobstructed access to vulnerable populations and/or cooperation in registration of refugees or displaced persons. She believes this may be the only way for relief workers to ‘regain sufficient leverage to retain or recapture control over delivery and management of relief supplies and to re-convert presence into protection’ (Gross Stein 2001). Only by regaining control of relief operations in a complex emergency can humanitarians actually make progress towards addressing violence against civilians.

Neutrality based humanitarians argue that because of the complexity of complex emergencies, relief organizations are neither capable nor appropriate actors for political engagement. Their role is to provide relief to individuals in need. According to Dutton (2001);

Despite the laudable aim of promoting human dignity, conditionality must never be employed at the expense of meeting basic human needs and saving lives. The dignity of each person, while undoubtedly of great value, presupposes the life of that person and consequently may never be considered to be prior to it. Saving lives and preventing human suffering must always be the primary concern of relief aid, to which developmental and rights-associated considerations must be secondary.

Although relief operations may contribute to the war economy, taking relief away from the most needy would undoubtedly contribute to their suffering. Anderson claims that

this would result in aid being held hostage to politics without sufficient guarantees that it would have a positive impact (1999: 50). The notion of withdrawal would undoubtedly go against the central premise made by neutrality based humanitarians – the desire to help all those in need. Neutralists may concede that the more vulnerable populations often have disproportionate access to relief but argue they would suffer more if aid were to be withdrawn.

Recognizing that social, political and cultural change takes time, one must surely sustain individuals in the interim if they are ever to enjoy their rights at all. Even if there are no apparent signs of individuals beginning to enjoy their rights, where there is life, there is hope. By providing humanitarian assistance donors give people hope: hope that they will enjoy their rights; hope that their circumstances will improve; hope that they will participate fully in developing their political, social and economic future; hope for themselves, their communities and their children. Withholding relief costs lives and denies hope in all its forms to those who die (Dutton 2001).

Conclusion: Moral Ambiguity

It is not surprising that emergencies deemed as “complex” would result in powerful disputes between humanitarians. The reality of providing relief in today’s conflicts is that humanitarians must negotiate their operational practices with a multitude of organizations, all with differing ideological notions about what it is to be a humanitarian. Those based on the traditional principles relating to neutrality, those based upon human rights and justice, and anything in between. Hancock acknowledged this philosophical divide in development aid in the late 80s when he described aid-giving as ‘schizophrenic’ and provided based on ‘contradictory urges and rationalizations...’ (1989: 69) which Rieff adds is unsustainable (2002: 88). The chaos and violence which plague today’s complex emergencies have forced humanitarian organizations to reflect on the practical consequences of providing relief based on a particular ideology or mandate while in the field. As it is the mandates and institutional philosophies that are meant to form the basis of humanitarian action in complex emergencies, an analysis of the particular ideologies from two humanitarian organizations will be examined.

CHAPTER THREE

The ICRC and MSF in the Ideological Divide: The Neutrality – Solidarity Spectrum

In order to explore the application of the ideological debate between neutralists and solidarists, a Neutrality-Solidarity Spectrum of humanitarian organizations was employed as a tool of analysis. The framework of study is based on Thomas Weiss's (1998) *Political Spectrum of Humanitarians and their Attitudes towards Traditional Operating Principles*. The spectrum established by Weiss divides humanitarian attitudes into four ideological persuasions; Classicalist/Neutralists; Minimalists, Maximalists; and Solidarists. These four groups were placed on Weiss's spectrum 'according to their degree of political involvement and their willingness to respect traditional principles' (Weiss 1998: 2).

The ICRC and MSF were employed in this study as they both have a vast literature pertaining to their particular humanitarian ideologies and guiding principles; and both have sought to reflect on their humanitarian ideologies in order to justify and rationalize their actions in the field. An analysis of this literature was done in order to explore the ideological persuasions of both the ICRC and MSF based upon the categories employed by Weiss. This allowed for the placement of each humanitarian organization into the *Neutrality-Solidarity Spectrum of Humanitarian Organizations in Complex Emergencies*.

Spectrum of Humanitarian ideology

The "humanitarian attitudes" articulated by Weiss separate four ideological branches of humanitarian ideology. The "classicalists" or "neutralists" adopt an apolitical stance, claiming that 'humanitarian action can and should be completely insulated from politics' (Weiss 1998: 2) and 'refuse taking sides with warring parties' (Weiss 1998: 1). This principle reflects the definition of *neutrality* in terms of humanitarian relief.

Classicalist/neutralists also embody the traditional humanitarian perspective of 'helping and protecting victims irrespective of who and where they are and why they are in need' (Weiss 1998: 5). This delineates the principle of *impartiality*. *Consent* is also a principle upheld by classicalist/neutralists who trust that it is necessary to interact and

negotiate relief efforts with warring factions (Weiss 1998: 3). It is therefore acknowledged that aid is only ‘warranted as long as it is charitable and self-contained, defined only by the needs of victims and divorced from political objectives and conditionalities’ (Weiss 1998: 2).

The second humanitarian attitude called attention to by Weiss is that of “minimalist”. The basic tenant of the minimalist attitude is that of ‘doing no harm’ (Weiss 1998: 2). This reflects a slight shift away from the strictly neutral and apolitical stance expressed by the classicalists. By referring to doing no harm, minimalists believe that humanitarian aid must be delivered in a manner as to ensure the perception of impartiality of the aid worker, and that aid should be tailored in order to deliver it based upon the principles of ‘nondiscrimination and proportionality’ (Weiss 1998: 1). According to minimalists, aid is only ‘worthwhile if efforts to relieve suffering do not make matters worse and can be sustained locally’ (Weiss 1998: 2).

The “maximalist” attitude defined by Weiss is the humanitarian ideology that marks a clear movement away from the neutral and impartial attitudes expressed by the classicalist/neutralists or minimalists. Maximalist humanitarians maintain a political focus rather than the apolitical ideal of the classicalist/neutralists. Maximalists insist that humanitarian aid must ‘go beyond compassion and charity to argue that the relief of life-threatening suffering can no longer be the sole justification for outside assistance. They are determined to tackle the underlying causes of violence and to reform humanitarianism to prevent, mitigate, and resolve conflicts’ (Weiss 1998: 8). Maximalists insist that providing aid is only ‘defensible when coupled with steps to address the roots of violence and as part of a conscious and comprehensive political strategy’ (Weiss 1998: 2).

Although maximalists adhere to a union between politics and humanitarian relief, they do not dismiss the importance of traditional humanitarian values like the solidarists. Relief efforts are organized in order to address the root causes of suffering and the political realities of an emergency while maintaining traditional humanitarian values of neutrality, impartiality and independence when possible.

was to address the lack of measures established to care for soldiers and create universal norms of humanity in times of conflict. His message resonated with individuals throughout Europe who welcomed the idea of formulating:

Some international principle, sanctioned by a Convention inviolate in character, which, once agreed upon and ratified, might constitute the basis for societies for the relief of the wounded in different European countries (Dunant 1986: 126).

This quest led to the creation of the ICRC.

The International and National Red Cross, Red Crescent Movements and Red Crescent Societies are made up of the ICRC, which was founded in Geneva in 1919. The ICRC is an *intergovernmental organization* rather than a NGO as it has a ‘mandate from governments for their existence and activities and enjoy certain working facilities [privileges and immunities]’.¹⁰ Thus the ICRC enjoys the status of having an “international legal personality.”

At the heart of the ICRC doctrine is a belief that to offer and receive humanitarian assistance is a fundamental right to be enjoyed by all citizens of all countries.¹¹ In order to accomplish this goal, the ICRC enshrined seven humanitarian principles it believed would facilitate relief efforts throughout the world. These foundational principles include humanity, neutrality, impartiality, independence, voluntary service, unity and universality. At first glance, it appears the ICRC sits to the far left of the neutrality-solidarity spectrum due to the institutionalization of traditional humanitarian principles at the core of its philosophy. Closer examination however, is required in order to examine the meaning of the abovementioned principles and how they influence the ideological persuasions of the ICRC.

At the core of traditional humanitarian philosophy is a strict adherence to the principle of neutrality. According to the definition given by the ICRC, the practical application of neutrality means ‘the Red Cross may not take sides in hostilities or engage at any time in

¹⁰ <http://www.icrc.org/Web/Eng/siteeng0.nsf/iwpList74/522C6628D83A019741256E3D003FC85F>

¹¹ <http://www.icrc.org/Web/eng/siteeng0.nsf/htmlall/57JMNB>

controversies of a political, racial, religious or ideological nature'¹² and that the exclusive humanitarian mission of the ICRC is to 'protect the lives and dignity of victims of war and internal violence and to provide them with assistance'.¹³ The ICRC claims that strict adherence to the principle of neutrality does not detract from its mission to relieve the suffering of individuals worldwide – it enables it. 'To the ICRC, neutrality does not imply aloofness, but compassion for war victims in the etymological sense of "suffering with" or being by their side. Nor does neutrality imply coldness or lack of feeling'.¹⁴ Justification for the strict adherence to the principle of neutrality is based on the necessary compromise the ICRC feels it must make in order to ensure it is able to maintain the confidence of belligerent parties and sustain relief operations in the field.

This motivation is clearly well founded: those who take sides or interfere may estrange or deceive one side or the other, push them away and lose their confidence. Red Crescent Movement, which lacks the resource of power, retaining the confidence of all is essential for the fulfillment of its humanitarian mission. Only where there is general confidence, confidence of the authorities and the population, can the institutions of the Movement have unimpeded access to conflict and disaster victims and obtain the necessary support for their protection and assistance activities.¹⁵

The meaning of neutrality, in terms of ICRC philosophy, is that providing relief to those in need is the first and foremost goal of the ICRC and that maintaining neutrality is a necessary means to achieving this goal.

Although the realities of a complex emergency are fraught with politics, the ICRC insists that by employing the concept of neutrality, humanitarian relief organizations are able to maintain an apolitical stance in a complex emergency. They do concede, however, the difficulties of maintaining neutrality. 'It is precisely because the feelings we have towards the suffering of those we seek to assist are not 'neutral' that we must adhere to political, religious and ideological neutrality – for that is what enables us to gain access to

¹² <http://www.icrc.org/Web/eng/siteeng0.nsf/iwpList126/EA08067453343B76C1256D2600383BC4>

¹³ http://www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/section_mandate?OpenDocument

¹⁴ <http://www.icrc.org/Web/eng/siteeng0.nsf/iwpList74/144BE34258A1CD0EC1256E30003A621D>

¹⁵ <http://www.icrc.org/Web/eng/siteeng0.nsf/iwpList74/7735D36BAE8AF8D6C1256B66005A492F>

them’.¹⁶ The ICRC continues by stating that ‘people are not born neutral, they choose to become so’ and that ‘refusing to take sides does not signify a lack of courage’.¹⁷ By indicating that the ICRC will not participate in controversies of a political, racial, religious or ideological nature, the ICRC is drawing a line between what is political and what is not. Becoming involved in the abovementioned instances is political – helping those in need is not. Thus, the ICRC is adamant that ‘above all the Movement has an apolitical character — it has not been created and is not called upon to have an influence on the establishment of the system of law and society and to participate in the struggle for power within States and in the world of States’.¹⁸ As difficult as it may seem, the ICRC insists that by making the choice not to take sides in a conflict, the organization is able to distance itself from politics – insinuating that relieving the suffering of individuals in a complex emergency *is* an apolitical act of charity.

According to ICRC philosophy, implementing the principle of impartiality with humanitarianism requires that the organization abstain from discriminating against individuals based on nationality, race, religious beliefs, class or political opinions. The main endeavor of the ICRC is solely to ‘relieve suffering, giving priority to the most urgent cases of distress.’¹⁹ Implicit in the ICRC definition of impartiality is an acknowledgement that relief aid should be delivered in a non-discriminating and proportional manner in order to be considered neutral. Based upon ICRC humanitarian philosophy, the principles of neutrality and impartiality are irrevocably interconnected, enabling the organization to focus on the needs of all vulnerable populations without breaking the political – apolitical divide. Accordingly, the ICRC is

a neutral movement, which refrains from participating in conflicts and controversies, is ready and in a position to give its whole attention to suffering individuals and help them in proportion to their suffering, without a secondary purpose and without discrimination. Active, all round and impartial readiness to help, taking true needs into account, stems from renunciation and abstention.²⁰

¹⁶ <http://www.icrc.org/Web/eng/siteeng0.nsf/iwpList74/144BE34258A1CD0EC1256E30003A621D>

¹⁷ Ibid

¹⁸ <http://www.icrc.org/Web/eng/siteeng0.nsf/iwpList74/7735D36BAE8AF8D6C1256B66005A492F>

¹⁹ <http://www.icrc.org/Web/eng/siteeng0.nsf/iwpList126/EA08067453343B76C1256D2600383BC4>

²⁰ <http://www.icrc.org/Web/eng/siteeng0.nsf/iwpList74/7735D36BAE8AF8D6C1256B66005A492F>

Thus, the humanitarian philosophy guiding ICRC operations in complex emergencies maintains neutrality in practice when it provides relief in an impartial manner. In this sense, non-discrimination and proportionality ensure that relief aid will be delivered impartially.

Independence is also a principle strongly advocated by the ICRC.

The National Societies, while auxiliaries in the humanitarian services of their Governments and subject to the laws of their respective countries, must always maintain their autonomy so that they may be able at all times to act in accordance with Red Cross principles.²¹

The ICRC notes that although its national branches are subject to the laws of their respective countries, they must ‘always maintain their autonomy so that they may be able at all times to act in accordance with Red Cross principles’.²² Independence is an integral principle in the ICRC mandate, as independence from governments and donor agencies allow the ICRC to maintain the objectivity required to provide relief in a complex emergency. Independence for the ICRC is thus a necessary precondition for the neutral and impartial provision of humanitarian relief. ‘The more independence is definite and strong, the greater are the possibilities and guarantees for a neutral approach’.²³ This highlights the interconnection of the traditional humanitarian principles of neutrality, impartiality and independence. A strong reliance on one of the abovementioned principles effectively strengthens the others, leading the ICRC to advocate their necessity for the safe and responsible delivery of relief.

Further principles central to the ICRC mandate include that of unity and universality. The unity of the ICRC is of great import to the organization as it ensures that there can only be one Red Cross Society in each country – one centralized and cohesive organization open to all.²⁴ Universality is also a central tenant in the ICRC philosophy. By maintaining universality, the ICRC is able to present itself as a ‘world-wide institution

²¹<http://www.icrc.org/Web/eng/siteeng0.nsf/iwpList126/EA08067453343B76C1256D2600383BC4>

²² Ibid

²³ <http://www.icrc.org/Web/eng/siteeng0.nsf/iwpList74/7735D36BAE8AF8D6C1256B66005A492F>

²⁴ <http://www.icrc.org/Web/eng/siteeng0.nsf/iwpList126/EA08067453343B76C1256D2600383BC4>

in which all Societies have equal status and share equal responsibilities and duties in helping each other'.²⁵ By presenting itself as a unified and universal organization, the ICRC furthers its status as a neutral humanitarian organization. By embodying the principle of universality, the ICRC operates in the same manner based on the same ideals in all countries regardless of the particular politics governing a country. The ICRC notes the importance of universality and unity to the principle of neutrality as 'every disregard of neutrality, every taking of sides in hostilities or participation in controversies of a political, racial, religious or ideological nature leads to tension, contradictions, fissures and divisions within National Societies and within the whole Movement'.²⁶

Although more politically attuned humanitarian organizations criticize the ICRC and its traditional principles for not publicizing the crimes of belligerent parties, the ICRC contends that strict adherence to all of its foundational principles are necessary preconditions for access in a complex emergency. The ICRC notes the dangers associated with publicly criticizing warring parties, as any outburst by the ICRC in one country or region is heard worldwide, and has the potential to affect relief operations across the globe.²⁷ The ICRC thus tailors its relief operations to include the political realities of local environments along with adherence to universality and unity.

This does not mean that the ICRC does not react to the complexities of an emergency; it means that the organization does so in a specific manner so as to preserve its access to vulnerable populations. The ICRC argues that

through their neutrality the components of the Movement are *not neutralized* in respect of *humanitarian* issues. They are not condemned to just "sitting still". Taking a stand is legitimate if it is effected on questions linked to the Movement's sphere of action and responsibility, such as the application and implementation of international humanitarian law, the ratification of the Protocols additional to the Geneva Conventions, asylum and refugee policy or respect for fundamental human rights, involving for instance the prohibition of torture and inhumane treatment of persons deprived of their freedom.²⁸

²⁵ <http://www.icrc.org/Web/eng/siteeng0.nsf/htmlall/5MJ9N>

²⁶ <http://www.icrc.org/Web/eng/siteeng0.nsf/iwpList74/7735D36BAE8AF8D6C1256B66005A492F>

²⁷ [http://www.icrc.org/Web/eng/siteeng0.nsf/htmlall/66DDLU/\\$File/irrc_855_Kellenberger.pdf](http://www.icrc.org/Web/eng/siteeng0.nsf/htmlall/66DDLU/$File/irrc_855_Kellenberger.pdf)

²⁸ <http://www.icrc.org/Web/eng/siteeng0.nsf/iwpList74/7735D36BAE8AF8D6C1256B66005A492F>

The ICRC contends that there is ‘plenty of scope for giving information without breaching the confidentiality indispensable for the ICRC without joining in the rush to pass judgment.’²⁹ Instead of publicly criticizing belligerent parties, the ICRC instead opts to enter into agreements based on trust with belligerent parties, whereby it privately informs them of any violations that fall within ICRC authority and actively seeks to put an end to such violations.³⁰ The ICRC emphasis on confidentiality however, has limits. When confidential approaches fail to make a difference and in cases where the ICRC determines that going public would be in the interest of the people it is assisting, the ICRC declares that it will in fact break with its rule of confidentiality and speak out.³¹ The ICRC maintains that public criticisms do not necessarily mean a breach of neutrality and can be done in such a manner as to forego confidentiality while preserving neutrality.

In terms of the Neutrality-Solidarity Spectrum of Humanitarian Organizations in Complex Emergencies, the ICRC appears to fall on the left side of the spectrum between the classicalist/neutralists and minimalists. The principles of impartiality, independence, unity and universality all appear to share a close tie with that of neutrality. The emphasis of neutrality alongside all other traditional humanitarian principles indicates that the ICRC does in fact place a central emphasis on the role of neutrality in a complex emergency. The perception of neutrality is declared as the central premise for access and secures relief operations, a notion upheld by classicalist/neutralists. As well, the ICRC clearly distinguishes its relief efforts from politics, insisting that relieving the suffering of populations worldwide can in fact be neutral if not associated with political, religious or ideological goals. Thus, the claim that relief efforts can be apolitical further entrenches the ICRC position at the left-hand side of the neutrality-solidarity scale. Movement away from the classicalist/neutralist position towards that of minimalist occurs due to the existence of a “loop-hole” in ICRC philosophy – to occasionally break with traditional humanitarian principles if deemed necessary in terms of the realities of

²⁹ [http://www.icrc.org/Web/eng/siteeng0.nsf/htmlall/66DDLU/\\$File/irrc_855_Kellenberger.pdf](http://www.icrc.org/Web/eng/siteeng0.nsf/htmlall/66DDLU/$File/irrc_855_Kellenberger.pdf)

³⁰ <http://www.icrc.org/web/eng/siteeng0.nsf/iwpList74/144BE34258A1CD0EC1256E30003A621D>

³¹ Ibid.

the complex emergency. Any break from traditional humanitarian principles reflects a movement away from the classicalist/neutralist position to that of minimalist. Therefore, the ICRC exists predominantly in the humanitarian space found between the classicalist/neutralist and minimalist attitudes described by Weiss.

MSF and its Fundamental Principles

-We refuse to remain silent in the face of what can only be described as grievous human suffering and in the face of massive war crimes. And this calls into question the notion of neutrality and what is neutrality? And from our perspective, neutrality can not be a mask, if you will, or a cover for one's responsibility to name what is clearly morally unacceptable - Dr. John Hoey interview with Dr. James Orbinski, International President of MSF.

The MSF humanitarian organization was founded amidst a context of great frustration in Biafra, a region in Nigeria torn apart by civil war. The inability of the French ICRC doctors to provide aid to vulnerable segments of the population led them to question a number of the traditional operating principles enshrined in the ICRC Mandate. They believed international aid, as delivered by the ICRC, 'provided too little medical assistance and was too differential for international law to be effective in a crisis situation'.³² MSF was born on 20 December 1971 from the coupling of two French doctor's groups – the Emergency Medical and Surgical Intervention Group (GIMCU) and Secours Medican Francais (SMF). These organizations merged in the hopes of creating 'an independent association specializing in providing medical emergency assistance free from the administrative and legal constraints facing the ICRC'.³³ Among the founding fathers of MSF was Bernard Kouchner, a man who later became France's first Minister of Humanitarian Affairs.

MSF is a private, nonprofit organization with operations established in more than eighty countries across the globe, making it an organization based largely on a configuration of independent state operations. The MSF organization is built on volunteerism and

³² <http://www.doctorswithoutborders.org/publications/other/themsfexperience.shtml>

³³ Ibid

independence from governments and international bodies, like the UN.³⁴ In terms of funding, MSF relies heavily on public support but also receives financial assistance from foundations, corporations, non-profit organizations, the U.S. and other governments and international agencies, directing at least eighty percent of its funding on program activities.³⁵

At first glance, MSF appears to be a very difficult humanitarian organization to place in Weiss's political spectrum regarding humanitarian philosophy. Stated explicitly in the MSF Charter;

It is part of MSF's work to address any violations of basic human rights encountered by field teams, violations perpetrated or sustained by political actors. It does so by confronting the responsible actors themselves, by putting pressure on them through mobilization of the international community and by issuing information publicly. In order to prevent compromise or manipulation of MSF's relief activities, MSF maintains neutrality and independence from individual governments.³⁶

The emphasis on both political acknowledgement and a claim to neutrality appears initially to be problematic with the humanitarian categories devised by Weiss (1998) in his *Political Spectrum of Humanitarians and their Attitudes towards Traditional Operating Principles*. Based upon their Charter, MSF pledges allegiance to neutrality (consistent with classicalist/neutralists and minimalists) as well as to political acknowledgment and activity (maximalists and solidarists). Thus, in order to place MSF within the Neutrality-Solidarity Spectrum, further analysis of the relationship and possible inconsistency with strict adherence to neutrality and political acknowledgment must be explored.

According to the classicalist/neutralist category established by Weiss, confidentiality and silence are central to the principle of neutrality. Classicalist/neutralists claim that in order to maintain neutrality, a humanitarian organization must not acknowledge the political realities of a complex emergency, as any comment would undoubtedly anger and alienate

³⁴ <http://www.doctorswithoutborders.org/about/orgstructure.shtml>

³⁵ <http://www.doctorswithoutborders.org/about/>

³⁶ <http://www.msf.org/about/index.cfm>

one or various warring parties – thus hindering the security of relief efforts. This central premise however is rejected by MSF. Instead, MSF suggests;

silence has long been confused with neutrality, and has been presented as a necessary condition for humanitarian action. From its beginning, MSF was created in opposition to this assumption. We are not sure that words can always save lives, but we know that silence can certainly kill. Over our 28 years we have been - and are today - firmly and irrevocably committed to this ethic of refusal.³⁷

This statement indicates a strong polarization away from the traditional conception of neutrality and its practical application in a complex emergency. In this light, MSF begins to shift away from Weiss's classicalist/neutralist location despite the promotion of the principle of neutrality in the MSF Charter.

According to Terry, it is ironic that neutrality is even mentioned in the MSF Charter, 'given that MSF was created by, *inter alia*, former Red Cross doctors who were frustrated by the restraints that neutrality imposed on medical action in Biafra'.³⁸ Terry also notes that there is a contradiction between strict neutrality and the MSF notion of *temoinage* – a focus on assisting the most vulnerable individuals and a philosophy that has often been in conflict with a respect for state sovereignty.³⁹ James Orbinski, founder and former President of MSF Canada, also explains the impossible ideal of maintaining neutrality in a complex emergency.

Humanitarian assistance provides a massive infusion of money, life-saving devices, jobs, and links to the outside world, which influence the conflict politically, socially, economically, and morally. It's naive to call this neutral or impartial. I'm not saying that one must declare allegiance to either side. One must never do that. But it is impossible not to affect the dynamics that surround conflict. And sometimes one sees acts of war that are beyond acceptability as defined by the Geneva Conventions. In such circumstances, one cannot stand by (Metta Spencer interview with Dr. James Orbinski).⁴⁰

³⁷ <http://www.msf.org/content/page.cfm?articleid=6589CCA6-DC2C-11D4-B2010060084A6370>

³⁸ <http://www.doctorswithoutborders.org/publications/other/humanitarian.shtml>

³⁹ Ibid

⁴⁰ <http://www.peacemagazine.org/archive/v13n2p20.htm>

In this light, MSF appears to have a very problematic relationship with the principle of neutrality, despite its inclusion in the MSF Charter. As a result, there currently exists a great debate within MSF as to what neutrality means to the organization and whether it should be eliminated from the Charter altogether.

The debate centers on whether neutrality requires silence and absolute discretion in a complex emergency or whether it is sufficient for the organization to simply attempt for a “spirit of neutrality” while providing relief. By attempting to distance neutrality from silence, MSF is attempting to reconcile a tenuous relationship with the traditional notion of neutrality. Accordingly, those in MSF supporting adherence to neutrality insist that ‘MSF has not abandoned or rejected the principle of neutrality,’ defining neutrality not as maintaining silence and confidentiality, but as ‘not taking sides with warring parties’.⁴¹ Thus, individuals within the MSF organization who disagree with Terry and the problematic relationship between neutrality and political acknowledgement, insist that as long as neutrality is defined as not taking sides with warring parties, MSF is able to uphold a “spirit of neutrality.”

In terms of placing MSF philosophy within the neutrality-solidarity debate, the precise definition of neutrality becomes paramount. Although MSF may be able to negotiate its definition of neutrality in order to justify its rejection of confidentiality and silence, the definition does stand apart from the classicalist/neutralists position as defined by Weiss. According to Weiss, neutrality includes not only a refusal to take sides in a conflict, but to refrain from becoming involved in the political, religious or ideological complexities of an emergency. As well, neutrality is but one component of the classicalist/neutralist ideology – an ideology that claims all traditional humanitarian principles are interconnected and require strict adherence in order to secure relief. Therefore, MSF can not be placed on the left-hand side of the Neutrality-Solidarity Spectrum of Humanitarian Organizations in Complex Emergencies despite the promotion of neutrality in its Charter.

⁴¹ <http://www.doctorswithoutborders.org/publications/other/humanitarian.shtml>

Further distinguishing characteristics between classicalist/neutralists and solidarists centers on whether humanitarian relief should or can be considered apolitical. While classicalist/neutralists claim that humanitarian relief organizations should, at the least, strive to be apolitical, solidarists insist that for relief to best meet the needs of vulnerable populations, humanitarian organizations must take a political stand. According to MSF philosophy, humanitarian organizations are required to alleviate human suffering and ensure the respect for human beings. This appears to coincide with the ideology espoused by classicalist/neutralists and the ICRC. As well, MSF appears to agree with the classicalist/neutralist view of distinguishing humanitarianism from politics when it states ‘We act not to assume political responsibility, but firstly to relieve the inhuman suffering of that failure. The act must be free of political influence, and the political must recognize its responsibility to ensure that the humanitarian can exist’.⁴² This statement implies that if humanitarian relief is based primarily on the desire to relieve inhuman suffering, the act of providing relief can maintain an apolitical nature. According to this statement, it is only when the act of humanitarian relief is coupled with political influence that apolitical humanitarianism is compromised. The ideal of a clear cut division of labor in response to a complex emergency therefore appears to be promoted by MSF.

Moreover, MSF states that ‘if civil society identifies a problem, it is not theirs to provide a solution, but it is theirs to expect that states will translate this into concrete and just solutions. Only the state has the legitimacy and power to do this’.⁴³ This adherence to a clear separation of tasks in a complex emergency indicates the distinction between the political and apolitical in MSF ideology, locating MSF near the left on the Neutrality-Solidarity Spectrum of Humanitarian Organizations in Complex Emergencies.

This apolitical view does appear to have been challenged on a number of occasions within MSF action and thought. Although MSF makes a claim to maintaining an apolitical focus in terms of relief efforts, at the heart of what distinguishes MSF from other classicalist/neutralist humanitarian organizations is its acknowledgement of the

⁴² <http://www.msf.org/content/page.cfm?articleid=6589CCA6-DC2C-11D4-B2010060084A6370>

⁴³ Ibid

political realities of a complex emergency. MSF claims to ‘act as a witness and speak out, either in private or in public about the plight of populations in danger for whom MSF works’.⁴⁴ This statement implies a strong commitment to political engagement in a complex emergency. Contrary to the classicalist/neutralist tradition of disassociating humanitarianism from the politics of a complex emergency, MSF appears to couple relief efforts with politics. As well, MSF appears to contradict the abovementioned apolitical stance when it insists ‘we act not in a vacuum, and we speak not into the wind, but with a clear intent to assist, to provoke change, or to reveal injustice’.⁴⁵ From the outset, MSF chose to step away from the classical ICRC approach of “silent neutrality” and instead seeks to put the interests of the most vulnerable ahead of sovereignty considerations.⁴⁶ The declaration to act as a witness and address violations, as well as MSF’s rejection of silent neutrality, helps situate MSF on the spectrum. By insisting on speaking out in complex emergencies and rejecting the traditional association of neutrality with confidentiality and silence, MSF is openly promoting the politicization of humanitarian relief. In this light, the MSF organization shifts towards the right-hand side of the Neutrality-Solidarity Spectrum of Humanitarian Organizations in Complex Emergencies, occupying the humanitarian space located between the maximalists and solidarists.

In terms of action, MSF has on a number of occasions made political judgments concerning the realities of particular complex emergencies. Terry states that ‘MSF has not only engaged in controversies of a political nature, but has, on occasion, overtly taken sides’.⁴⁷ This happened in the 1980s during the Afghan-Soviet conflict. MSF actively took the side of the Mujaheddin due to Soviet violations, illustrating the MSF emphasis on human well-being rather than strict neutrality.⁴⁸ In other instances MSF judged that victims on one side of a crisis were more in need than another – constructing missions based on political awareness and acknowledgement. Thus, the administration of relief is based upon the MSF notion of “temoinage” rather than regulated by efforts to maintain an apolitical appearance. The MSF commitment to act as a witness also has a powerful

⁴⁴ <http://www.msf.org/about/page.cfm?articleid=6ADD6D1F-CC75-11D4-B1FF0060084A6370>

⁴⁵ <http://www.msf.ca/nobel/speech.htm>

⁴⁶ <http://www.doctorswithoutborders.org/publications/other/humanitarian.shtml>

⁴⁷ Ibid

⁴⁸ <http://www.doctorswithoutborders.org/publications/other/humanitarian.shtml>

impact in terms of its relief operations. Rather than simply witnessing acts of violation, MSF reacts, and has done so publicly on a number of occasions. MSF declares that in the case of human rights violations, ‘our action and our voice are acts of indignation, a refusal to accept an active or passive assault on the other [human rights]’.⁴⁹ In this sense, MSF actively seeks to address the political realities of complex emergencies, insinuating the desire to couple humanitarianism with politics rather than adhering to the traditional apolitical approach to relief espoused by classicalist/neutralists.

The traditional principle of consent is also central to Weiss’s distinction between classicalist/neutralists and solidarists. As the principle of consent is associated with traditional humanitarianism, classicalist/neutralists insist that negotiating consent with all warring factions is a necessary precondition for the provision of relief. Solidarists on the other hand reject the effectiveness and necessity of traditional humanitarian principles – including that of consent. In terms of MSF humanitarian ideology, the traditional principle of consent appears to be dismissed. Stated explicitly in the MSF Charter, the organization ‘demands full and unhindered freedom in the exercise of its functions.’⁵⁰ The rejection of the traditional principle of consent further entrenches the MSF position at the right side of the Neutrality-Solidarity Spectrum of Humanitarian Organizations in Complex Emergencies. MSF openly rejects that relief efforts should bow to the principle of sovereignty and instead claim ‘unhindered access for humanitarian organizations is legally protected and cannot be obstructed by arguments that warring parties are attending to these needs themselves’.⁵¹

Also located in the MSF Charter is the humanitarian value of providing relief to all victims of natural and man made disasters ‘without discrimination and irrespective of race, religion, creed or political affiliation’.⁵² This indicates a formal acknowledgement to the principle of impartiality. Far from rejecting the principle of impartiality, MSF adopts it as central to its operations, insisting that the provision of aid be done in

⁴⁹ <http://www.msf.ca/nobel/speech.htm>

⁵⁰ <http://www.doctorswithoutborders.org/about/charter.shtml>

⁵¹ <http://www.msf.org/content/page.cfm?articleid=3AA316C4-8383-4542-B6C815172BC007BC>

⁵² <http://www.doctorswithoutborders.org/about/charter.shtml>

proportion to need without discrimination.⁵³ While discussing MSF's stance on the association of neutrality and impartiality, James Orbinski states

...to identify the consequences of that crisis in terms of human suffering can mean that you take an unpopular position, and it means that you can be seen to be, in the short term – it means you can be seen to be partial to a particular political perspective. But in fact we're not. We are impartial to the causes and conditions, if you will, that create suffering. But will not remain impartial to those causes and conditions that are clearly morally unacceptable from either a political perspective or an international law perspective... Dr. John Hoey interview with Dr. James Orbinski, International President of MSF.

Based upon the abovementioned statement, MSF proclaims a desire to provide relief in an impartial manner when it does not further suffering. Again, what distinguishes solidarists from maximalists is that solidarists reject outright all traditional humanitarian principles while maximalists will adhere to them as long as they do not further perpetuate the crisis and remain consistent with human rights and international humanitarian laws. The MSF claim to impartiality is what prevents the organizations from fully embodying the humanitarian ideology of solidarity, although it is questionable whether impartiality can ever be attained without a strong adherence to the principle of neutrality.

The principle of independence also falls within the traditional humanitarian ideology. Classicalist/neutralists insist that the independence of a humanitarian organization is a necessary precondition for secure relief work as it allows humanitarian organizations to pursue their mandates free from interference. Classicalist/neutralists also claim the independence of an organization is intimately tied with other traditional humanitarian principles, such as those of neutrality and impartiality. According to MSF philosophy, the independence of the organization remains central to its ability to provide relief in a complex emergency. In an interview, Rostrup noted the importance of independence for MSF, commenting that MSF has

financial independence - we are not dependent on governments when we do our interventions. At the same time, we also always demand what we call a humanitarian space, the freedom to move around, the freedom to assess the needs, the freedom to give aid according to the needs and the freedom to monitor - and

⁵³ <http://www.doctorswithoutborders.org/publications/other/humanitarian.shtml>

these conditions should be present before we can act. Then we have our independence.⁵⁴

MSF also points out that the principle of independence involves much more than simply maintaining distance from donor governments. It is about humanitarian space and its recognition as such that enables the organization to relieve suffering in an impartial manner. It is important to note however, that the principle of independence is not formidably associated with the traditional principle of neutrality. Independence is maintained in MSF ideology not to nurture an apolitical and neutral approach to relief but to ensure that MSF is able to provide relief on its own terms, based upon its own specific views of a complex emergency and its own ideology. In this light, strict adherence to independence does not insinuate a strong association with the traditional principle of neutrality.

Following the analysis of the humanitarian principles expressed in MSF philosophy, it becomes evident that MSF occupies the humanitarian space located between maximalists and solidaritsts on the right-hand side of the Neutrality-Solidarity Spectrum of Humanitarian Organizations in Complex Emergencies – leaning slightly more towards the solidarity camp due to its emphasis on human rights and a rejection of the traditional humanitarian principles of neutrality and consent. It is, essentially, MSF's adherence to the traditional principle of impartiality that prevents the organization from completely embodying the solidarist characteristics described by Weiss.

Conclusion

Upon completing the *Political Spectrum of Humanitarians and their Attitudes towards Traditional Operating Principle*, Weiss makes it clear that a blurring does exist between the various humanitarian ideologies discussed above and that humanitarian relief organizations do not occupy a fixed or rigid place on the spectrum, but maneuver along it in practice (Weiss 1998). As it is the aim of this thesis to explore the complexities of

⁵⁴ <http://www.msf.org/content/page.cfm?articleid=C4D267F9-7D28-4B03-941760C9F7997C8B#pawns>

coupling a particular humanitarian ideology with humanitarian action in a complex emergency, locating the two humanitarian relief organizations on the “scale of neutrality” was of great import. Interpretation of the ICRC philosophy effectively located the organization in the humanitarian space between the classicalist/neutralists and minimalists. Strict adherence to traditional humanitarian principles and a belief that humanitarian aid can and should be separate from political considerations remain central to classicalist/neutralist ideology and are enshrined in ICRC philosophy.

Analysis of MSF’s philosophy located it between the maximalist and solidarist humanitarian attitudes. Central to maximalist and solidarist ideology is a belief that humanitarian relief must be coupled with political awareness in order to effectively meet the needs of the most vulnerable segments of the population. Not only is this belief found at the heart of MSF philosophy, but MSF on occasion actively denounced the effectiveness and appropriateness of traditional humanitarian principles – like that of strict neutrality and consent. Although the ability of MSF to provide relief in an impartial manner without adherence to strict neutrality remains in question, it is the aim to provide relief in an impartial manner that shifts MSF away from fully embodying the solidarist attitude to that of a maximalist.

What will be of interest in the following chapter is the interplay of humanitarian ideology with humanitarian action by both the ICRC and MSF in the context of a complex emergency – for it is the nature of the complex emergency that creates the scene within which humanitarian organizations negotiate their efforts in the field. In order to differentiate ideology from practice in the field, it was first necessary to locate both the ICRC and MSF into the ideological persuasion/s that guides them in the neutrality-solidarity debate. This establishes the framework within which to examine the application of humanitarian ideals in a complex emergency.

CHAPTER FOUR

The 1994 Rwandan Complex Emergency

A brief account of the 1994 Rwanda crisis will be provided as it illustrates the nature of the complex emergency and the context in which humanitarian organizations provided their relief efforts. This is necessary as ‘in many war zones, context is as important as principles because the latter often clash’ (Weiss 1998: 3). The 1994 Rwanda crisis began in early April with the genocide and evolved three months later into the Rwandan refugee crisis. The refugee crisis must be included in a study of the Rwandan complex emergency as the refugee camps became the powerbase for the perpetrators of genocide – a powerbase supported by relief aid.

The definition of genocide is embodied in the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide. This reads as

- any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such:
- A. killing members of the group;
 - B. Causing serious bodily or mental harm to members of the group;
 - C. Deliberately inflicting on the group the conditions of life calculated to bring about its physical destruction in whole or in part;
 - D. Imposing measures intended to prevent births within the group;
 - E. Forcibly transferring children of the group to another group.⁵⁵

The term “genocide” accurately describes the magnitude of violence which took place in Rwanda from April to June 1994 due to the overwhelming number of people who died in such a short time and because of its ‘organized and selective nature and because there was an attempt to carry them to the point where targeted populations would be completely annihilated’ (Prunier 1997: 238).

Although exact figures of how many individuals lost their lives in the country remains unknown, the international community could not deny the evidence of massive killings as the River Nyaborongo carried thousands of corpses towards Lake Victoria (Destexhe

⁵⁵ <http://www.ohchr.org/english/law/genocide.htm>

1995: 49). Estimates of the carnage left in the wake of the Rwandan genocide placed the death toll at approximately 800,000 (Prunier 1997, Destexhe 1995). The victims of the massacres were predominantly from the Tutsi minority, who made up roughly 15 percent of the population in 1994, and Hutu moderates who supported democracy and power-sharing with the Tutsi minority⁵⁶.

The tidal wave of murders that devastated the country began shortly after the Falcon 50 jet carrying the Rwandan president, Juvénal Habyarimana and the Burundian president Cyprien Ntaryamira was shot down. The aircraft crashed at approximately 8:30 p.m. on 6 April 1994 – forty-five minutes later there were Hutu militia roadblocks throughout the capital of Kigali (Prunier 1997: 223). The organizers of the genocide and the militias who carried out their orders are referred to as Hutu extremists. These individuals were venomously opposed to democratic reform and power sharing between the Hutu majority and the Tutsi minority. It was the assassination of the Rwandan President that served as a catalyst to the violence in Rwanda as Hutu extremists began carrying out what Destexhe (1995) has termed the “Final Solution” – the elimination of all Tutsis and their supporters from the country.

On 1 October 1990 the Rwandan Patriotic Front (RPF) began its offensive into Rwanda from Uganda, resulting in a three year civil war between the RPF and government forces. Although the RPF had always made demands for democracy, the offensive was perceived by many Hutus as a Tutsi plot to return to power (Destexhe 1995: 46). The question of democracy in Rwanda was particularly threatening to Hutu extremists who envisioned a revival of the former feudal system that had privileged the Tutsis over the Hutus. This served to increase ethnic tensions in Rwanda as Hutus began uniting around President Habyarimana and anti-Tutsi sentiments. The victory of RPF advancement was also troubled as each time it succeeded in “liberating” a new area, the local population fled. As a result of the RPF’s continued advancement, the number of displaced citizens in the

⁵⁶ A third ethnic group, the Twa, also reside in Rwanda but as they consist of only 1% of the total population and do not play a pivotal role in the literature pertaining to the Rwandan genocide, this thesis will focus solely on the Hutu and Tutsi ethnic groups.

country swelled to 350, 000 in 1992 (Mamdani 2001: 187). The victories of the RPF in the battlefield and their push for democracy led to the erosion of the Hutu democratic middle ground and increased the number and influence of Hutu extremists.

As a result of the political turmoil that engulfed Rwanda during the civil war a new political party was formed. Hutu extremists established the ideological basis of this new political party – the Coalition for Defense of the Republic (CDR) – claiming that the nation needed loyalty and not dissent (democracy) in the wake of the civil war (Mamdani 2001: 209). With a growing internally displaced population and a failing economy, the Hutu government began to crack under the strain of the RPF invasions. As a result of internal and external pressures, the Habyarimana regime agreed in 1993 to participate in negotiations with the RPF. The peace process took place in Arusha, Tanzania, however it was not an ideal supported by many within Habyarimana’s Mouvement Republicain National pour la Démocratie et le Développement (MRND) or by Hutu extremists. In the Arusha peace talks, the CDR was largely ignored by the RPF and Hutu moderates. Their exclusion in the peace process added to their fears that they would have no place in the new coalition government and that Tutsis would exercise control over the country with the Hutu moderates – “the traitors”. The failure of the Arusha agreement to bring the CDR into the vision of democracy further alienated the group. The Arusha agreement was signed on 4 August 1993 amongst sentiments of ‘deep-seated suspicion and officially sanctioned ethnic hatred’ (Kamukama 1997: 4). The coalition government was never implemented.

There were many warning-signs ignored by the international community foreshadowing the violence that was to take place in April 1994. The existence of death lists prior to the assassination of President Habyarimana is widely accepted by most academics (Powers 2002: 333, Melvern 2000: 61, Prunier 1997: 231). In 1993, the International Federation of Humans Rights published a report warning of the risk of genocide in Rwanda, detailing evidence that the militia [Hutu extremists] were prepared to kill on a large scale.⁵⁷ Along with the death lists, extremist propaganda was disseminated to the

⁵⁷ http://www.doctorswithoutborders.org/publications/other/opinion_jeanhervibradol_2004.shtml

population by publications in local newspapers and radio broadcasts. In it, Hutu extremists drew battle-lines distinguishing friend from foe. Although the Tutsi ethnic group was upheld as the central enemy, the genocide in Rwanda was much more complex than a genocide based on ethnicity. The perpetrators of genocide actively set out to eliminate democratic supporters and moderate Hutus in favor of power-sharing. The moderate Hutu were portrayed by Hutu extremists as being no better than a Tutsi.

In response to the genocide, the UN made skittish demands for a cease-fire, but did so as it pulled out the majority of its United Nations Assistance Mission for Rwanda (UNAMIR) forces in Rwanda. After the expatriates had been withdrawn, the UN forces dropped from a meager 2 500 to 270 men. The UN soldiers remaining in Rwanda, however, were not in a position to protect the members of society being persecuted by the Hutu extremists – they had neither the mandate nor the necessary equipment to successfully fend off the massacres. ‘Throughout the world people watched footage of armed soldiers helping to save their compatriots. Those same soldiers were ordered to turn their backs on women and children being slaughtered by adolescents armed only with machetes and sticks’ (Destexhe 1995: 48). Thus, the world abandoned its responsibility to protect people from the crime of genocide, and in turn, effectively abandoned the Tutsis, moderate Hutus, and the humanitarian workers who stayed behind to a reality of immense insecurity and horrific violence.

In response to the violence of the genocide, the RPF launched a counterattack against the Hutu extremists. As the RPF advanced further and further into Rwanda, the genocidal acts began to decline and those partaking in the genocide were told by the extremists to flee from what would undoubtedly be RPF retaliation. The massive exodus which followed marks the evolution of the Rwandan complex emergency from genocide to a refugee crisis. The first mass exodus of refugees took place on the 29 April 1994. At the time, it was reported as the largest exodus ever in history as an estimated 200, 000 refugees crossed the border into Tanzania within 48 hours.⁵⁸ Not long after humanitarian relief organizations desperately scrambled to cope with the first influx of refugees in

⁵⁸ http://www.doctorswithoutborders.org/publications/reports/before1999/deadlock_1995.shtml

Tanzania, humanitarians were caught off guard once again as the Rwandan crisis broke its own exodus record. On the 13 and 14 July 1994, a second exodus took place, claiming the title of the ‘fastest and largest exodus ever recorded’ as Hutu refugees fled to Goma, Zaire (Melvern 2000: 218). It is estimated that more than a million refugees crossed the border during that time (Rieff 2002a: 21). As well, it is widely believed that the mass exodus was planned under political direction so that the perpetrators of genocide could regroup and resume their war against the RPF government and continue their genocidal plot (de Waal 1997: 195, Maren 1997: 262).

As relief organizations scrambled to set up refugee camps capable of meeting the needs of the fleeing population, they failed to notice that the refugees were fleeing alongside the perpetrators of genocide. Once in the camps, the individuals who orchestrated the genocide set out to organize the refugees in order to reestablish and secure their powerbase.

Many of the leaders with whom the UN and NGOs worked with daily were the same people who organized the genocide. They were the ones who were employed as “guardians” to assist in policing and would take a portion of the aid distributed within the camp.⁵⁹

In fact, ‘Rwanda’s *genocidaires* turned UN-managed and NGO-operated refugee camps into a political base and resource mine for continued and renewed genocidal warfare, both within Zaire and in western Rwanda’ (Bryans, Jones and Gross Stein 1999: 11). As a result, refugees remained under the political control of the power structures that had guided the genocide, making the refugee camps a continuation of the *genocidaire’s* control. This marked the beginning of a very difficult situation for humanitarian relief workers as they began to realize that the people they were trying to care for were those who had committed the reported horrors.

The refugee camps soon became the new local of horror and massive abuses of human rights. Refugees were intimidated and controlled by brute force, making the relief organizations helpless observers to the continuing injustice. ‘In Kibumba camp five men

⁵⁹ <http://www.msf.org.au/tw-feature/038k-tw.html>

were killed said to be Tutsi on 1 November 1994. One of them trying to seek refuge in a MSF feeding center was followed and beaten to death. MSF staffs were prevented from intervening.⁶⁰ Relief workers were further devastated by the realities of the refugee crisis when weapons were found in the possession of refugees and military training was discovered to being conducted near the camps.⁶¹ Thus, not only were the organizers and perpetrators of the Rwandan genocide governing the refugee camps, they were using the camps and the relief aid in order to rebuild and strengthen their resistance – and continue with their “final solution”.

⁶⁰ http://www.doctorswithoutborders.org/publications/reports/before1999/breaking_1994.shtml

⁶¹ <http://www.msf.org.au/tw-feature/038k-twf.html>

CHAPTER FIVE

The Ideological Attitudes and Actions of the ICRC during the 1994 Rwandan Crisis

The analysis of the operations carried out by the ICRC during and immediately following the three months of violence in 1994 are based upon the humanitarian characteristics discussed in chapter three - (The ICRC and MSF in the Ideological Divide: The Neutrality – Solidarity Spectrum).

Based upon an analysis of the ICRC Mandate and Mission Statement, the ICRC was effectively located at the far left of the Neutrality-Solidarity Spectrum of Humanitarian Organizations in Complex Emergencies between the classicalist/neutralists and minimalist ideology. The characteristics established by Weiss as being common to humanitarian organizations occupying the classicalist/neutralist position include an apolitical stance while engaged in all relief efforts (neutrality); a willingness to cooperate and negotiate with warring parties in order to secure relief efforts (consent); independence from governments; and the traditional principle of impartiality.

An evaluation of the ICRC's ideology and its practical application during the Rwandan genocide and refugee crisis were examined in order to determine whether the ICRC was able to maintain consistency between its humanitarian ideology and its actions during a complex emergency.

Background to the 1994 ICRC Mission

The first large-scale ICRC relief operation took place in Biafra, Nigeria in 1968, marking a sort of evolution from the organization's previous focus on the welfare of wounded soldiers to the well-being of civilians in times of war (de Waal 1997: 67). The ICRC mission to Biafra marked the agency's first major relief initiative on the African continent.

Although the calamity of violence in Rwanda did not fully materialize until April 1994, the ICRC had already established a mission in the area due to the civil war which broke out in the early 1990s between the government and the RPF. In 1993 the ICRC provided

900,00 displaced people with regular food supplies, totaling 115, 800 tones; brought in medical supplies for hospitals and health posts; gave medical care to some 80, 000 people via mobile clinics; collected 5, 000 Red Cross messages and distributed 8, 000; and visited 441 detainees (ICRC Annual Report: Rwanda 1993: 2).

In addition, the 'ICRC President went on an official mission to Rwanda and had talks with the government and RPF officials, the Rwandese Red Cross, the ambassadors of the main donor countries and those who had participated in the Arusha peace process' (ICRC Annual Report: Rwanda 1993: 2).

Thus, the ICRC was already established in the area, having launched operations in five districts throughout the country. The ICRC utilized its previous relations with the various warring parties and the Rwandese and Belgian Red Cross in order to bring fast and widespread relief during the 1994 Rwandan emergency. In fact, the ICRC was able to launch an 'emergency operation within 30 hours of the outbreak of the violence' in 1994 (Communication to the Press No 15/13 April 1994).

The central focus of relief efforts undertaken by the ICRC was in Kigali. Following the murder of patients in a Kigali hospital, the ICRC and MSF-France established their own emergency field hospital in a local convent, Centre des Soeurs Salésiennes de Don Bosco (Melvern 2000: 144). By the beginning of May, the ICRC had operations established in Kigali, Byumba, Gisenyi, Kabgayi and Kibungo. At the beginning of 1994, the ICRC had in place 26 expatriate staff in Rwanda and 133 local Rwandese working in the country. By the 29 June 1994, the ICRC was helping some 400, 000 people throughout the country in five logistical bases with a total of 108 expatriate staff (ICRC News No 26/29 June 1994). The initial funding set aside for Rwanda by the ICRC was 40 million Swiss francs (ICRC news No 11/17 March 1994). This however multiplied to 104 million Swiss Francs as the ICRC set out to sustain the basic survival needs of Rwandans trapped

in the country and the wave of individuals fleeing the disaster (Communication to the Press No 94/24/2 June 1994).

Principles in Action: The ICRC, Neutrality, and Genocide

The ICRC's previous relations with the various warring parties continued throughout the genocide and effectively revealed its attempt to stand by one of its founding principles – the principle of neutrality. Traditional humanitarian ideology claims that strict adherence to the principle of neutrality enables humanitarian organizations to maintain an apolitical stance in the face of complexities. Adherence to traditional neutrality is also believed to reduce antagonisms between humanitarian organization and warring parties – thereby securing access, safety for humanitarian workers and a number of other potential benefits.

The ability of the ICRC to gain and maintain access enabled the organization to sustain operations during the chaotic months of the Rwandan genocide – and it is the ICRC's ability to maintain operations in Rwanda that is a testament to its staunch adherence to neutrality and its perception as such by warring factions.

One of the ICRC's principle *raison d'être* is the protection of civilians in times of armed conflict, and the fact that the ICRC delegates remained on the spot during the massacres in Rwanda undoubtedly helped spare many lives. Among those protected in this way were about 50, 000 people gathered in pockets around Kigali and other towns; they were visited regularly by delegates who brought them food and other essentials (ICRC Annual Report: Rwanda 1994).

Negotiated access, in this case, enabled the ICRC to maintain operations in Kigali.

The ICRC's commitment to neutrality and constant dialogue with warring parties enabled the organization to set up operations in the King Faisal hospital located in the RPF-controlled area of Kigali (ICRC News No 25/ 22 June 1994) while still maintaining its operations in the government regulated areas of the capital. The perception of ICRC neutrality enabled the organization to maximize the magnitude of its assistance by

founding medical operations in the divided capital of Kigali. This was especially important as it was necessary to ensure the perception of impartiality.

The Juxtaposition of Neutrality and Human Rights

A notable difference between classicalist/neutralists and solidarists involves the reporting of human rights abuses in a complex emergency. It has previously been established that solidarists demonstrate a strong commitment to actively involving themselves in the politics of an emergency. In terms of reporting abuses, solidarists differ from classicalist/neutralists by reporting human rights violations in order to educate the public; condemn perpetrators; and persuade the international community to denounce violent and abusive acts. Classicalist/neutralists, on the other hand, refrain from condemning human rights abusers for fear that it will jeopardize their relief efforts. Instead, they attempt to privately discuss reports of human rights abuses with warring parties in the hopes of persuading them to observe international humanitarian law.

After examining the response of the ICRC to human rights abuses in Rwanda, it becomes evident how strongly the organization adheres to the neutrality ideology – not only in rhetoric but in practice as well. ‘Whenever its [ICRC] delegates note violations of these rights or abuses of power, the ICRC makes representations to the authorities, asking them to put an end to such excesses’ (COMPREX/PR – 23.5.95). The ICRC does express a commitment to noting abuses, but for the purpose of imploring authorities to use restraint – not to publicly denounce a specific group or party for human rights abuses, thus maintaining consistency between rhetoric and action.

One press release gave the example of an incident in which twenty-one children and three ICRC volunteers of the Rwandese Red Cross were killed in an attack on an orphanage. The ICRC released a statement ‘conveying its deepest sympathy to the families of the volunteers and to the Rwandese Red Cross’ (Communication to the Press No 94/20/3 May 1994) as opposed to publicly condemning the acts and naming the perpetrators of violence.

A subsequent statement was released following an attack on an ICRC ambulance in which the victims inside were killed by ‘Kigali armed militiamen’ (Communication to the Press No 94/16/14 April 1994). In its communiqué, the ICRC ‘strongly *appealed* to all combatants, in particular the armed militia and their leaders to put a stop to the carnage both in Kigali and in the provinces affected by the violence and to allow the Red Cross to assist the wounded without discrimination’ (Communication to the Press No 94/16/14 April 1994). Neutrality and adherence to international humanitarian laws entered into the ICRC discourse as the organization made firm requests for parties to respect humanitarian space and allow the provision of relief to any and all victims without discrimination. But the organization did refrain from publicly involving itself in the political realities of the genocide or commenting on the details of human rights abuses.

As stated by solidarists in the neutrality-solidarity debate, maintaining a neutralist stance in a complex emergency inevitably leads to the heart-wrenching realities of doing nothing in the face of grave injustices and violence. The ICRC was confronted with this devastating reality on a number of occasions throughout the genocide. As stated in a news brief titled *Heart of Darkness*, the ICRC states that the

unspeakable violence that continues to prevail throughout the country makes it impossible to consider large-scale food distributions. Any activity by humanitarian organizations is hazardous and uncertain. ICRC delegates who last week went to the Butare area were obliged to leave the town after standing by helplessly as numerous people were slaughtered before their very eyes (ICRC News No 17/ 28 April 1994).

Although the ICRC mentioned the realities of the violence sweeping through the countryside, the organization did not publicly single out any specific actors for the violence or provide details on the political nature of the violence. Thus, the ICRC reports fail to indicate a union between neutrality and a more rights based humanitarianism. The ICRC maintained a position favoring neutrality over justice and retribution while preserving its emphasis on the dissemination of international humanitarian law – also

indicating a strong correlation between its ideological notions and its activities in the field.

Neutrality, Impartiality and Open Dialogue

Previously discussed in classicalist/neutralist ideology were the intricacies of the relationships between neutrality, impartiality and dialogue with warring parties in a complex emergency. According to the ICRC philosophy, if an organization breaks from these traditional principles, humanitarian organizations will not only succeed in antagonizing the various warring sides of a conflict, but will further perpetuate the cycle of violence and human suffering. By appearing neutral and impartial, in theory as well as in practice, the ICRC believes it is able to cultivate relations and build trust with warring parties – thereby potentially reducing the continued abuse of international humanitarian law.

The ICRC policy of sustaining open channels of dialogue with the warring parties exemplifies the import the organization associates with international humanitarian law. From the outset of violence in Rwanda, the ICRC made its plea for all parties to ‘spare the civilian population’ and to ‘respect international humanitarian law and the work of the Red Cross’ (Communication to the Press No 94/15/13 April 1994). These pleas continued despite the prevalence of massacres in the country – with the ICRC making constant efforts to maintain dialogue with the warring factions and call to their attention the suffering of the population. The ICRC made a statement in its news communiqué on the 21 April 1994 pointing out that its ‘constant contact with all the parties involved’ allowed the organization to continue the dissemination of international humanitarian law in the hopes that the ‘lives of civilians and the wounded be spared and for the humanitarian workers to be allowed to perform their humanitarian tasks’ (ICRC News No 16/ 21 April 1994).

This faith in maintaining relations with warring parties and its positive impact on civilian lives was restated numerous times, with the ICRC claiming

one of their [expatriates] main tasks will be to continue making representations to the various parties to the conflict in order to stop the massacres, and to secure respect for the civilian population (Communication to the Press No 94/24/ 2 June 1994).

And that the

main aim of all these efforts [maintaining contact with the various warring parties] was to protect vulnerable groups in the capital Kigali and also elsewhere in the country. For example, in July ICRC delegates were in Kabgayi, in the midst of thousands of displaced people who were in mortal danger. The ICRC presence could not prevent some killings, but it certainly saved thousands of lives (ICRC Rwanda Fact Sheet: September 1994).

Further examples of the interconnectedness of neutrality, access and dialogue involve the favors the ICRC was able to obtain during the genocide. On 4 May 1994, just a day after the brutal murder of children at an orphanage in the Butare prefecture in Rwanda, the ICRC decided that children from a neighboring orphanage should be evacuated to ensure their safety. The related press release read, ‘the evacuation was made possible by the presence of the Rwandese Minister of Social Affairs and logistic support provided by the Rwandese army chief of staff. Government troops escorted the convoy to the border with Zaire’ (Communication to the Press No 94/21/4 May 1994). Daniel Philippin, head of the ICRC delegation in Burundi, later made a statement ‘commending the Rwandan army and the civilian authorities for their help in evacuating children’ (Communication to the Press No 94/25/7 June 1994). The ability of the ICRC to secure the cooperation of a Hutu dominated government meant that children who would normally have been targets of extremists were protected in their journey to a safer region. This provides a powerful example and justification for how neutralist organizations are able to secure certain favors as a result of their constant dialogue with warring parties.

It is, however, worth noting that the ICRC experienced numerous instances where their relief initiatives were hindered despite their negotiated access and open dialogue with warring parties. ICRC ambulances were forced to provide “gifts” to the militiamen at roadblocks in order to secure safe passage throughout Kigali and assist those unable to walk to relief stations (Melvern 2000: 1450). Unfortunately, negotiated access did not

change the realities of the genocide. Tutsi men were left behind on the ambulance search and rescue missions as Tutsi men were in a sense “off limits” – the extermination policies of the genocide ensured that Tutsi men would never make it through a Hutu roadblock alive (Melvern 2000: 145). Thus, despite their neutral approach to relief and their open dialogue with warring parties, the realities of the genocide prevented the organization from fully achieving its goal to care for all in need – although any minor achievement did save lives.

The ICRC and the Humanitarian Principle of Consent

As previously noted, the traditional humanitarian principle of consent is central to the classicalist/neutralists ideology. In respect to complex emergencies, it is important to conceptualize the principle of consent with the notion of sovereignty, security and access for humanitarian workers. Neutralists claim consent enables humanitarian workers to provide relief in what are often extremely chaotic circumstances – making it a necessary premise for the delivery of relief. This belief was touched upon in the notions expressed by the ICRC in chapter three.

Upon examination of the activities of the ICRC in relation to the humanitarian principle of consent, it becomes evident that the ICRC positions itself with classicalist/neutralists in terms of the importance its places on consent during relief operations. On 8 April 1994, ‘the head of its [ICRC] delegation in Kigali had contacted, among others, the Rwanda armed forces chief of staff with a view of obtaining the security conditions required for any humanitarian work’ (Communication to the Press No 94/13/8 April 1994).

Philippe Gaillard was the head of the ICRC delegation in Rwanda. Since he had been in the country for nine months, he was able to build up a network of contacts and was trusted by all of the main warring parties involved in the Rwanda crisis. This included the Rwandan army, the RPF forces, and extremist groups such as the Interahamwe

(Melvern 2000: 143). Gaillard was able to negotiate with the warring parties in order to attain at least minimal security for the provision of aid.

The privileges and parameters established during the negotiated compromises enabled the ICRC to maintain operations not only in Kigali, but throughout the rest of the country. Consent facilitates access.

Following the death of President Habyarimana on 6 April 1994, the ICRC was the only humanitarian organization to remain on the spot. Its delegates were direct eye witnesses of the dramatic events in the capital Kigali and did everything they could to prevent the worst from happening (ICRC Rwanda Fact Sheet: September 1994).

All other humanitarian organizations, with the exception of volunteers from MSF, fled the scene of the Rwandan genocide, and instead, focused relief efforts in the refugee camps scattered throughout neighboring countries. Adherence to the traditional principle of consent enabled the ICRC to provide relief to the victims of genocide.

The ICRC's capacity to maintain relations with the RPF and government forces ensured the organization's ability to provide consistent relief in numerous areas despite the ethnic based division of power in the country. This is also a reflection of the consistency between the ICRC's classicalist/neutralist ideology and practice. Not only was the ICRC able to set up a hospital in the RPF zone, the ICRC was able to maintain operation in government controlled locations during the genocide. The organization was also able to continue its surveillance of prisoners in Rwanda after the change-over of power from the Hutu extremists to the RPF. As early as 27 July 1994, the RPF had a number of suspects in custody in regards to the massacres that swept through the country. Due to the reputation of the ICRC, the organization was able to negotiate access to the prisons in order to register the 65 new prisoners (ICRC News No 30/ 27 July 1994) and 'make regular visits to places of detention in Rwanda in accordance with its own customary procedures' (ICRC News No 35/ 31 August 1994).

Attaining consent, however, did not always facilitate safe relief efforts in the country during the genocide. In response to the fatal attack against victims in an ICRC ambulance, the ICRC issued a statement declaring that ‘this outrageous act has compelled the ICRC and the Rwandese Red Cross to suspend the collection of casualties in the capital, where the most elementary rules of humanity are being flouted’ (Communication to the Press No 94/16/14 April 1994). The ICRC in effect attempted to threaten the withdrawal of its assistance in the hopes of renegotiating consent in order to restore security and access for ICRC workers in the capital.

The ICRC was later forced to suspend food aid to the capital as a result of the catastrophic levels of violence in Kigali. Food aid was suspended temporarily in May as a result of the dangers posed to ICRC workers but resumed a month later on 6 July when the RPF succeeded in driving the genocidal regime out of the capital. With the change of power and a drop in violent clashes between the extremist forces and the RPF, the ICRC was able to renegotiate access and resume its food aid efforts (ICRC News No 27/ 6 July 1994).

The logistics of negotiated access can be extremely unstable and unpredictable. When the balance of power is altered in a country, a humanitarian organization respecting the principle of consent is required to renegotiate access in order to continue relief efforts. It is believed by classicalist/neutralists that the ability of a humanitarian organization to renegotiate consent is greatly facilitated if the organization has maintained relations with all belligerent parties throughout the conflict and is perceived as being neutral. In the case of the Rwandan genocide, the ICRC was able to rework previous agreements in order to adjust to the changing realities in the country. The ICRC was also able to secure visitation rights to individuals detained on charges of participation in the genocide, despite their previous negotiations and agreements with the Hutu government. ‘Once the new government had taken office in July, the delegation [ICRC] negotiated with the new authorities to gain access to all people arrested, wherever they were held (Rwanda Annual Report 1994).

The Language of Neutrality

The language used in the ICRC reports consistently maintained an observance to the principle of neutrality, again, indicating consistency between ICRC ideology and actions during the 1994 Rwandan emergency. It was not until the 20 May 1994 press release, a month and a half after the commencement of the genocide, that the ICRC made mention of the different ethnicities that constitute the country. In a press release titled *Saving the Survivors*, the ICRC stated that ‘some groups of displaced people, mainly Tutsis, came together as soon as the clashes broke out in the hope of escaping the bloodshed. They are still in mortal danger’ (Press Release No 1776/ 20 May 1994). It is important to note however that it was only in a relatively apolitical manner that the ICRC made the distinction of Tutsis as bearing the brunt of brutality in the country.

Although the ICRC had mentioned the Tutsis as an ethnic minority in the 20 May 1994 news report, it was not until the ICRC Annual Report: Rwanda 1994, which was released in December of that year that the dimensions of the genocide were being discussed by the ICRC. The report began by stating that ‘armed militia groups led by extremist politicians systematically set about eliminating anyone who did not support their cause, principally of the Tutsi ethnic minority, but also moderate Hutu’ (ICRC Annual Report: Rwanda 1994). For the first time, the ICRC conceded that the victims who were “eliminated” were predominantly Tutsi or uncooperative Hutus and that most of the acts of violence were organized by “extremist politicians”. This was done months after the end of the genocide.

Upon further analysis of the choice in language and its relationship to the type of message disseminated, it is important to note the ICRC’s use, or lack thereof, of the term genocide to describe the events which took place in Rwanda. Throughout the four months of massacres, the ICRC not once mentioned the word genocide. This was a conscious decision made by the organization and it demonstrates the ICRC’s intent to maintain a neutral stance by using less powerful language than that of “genocide”. Even after the RPF had secured control of the capital, the ICRC maintained its neutral stance.

In December, the ICRC was still referring to the genocide as “massacres” and “conflict” that had ravaged the country (ICRC News No 49/ 7 December 1994). It was not until its end of year report that the ICRC began using the “genocide” terminology. The report went on to pronounce that ‘civilians were deliberately targeted in an organized genocide and men, women and children were massacred on a horrifying scale. Atrocious acts were committed, sometimes in blatant disrespect of the Red Cross emblem’ (ICRC Annual Report: Rwanda 1994). Not only was the term genocide used, but the ICRC made reference to the fact that civilians were targeted in “horrifying” and “atrocious” acts – language that breaks from the less powerful language used during the genocide and in the early stages of the refugee crisis.

Therefore, the ICRC Annual Report: Rwanda 1994 marked a dramatic shift in terminology and information disclosed when compared to all other news reports and communiqués published throughout the year. This demonstrates a clear preference to avoid disclosing the political nature of a complex emergency during and immediately following a crisis. The ICRC avidly set out to avoid any mention of the political dimensions of the genocide, referring only to the overall chaos enveloping the country. The ICRC on no occasion linked any specific acts of violence to a particular warring party, at least not publicly. The ICRC never actively condemned a particular party, despite the reality of genocide – the most severe of human rights abuses. The ICRC mentioned only once the significance of ethnicity in relation to the violence, favoring instead to label the violence as “acts against civilians”. In this light, the nature and the ramifications of the violence that was genocide were not put to the for-front of the ICRC campaign to raise awareness and gain funding from the international community.

The language used to communicate events is important as it inadvertently advertises the politics or ideologies of a humanitarian organization. With a strict adherence to apolitical language in its press statements and news briefings, the ICRC was able to demonstrate itself as neutral. As a result, the ICRC was diligent to ensure that it maintained its humanitarian stance – matching its ideological rhetoric of neutrality, impartiality and apolitical involvement with its public remarks during the Rwandan crisis.

The ICRC and Dissemination of International Law

According to the ICRC, the dissemination of international humanitarian law does not in any way jeopardize the organization and its presence as a neutral and impartial organization. The characteristics established by Weiss distinguishing the different humanitarian camps do however find this to be problematic. It was the ICRC's insistence on promoting international humanitarian laws in times of conflict that moved the ICRC away from the classicalist/neutralist position in the neutrality-solidarity debate towards that of a minimalist. Dissemination of international humanitarian law appears to demonstrate the minimalist position of "doing no harm" and creating a more just environment in a complex emergency. Thus, the promotion of international humanitarian law can be indicative of a break with the traditional humanitarian principle of complete abstention from politics – but may not be problematic in terms of appearing neutral and impartial if the message is circulated to all parties in a non-confrontational manner.

During the genocide, the ICRC made numerous appeals for those involved in the conflict to respect international law stating that

approaches were made regularly to the civilian and military authorities on both sides, and to militia leaders and other influential people to stress the ICRC's concern. As a neutral, impartial and independent institution, the ICRC tried to bring some humanity into the prevailing chaos (ICRC Rwanda Fact Sheet: September 1994).

The ICRC made valiant efforts to diffuse the chaotic conditions spreading from the capital to the countryside by using the same tactics as the genocidal instigators. The ICRC attempted to combat the messages of hate and murder being espoused on the Rwandan broadcasting system by disseminating its own broadcasting messages on local radio stations, calling for 'an end to the atrocities and demanding that civilians, the wounded and any people taken prisoner be spared' (ICRC News No 16/ 21 April 1994).

The ICRC also attempted to spread its message by using ‘radio spots and distributing publications in the local language, Kinyarwanda to put over the humanitarian message’ (ICRC Rwanda Fact Sheet 1994). Not only did the ICRC attempt to plea with the Hutu extremists and the RPF forces regarding the scale of violence, the ICRC was able to recognize the importance of civilian cooperation with the “final solution” and actively sought to diffuse the heightened tensions that were manipulating the population into complacency and participation. These efforts to provide relief based on the realities of the genocide were done in a neutral manner in the hopes of reducing suffering without choosing sides.

After the culmination of massacres in the country, the ICRC maintained its presence in order to continue to promote its message of international humanitarian law in the hopes that violence would not erupt in the future. Regardless of whether the individuals held in the prisons were guilty of genocide, the ICRC continued to monitor the situation closely, ‘reminding the authorities when necessary of their duty to ensure respect for the fundamental rights of civilians and drawing to their attention the cases of abuse’ (ICRC Annual Report: Rwanda 1994). The ICRC saw as part of its integral role to continue to create a culture of awareness and acceptance for international humanitarian law in the country without actively seeking to favor one party over the other in the Rwandan conflict.

The ICRC claims that all of its pleas for recognition of international humanitarian laws do not go against its principle of neutrality but it has been argued that this step is political in nature regardless of whether an organization chooses sides or not – it is pushing a political agenda (Slim 2002: 2). In this sense, the ICRC does appear to move slightly from the classicalist/neutralist position towards that of a minimalist although it does make every effort to maintain its neutrality and impartiality.

The ICRC in the Refugee Camps

The Rwandan genocide soon dispersed from Kigali to the countryside, bringing with it shocking scenes of violence and death. As the RPF advanced further and further into Rwanda, the genocidal acts began to decline and those partaking in the genocide were told to flee from what would undoubtedly be RPF retaliation. The massive exodus which followed marks the evolution of the Rwandan complex emergency from genocide to a refugee crisis. The complexities of the second Rwandan crisis in 1994 are in part a result of the magnitude and speed of the Hutu exodus, but also as a result of the lack of distinction between civilians and murderers in the refugee camps.

Security was a major concern in the refugee camps established throughout Tanzania and Zaire. Hutu civilians were, in a sense, held hostage due to the presence of former Rwandese authorities and militiamen in the refugee camps. Melvern describes the sixty mile spread of refugees as ‘probably the largest group of fugitive murderers ever assembled, all fed and sheltered by aid agencies while Hutu Power made profits from refugee commerce, monopolizing the distribution of international aid, and creating a growing trade in purloined humanitarian provisions’ (2000: 224). Thus, humanitarian relief workers were confronted with the devastating realization that some of the individuals they were actively supplying with relief aid were guilty of genocide.

It remains unknown at what point the ICRC realized the political realities in the refugee camps or what impact this knowledge had on their relief efforts – but when other humanitarian organizations began their relief operations in the refugee camps, the ICRC quickly left the area in order to help what it deemed to be vulnerable populations who were not receiving humanitarian relief. Statements made regarding the conditions in the refugee camps evolved from declaring the progress made in establishing a new field hospital in Goma (Zaire) and the distribution of 100 tones of food a day to the refugees (ICRC News No 31/3 August 1994) to the ICRC pulling out its operations in the area. In a statement made just three weeks later, the ICRC dictated that on 20 August 1994 the ICRC closed the field hospital it had installed in Goma, Zaire – ‘since there are so many

organizations working with refugees in the Goma area, the ICRC will now concentrate its efforts on the population inside Rwanda' (ICRC News No 34/24 August 1994).

As well, the ICRC decided to break from maintaining a general focus on the plight of Rwandan refugees and concentrated instead on the impact of the violence on children – especially unaccompanied children. As such, they were able to ask for assistance and maintain international attention on the plight of refugees without publicly commenting on the political realities of the camps. The ICRC described the situation as severe as 'thousands of children in Rwanda are homeless, separated from their families, waiting to receive humanitarian assistance' (Communication to the Press No 94/29/28 June 1994). As a result, the ICRC and various other humanitarian organizations collaborated in order to resolve this particular consequence of the genocide by raising awareness and caring for refugee children.

Although the ICRC news briefings and communications to the press do not contain any acknowledgement of the political realities of the refugee camps, the ICRC did decide to withdraw its relief efforts from these particular locations. Although this raises questions as to whether the organization withdrew its relief efforts on account of the insecurity and corruption of relief plaguing the camps, ICRC documentation did not specify. Thus, the withdrawal of relief efforts from the refugee camps cannot be associated with a more political or rights based humanitarian ideology. The ICRC maintained its embodiment as a more classicalist/neutralist humanitarian organization.

Conclusion

Central to the premise of ICRC ideology is a strict adherence to neutrality – to remain separate from the politics of a complex emergency. As established in chapter three, the ICRC places emphasis on negotiating for access to emergencies and favors impartially meeting the basic human needs of vulnerable populations. Upon my analysis of the ICRC primary documents, it became apparent that the ICRC did maintain more of a classicalist/neutralist ideology in the field. ICRC volunteers maintained communications

with the various warring parties occupying Kigali which enabled the organization to maintain relief initiatives despite the chaotic environment. The ICRC mission to Rwanda was able to maintain hospital facilities and care for Tutsi victims despite the program of genocide. The ICRC was also able to pursue some of its relief initiatives by negotiating terms for access despite the realities of the emergency. This was especially apparent after Hutu government officials allowed ICRC volunteers to relocate children in an orphanage to a different location after indications of insecurity in the area. The ability of the ICRC to maintain relief efforts in a context of great violence thus shows that the ICRC upheld its image as a neutral humanitarian organization, demonstrating consistency between its humanitarian ideology and practice.

Classicalist/neutralists also refrain from condemning human rights abusers in a complex emergency for fear that it will jeopardize their relief efforts. In the context of the Rwandan genocide, the ICRC opted to utilize its position as a recognizable humanitarian organization in order to privately discuss reports of human rights abuses with the warring parties and promote international humanitarian law. Although the ICRC does not perceive the dissemination of international humanitarian law as problematic with the principle of neutrality, international humanitarian law is perceived by some as a political stance. Regardless of whether the ICRC vocally condemned the actions of warring parties or not, the promotion of any political agenda, even inadvertently, is considered by some as a break with traditional humanitarianism as it is an attempt to address the root causes of suffering. Despite this potential break with traditional humanitarianism, the ICRC documents did not indicate that the promotion of human rights endangered relief efforts during the genocide or endangered its perception as a neutral humanitarian organization. Thus, the ICRC maintained consistency between its rhetoric and its relief initiatives in the field.

CHAPTER SIX

The Ideological Attitudes and Actions of MSF during the 1994 Rwanda Crisis

In order to evaluate the consistency between MSF relief operations and MSF ideology, the Rwandan relief initiatives were examined according to the humanitarian characteristics described by Weiss (1998). In terms of the neutrality-solidarity debate explored in chapter three, MSF was effectively located between the maximalist and solidarist humanitarian ideologies. MSF shares in the maximalist and solidarist attitude that humanitarian relief should be coupled with some level of political awareness in order to prevent further suffering, or at the least, to minimize it.

The characteristics outlined by Weiss (1998) describing the maximalists attitudes include an awareness of the political realities of a complex emergency and a desire to address the root causes of conflict and suffering. Solidarist humanitarians go further than maximalists by rejecting the prominence of neutrality, impartiality and consent when providing aid in complex emergencies. Although solidarists do not completely reject these traditional principles, they do argue that the application of these principles without a political focus can be very harmful to the main victims of a conflict. Solidarists claim the provision of aid should be delivered in congruence with human rights in active wars.

In terms of MSF ideology, the organization promotes the condemnation of certain actors in a complex emergency and withdrawing relief initiatives when found to conflict with MSF desire to address the basic needs of the population. MSF ideology leaves space for the organization to reject the centrality, or question the benefit, of traditional humanitarian principles when perceived to conflict with the complexities observed in an emergency. As such, MSF has on occasion broken away from adhering to traditional humanitarian principles – including that of neutrality and consent. Thus, in terms of location on the Neutrality-Solidarity Spectrum of Humanitarian Organizations in Complex Emergencies, MSF shifts in the ideological space located between the maximalist and solidarist attitudes.

Background to the 1994 MSF Mission

As the wave of massacres raged through Rwanda in early April 1994, MSF was ready and operational, having established its relief efforts in 1991 due to the civil war which broke out in 1990 between the Hutu led government and the Tutsi based RPF. During the genocide, a group of MSF volunteers worked alongside the ICRC in Kigali in order to provide relief to the wounded trapped inside the country. MSF was one of only two organizations that maintained operations during the course of the genocide and was one of over a hundred organizations that participated in the refugee crisis that followed the genocide. Along with assisting the ICRC at an emergency field hospital at the Centre des Soeurs Salésiennes de Don Bosco in Kigali (Melvern 2000: 144), a surgical team from MSF provided medical relief in the King Faisal Hospital in Kigali, which became the RPF –controlled area of the city (ICRC News No 25/22 June 1994). Relief efforts at a medical facility in Butare were shut down on the 24 April 1994 after staff members were threatened and patients attacked (Melvern 2000: 286).

MSF also had volunteer teams working in Zaire, Tanzania and Burundi to provide relief following the mass exodus of Hutus seeking refuge after the genocide. Relief efforts in Tanzania had previously been established in response to the 1993 Burundian refugee crisis where the organization supplied the camps with water and food; set up medical clinics; sanitation systems and launched a measles vaccination campaign.⁶² MSF's mission to Rwanda in 1994 was the organization's largest ever at the time.

MSF, Neutrality and Genocide

As previously explained, MSF has a much contested relationship with the concept of neutrality – despite its presence in the MSF Statement as well as in its Charter. Coupled with the MSF concept of neutrality is the notion of *testimony*. According to MSF, testimony is used to elevate

⁶² <http://www.msf.org.au/tw-feature/038k-tw.html>

the responsibility assumed by association while going to the front for the populations in distress. The action of care is included/understood like a resistance to the acts of violence, discrimination, and exclusion...made against the populations: Testimony must act in the only interest of the populations in danger and seek the improvement of their situation.⁶³

In this sense, MSF leaves the door open for neutrality to be coupled with political awareness as well as with making public statements regarding the reality of a complex emergency.

In terms of MSF activities and their relationship to neutrality during the genocide, MSF appears to have abided by more of a classicalist/neutralist approach to relief. MSF volunteers were able to secure some degree of cooperation from the Hutu extremists in order to provide aid to the victims of genocide. MSF had a hospital open and running in Kigali during the genocide which meant that the most vulnerable of victims were able to receive medical aid despite the violence. This was important as other humanitarian organizations fled the country, deciding instead to set up relief programs in the refugee camps. MSF volunteers also worked alongside ICRC volunteers in Kigali in order to provide relief. MSF accomplished this by shying away from more politically overt gestures or criticisms in Rwanda during the genocide in favor of a more neutral approach. Although incidents may have occurred in which MSF broke with a strict adherence to neutrality, no incidents were mentioned in the literature, and a break with neutrality was never severe enough as to threaten MSF staff or relief operations – at least no more so than the difficulties experienced by the ICRC.

In this sense, MSF appears to have matched its relief activities in Rwanda with the political realities of the emergency. Grave violence and a widespread disregard for human life and international humanitarian laws would have made it impossibly dangerous for MSF to pursue a more politically motivated approach to relief operations. In this case, adherence to neutrality appears to have been the more feasible approach to saving lives in a country abandoned by the rest of the world.

⁶³http://tools.search.yahoo.com/language/translation/translatedPage.php?lp=fr_en&text=http%3a%2f%2fwww.msf.fr%2fsite%2fsite.nsf%2fpages%2freflexions

MSF did begin to discuss the pros and cons of breaking away from humanitarian neutrality as early as mid-April – only weeks after the launch of the genocidal killings. MSF began contemplating the possible benefits of making an official public declaration about what was happening in Rwanda against what would inevitably be very serious repercussions for MSF relief workers operating in Rwanda and in neighboring countries (Bortolotti 2004: 264).

Overseas, MSF branches appear to have taken more of a politically motivated initiative in response to the Rwandan genocide. On 13 May 1994, MSF-France made the decision to go public with the news ‘that almost a hundred of their Rwandan staff had been murdered’ (Bortolotti 2004: 264). This began MSF’s international campaign to raise awareness and incite an international response to the violence ravaging the Rwandan countryside. ‘The desire to speak out, while not unanimous, was particularly fervent in France, because the government of François Mitterrand was an ally of the Hutu regime (Bortolotti 2004: 264).

Between July and September 1994, France responded to the Rwandan crisis by establishing its own “humanitarian intervention” – what it named Operation Turquoise. The purpose of the army-led operation was to provide a safe haven for those seeking refuge from the violence of the genocide. Despite France’s initiative to respond to the Rwandan crisis, MSF issued a statement insisting that ‘France is guilty to have supported a mode *genocidaire* too long, and when it finally intervened, to have carried out a military intervention, “neutrally” contributing to offer a sanctuary to the authors of the genocide in the refugee camps in Zaire’.⁶⁴ Not only does MSF point out the previous support of the French government to the perpetrators of genocide, the organization publicly condemns the French government for its complicity in allowing the violence to continue. It also disclosed the impact of the “neutral” French initiative – a France sponsored hiding place for murderers.

⁶⁴http://tools.search.yahoo.com/language/translation/translatedPage.php?tt=url&text=http%3a//www.msf.fr/site/actu.nsf/complements/rwanda2004c1&lp=fr_en&intl=us

Dr. James Orbinski, who gave the acceptance speech when MSF won the 1999 Nobel Peace Prize, continued by stating that ‘in Rwanda, early in the genocide, MSF spoke out to demand that genocide be stopped by the use of force’ (1999: 5). MSF did not do this in Rwanda but spoke to the UN and the international community of nation-states as the organization attempted to get the world to acknowledge the genocide and react to what was taking place in Rwanda.

Although the MSF volunteers operating in Rwanda during the genocide failed to break away from a more traditional based humanitarianism, MSF branches overseas set out to instigate an international response to the genocide and to educate the rest of the world to the political complexities involved in the Rwandan emergency – dishing out blame along the way. Thus, MSF branches overseas appear to have taken more of a solidarist approach in response to the Rwandan genocide while MSF volunteers in the country appear to have maintained a more classicalist/neutralist based relief program. In this sense, MSF activities and its location in the Neutrality-Solidarity Spectrum only remained consistent outside of Rwanda where there was less violence and insecurity to contend with. Inside Rwanda, volunteers were doing all they could just to save lives.

The Juxtaposition of Neutrality and Human Rights

The divergent attitudes between classicalist/neutralists and solidarists is rarely more evident than in their conflicting views on the publication of human rights abuses and injustices in a complex emergency. As previously stated, the classicalist/neutralists stance adheres to the notion that neutrality and the reporting of human rights abuses are in conflict and must remain so in order to maintain and secure the provision of aid. The MSF Statement, on the other hand, challenges this notion and claims instead that neutrality can be juxtaposed to the solidarist philosophy of becoming actively involved in the politics of an emergency. For MSF, aid based solely on neutrality ‘when well even

they save lives, cannot justify neutrality vis-à-vis the project of a political movement exterminating a whole human group'.⁶⁵

As previously stated, the application of MSF's humanitarian ideology and the ICRC's humanitarian ideology appear to be quite similar when placed in the political and safety confines of the Rwandan genocide. This changed however in the context of the refugee crisis. Upon coming to the realization that grave insecurity and violence plagued the refugee camps, MSF made numerous attempts to raise awareness of the political realities facing aid workers. MSF accomplished this by providing examples.

On 6 October MSF witnessed two men in Rwandese Armed Forces (FAR) uniforms beating three women and a boy returning from a distribution site in Kibumba. The uniformed men beat the four victims with short sticks until they collapsed. Once the four had fallen to the ground, the uniformed men began kicking them. The men left with the rations of the four victims as the MSF employees stood by, unable to intervene.⁶⁶

In another instance, MSF issued a statement informing the public of the power members of the old genocide regime held over the refugees and its impact on regaining stability in the region.

MSF has witnessed several meetings in which the refugees were discouraged to return [to Rwanda]. In Benaco a wall newspaper "Shishoza" ("be aware") incited the refugees not to return. Refugees have been influenced by such propaganda. Effectively, they have become hostages of their own leaders. Refugees will refer immediately to their leaders if being asked when they will return to Rwanda. Anyone who questions the leaders' authority is seen as an agent of the RPF and is subjected to summary justice.⁶⁷

MSF published a second report in 1995 dictating the continuation of insecurity in the camps and the terrible dilemmas facing their aid workers – to provide aid and sit back as it further perpetuated the power of the *genocidaires* or to pull out of the refugee camps and take away the relief so desperately needed by so many.

⁶⁵ http://tools.search.yahoo.com/language/translation/translatedPage.php?tt=url&text=http%3a//www.msf.fr/site/actu.nsf/complements/rwanda2004c1&lp=fr_en&.intl=us

⁶⁶ http://www.doctorswithoutborders.org/publications/reports/before1999/breaking_1994.shtml

⁶⁷ Ibid

MSF faces a moral dilemma when it provides humanitarian assistance to a refugee population of thousands of innocent civilians who are living in these Rwandan refugee camps alongside the authors of the genocide who are making preparations for a new military attack. For an organization such as MSF the debate is whether it should continue to provide humanitarian assistance to a refugee population which is used by the perpetrators of the genocide as a means to increase their power. Whether in these circumstances it would be justified to cease the humanitarian assistance to the refugee population presents a moral dilemma for the organization. Some say such a situation is contradictory to the principles of humanitarian assistance. Others say that the humanitarian principles demand the continuation of humanitarian assistance while at the same time raising a critical voice. This debate has forced MSF to reconsider the boundaries of humanitarian aid.⁶⁸

In the abovementioned statement, MSF makes reference to its own ideological tussle between classicalist/neutralist humanitarianism and a more politically aware and human rights oriented approach to relief.

This ideological tussle, however, did not appear to last long for MSF. Upon the continuance of violence in the refugee camps, MSF altered its initiative and began making recommendations to the international community to act in response to human rights abuses in the camps. In one example, MSF made a series of recommendations to the UN in the hopes of improving the provision of aid for refugees. Among these recommendations were

demands to the international community to assist in the maintenance of law and order in the camps. MSF also made a plea for the disarmament of the refugees in the camp in order to better deliver aid and to maintain security, not only for themselves, but for the relief workers as well. Finally, MSF demands that international police be sent in order to maintain law and order in the camps. This breaks a great deal with the type of reports made by the ICRC. MSF makes clear demands for intervention by the international community.⁶⁹

Thus, MSF indicates its position as a solidarist humanitarian organization. MSF addressed the political realities of the refugee camps –grave insecurity – and made pleas

⁶⁸ http://www.doctorswithoutborders.org/publications/reports/before1999/deadlock_1995.shtml

⁶⁹ http://www.doctorswithoutborders.org/publications/reports/before1999/breaking_1994.shtml

with the international community to address the root causes of suffering. MSF continues by stating that

those suspected of having been involved in the killings, still enjoy total impunity for their crimes. Although legally these persons should be excluded from the protection provided by the 1951 Convention Relating to the Status of Refugees, in practice they are being protected as refugees. Consequently, these people continue to live freely in the camps and receive and control humanitarian relief goods. Many of them have been positively identified by refugees as killers.⁷⁰

The relationship between the MSF notion of neutrality and human rights becomes very noticeable in the implications made in this statement. According to MSF, neutrality and impartiality are to be considered in terms of the rights of those in need. In the abovementioned statement, MSF distinguishes between the refugees, indicating that certain individuals should be separated from civilians receiving relief based upon their abuse of human rights. MSF acknowledged that in order to properly address the continued suffering of civilians, the perpetrators of genocide needed to be separated and brought to justice. In the context of the refugee camps, MSF breaks with the traditional principles of neutrality and impartiality, insisting instead that relief be based upon human rights considerations. In this light, MSF demonstrates strong solidarist characteristics. It is important to note that a strong adherence to the principle of impartiality is what previously shifted MSF away from fully embodying a solidarist organization, shifting instead towards that of a maximalist organization. The MSF demand to separate the deserving victims from the perpetrators of genocide appears to strongly contradict their previous insistence on impartiality.

The MSF conflict between neutrality and human rights really came to the forefront as an MSF doctor, Rony Zachariah, provided testimony at the UN trials condemning the acts of genocide by Rwandan perpetrators.

Rony Zachariah was called to testify at a groundbreaking trial in Belgium of four Rwandans accused of genocide and crimes against humanity. He spoke about what he had seen in April 1994, when Rwanda was plunged into the butchery that would claim the lives of one million people. The defendants were eventually

⁷⁰ http://www.doctorswithoutborders.org/publications/reports/before1999/breaking_1994.shtml

found guilty. Although Zachariah testified as an individual, and not as a representative of MSF, his presence in the Brussels courtroom with the full support of the organization attested to the importance of witnessing, or "temoignage," as part of MSF's mission.⁷¹

Based upon MSF ideology, neutrality and human rights are to be merged in order to properly address the political realities of a complex emergency – to ‘assist, to provoke change and reveal injustice’ and to ‘restore autonomy, to witness the truth of injustice and to insist on political responsibility’ (Rostrup 2001: 3). Despite MSF’s adherence to neutrality while operating in Rwanda during the genocide, the organization reverted back to more “solidarist” activities during the refugee crisis. MSF-France made strong criticisms against the existence of Hutu extremists in the refugee camps demonstrating a break from its adherence to impartiality, favoring instead to deem some of those suffering in the refugee camps as unworthy of relief aid. MSF also supported one of its volunteers who testified in the trial of four Rwandans accused of participating in the genocide. Having a volunteer testify in a courtroom also reflects the easy dismissal of neutrality and silence in favor of human rights and justice – indicating the organization’s continued movement towards the far-right of the Neutrality-Solidarity Spectrum of Humanitarian Organizations in Complex Emergencies. In this sense, MSF maintains consistency between its ideology and actions.

MSF and the Humanitarian Principle of Consent

Consent is a humanitarian principle traditionally linked with neutrality, impartiality and access. Classicalist/neutralists claim that all of the abovementioned principles are interconnected and that the ability of workers to provide relief rests on the preservation of these interconnections. Solidarist humanitarians, on the other hand, state outright their hesitation to abide by the traditional principle of consent – since traditional principles are often pursued at the expense of human rights and justice. Based upon its ideological notion of consent, MSF is recognized as a solidarist organization. Stated in the MSF Charter is the demand for ‘full and unhindered freedom in the exercise of its functions’.⁷²

⁷¹ <http://www.msf.org/content/page.cfm?articleid=76CF47DD-0879-493C-A55E02CC8CAF7D6C>

⁷² <http://www.doctorswithoutborders.org/about/charter.shtml>

MSF and its tentative relationship with the concept of consent arose on a number of occasions during the Rwandan crisis, particularly in the refugee camps as the organization set out to deliver relief based on political considerations and human rights.

As MSF operations in Rwanda had been in place since 1991, the organization had pre-established consent with the Hutu government before the program of genocide was pursued. Along with the ICRC, MSF was able to maintain operations in Rwanda despite the appalling events taking place in the country. In Rwanda, consent facilitated access which undoubtedly saved many lives.

During the refugee crisis, consent and negotiated access became more controversial. In the MSF report *Breaking the Cycle*, the organization maintained that it had ‘a strong moral commitment to the most vulnerable populations among the refugees and its first aim was to prevent those from further suffering.’⁷³ Its commitment to provide relief to the most vulnerable led MSF to criticize the international community for not addressing the security issues in the refugee camps. It also led MSF to criticize the newly instated RPF government due to its shady record of abiding by human rights laws following the genocide. As a result, MSF-France was expelled in 1995 after confronting the Tutsi led government. The statement read,

We had denounced violence of this new mode, as the massacre of at least 4 000 people in the camp of Kibeho in April 1995, under the eyes of team MSF and Zambian soldiers of the United Nations. Ministers for the government, like Paul Kagame, asked us to keep silent ourselves, which we refused.⁷⁴

MSF continued by attempting to justify its position of condemning acts of violence perpetrated by the Tutsi army. MSF explained

It is not we who do not want to work in Rwanda, but we were expelled by a mode which hides its own crimes by evoking the memory of the genocide of Rwandan

⁷³ http://www.doctorswithoutborders.org/publications/reports/before1999/breaking_1994.shtml

⁷⁴ http://tools.search.yahoo.com/language/translation/translatedPage.php?tt=url&text=http%3a//www.msf.fr/site/actu.nsf/complements/rwanda2004c1&lp=fr_en&intl=us

Tutsis while concealing by force any unmatched voice inside the country, foreign organizations included.⁷⁵

Thus in 1995, MSF France was expelled from the refugee camps due to its disregard for the demands made by the RPF government to cease its criticisms of ongoing injustice and human rights abuses which they orchestrated. The inability of MSF-France to comply with these demands resulted in its expulsion. Other MSF organizations, such as MSF-Belgium and MSF-Holland ‘decided to continue working in the camps while at the same time continuously and publicly advocating for an end to impunity and improvements in the security situation for the refugees.’⁷⁶

Providing relief based upon maximalist or solidarist ideology requires a humanitarian organization to address the root causes of violence in a complex emergency. Based upon MSF’s commitment to comment on the abuse of human rights and relief, the organization was able to maintain consistency between its rhetoric and its practice. MSF ideology maintains its pledge to human rights and justice despite the obvious risk of losing consent and being forced to leave. MSF-France suffered this fate, being forced to withdraw when it refused to compromise its adherence to its ideology.

The Principle of Withdrawal

The decision to withdraw aid in the face of widespread abuse is an issue of heated debate by humanitarian organizations covering the entire Neutrality-Solidarity Spectrum. Mary Anderson, a self-proclaimed minimalist, mentioned the possibility of this as a last resort in her book *Doing No Harm*. Maximalists and solidarists, including MSF, also acknowledge this as a potentially necessary course of action in the face of widespread abuse or insecurity.

⁷⁵http://tools.search.yahoo.com/language/translation/translatedPage.php?tt=url&text=http%3a//www.msf.fr/site/actu.nsf/complements/rwanda2004c1&lp=fr_en&.intl=us

⁷⁶http://www.doctorswithoutborders.org/publications/reports/before1999/deadlock_1995.shtml

MSF volunteer Fiona Terry was the Head of Mission in Tanzania during the refugee crisis. Her responsibilities ranged from managing the medical team in the camps to assessing camp politics and security. According to Terry, MSF teams were aware as early as June that a number of well-known participants in the genocide were hiding in the camp.⁷⁷ In one MSF statement, the organization discusses the security issues plaguing the refugee camps and the relationship aid providers undoubtedly had with the misuse or abuse of aid.

Humanitarian relief organizations may well be forced to halt their humanitarian relief activities. The security situation in the camps is deteriorating. Refugees do not enjoy adequate protection and live in fear for their lives with killings and disappearances becoming regular events. Refugees are being threatened and killed for wishing to return to Rwanda by the militia. Humanitarian relief operations are being interfered with and the militia is ruling a reign of terror. Living and working conditions of refugees and aid workers in the camps are becoming more and more unacceptable.⁷⁸

Terry also commented on the devastating reality facing humanitarian workers operating in the field.

It was actually our aid that was used against the refugees and was contributing to a longer-term problem. Our aid was helping to legitimize the “genocidaires” and helping to restore them to their former power.⁷⁹

Both statements reflect an awareness of the political situation and consequences of MSF operations in the refugee camps. When it became obvious that the abuse of relief would continue to further suffering of civilians, MSF made the threat to withdraw its services. MSF’s willingness to access the political realities of an emergency and to make these realities public indicate a more solidarist approach to humanitarian relief efforts.

Due to the continuing deterioration of security in the camps, MSF and a number of other organizations were faced with a very difficult decision.

On 3 November 1994, 16 international NGOs, including MSF, issued a joint press release stating that working conditions in the camps had become unacceptably

⁷⁷ <http://www.msf.org.au/tw-feature/038k-twtf.html>

⁷⁸ http://www.doctorswithoutborders.org/publications/reports/before1999/breaking_1994.shtml

⁷⁹ <http://www.msf.org.au/tw-feature/038k-twtf.html>

dangerous and they would be forced to withdraw unless there was immediate action to improve security. Four days later, MSF-France announced its decision to pull out of the camps in Zaire and Tanzania, stating that the continued diversion of humanitarian aid by the same leaders who orchestrated the genocide, the lack of effective international action regarding impunity, the fact that the refugee population was being held hostage, presented a situation contradictory with the principles of humanitarian assistance.⁸⁰

Although the withdrawal of relief is not necessarily a humanitarian response reserved to solidarists, it is the manner in which a humanitarian organization pursues the option of withdrawal that associates an act with a particular humanitarian ideology. MSF did more than simply withdraw from the refugee camps – it attempted to engage the public and communicate the political realities of the refugee camps in order to force change. MSF in general, and MSF-France in particular, set out in a public awareness campaign to inform the public as to *why* they were withdrawing from the refugee camps; what the real connection was between the refugee crisis and the Rwandan genocide; and what steps the international community needed to take in order to properly engage with the crisis. It is the act of making the realities and their significance known that connects MSF actions in the refugee crisis with solidarist ideology.

“One Does Not Stop Genocide with Doctors”

In reaction to the helplessness experienced by MSF workers operating in Rwanda during the genocide and in the refugee camps, MSF workers made continuous pleas with the international community to respond to the crisis. This was based on an acknowledgement that “one does not stop genocide with doctors” and that the Rwandan crisis demanded humanitarian intervention by nation-states or the UN. The demand for international action illustrates an acknowledgment by MSF to the political complexities of the emergency and a decisive step to lay blame for the inappropriate and insufficient international response to the Rwandan crisis.

⁸⁰ http://www.doctorswithoutborders.org/publications/reports/before1999/deadlock_1995.shtml

As humanitarian actors we were not responsible for this situation. It was the abrogation of responsibilities by many other actors that led us to confront this terrible dilemma...⁸¹

After publicizing the MSF initiative to withdraw from the refugee camps, the organization made sure to communicate that they were not the appropriate actors to deal with the Rwandan crisis – thereby justifying their withdrawal. MSF continued by pointing out that their inability to maintain relief operations in the refugee camps was a direct result of the inactions of the international community to properly deal with the Rwandan genocide.

MSF also referred to a public campaign they ran in France during the months of May and June in 1994 – at the tail end of the violence of the Rwandan genocide –

denouncing the French government's involvement with the Rwandan regime and calling for President Mitterand to take personal responsibility and intercede with the Rwandan regime to stop the killings.⁸²

This was a very indicative statement to make in terms of allotting MSF's actions in the Neutrality-Solidarity Spectrum. Not only did MSF point out the French government's past involvement with the Hutu regime that later orchestrated the genocide, MSF pointed out that President Mitterand should have done more to intervene. To take the lead and stop the killings before they evolved into genocide. For this reason, MSF-France singled out the French government by shaming them and what MSF deemed to be its complicity with the genocidal regime and its inappropriate response to the crisis. MSF's strong initiative to delve into the politics of the international response demonstrates a commonality with solidarist ideology.

In another press report, MSF stated that

⁸¹ <http://www.msf.org.au/tw-feature/038k-tw.html>

⁸² http://www.doctorswithoutborders.org/publications/reports/before1999/breaking_1994.shtml

genocide is that exceptional situation in which, contrary to the rule prohibiting participation in hostilities, the humanitarian movement declares support for military intervention.⁸³

In this statement, MSF completely broke from an adherence to neutrality and instead publicized its support for a military intervention – what they believed to be the proper response to the Rwandan genocide. The statement continued, insisting that

genocide itself tore to shreds the humanitarian movement's famous neutrality. Even when emergency aid saves lives, it cannot justify neutrality when faced with a political movement determined to exterminate an entire group of human beings. The only way to oppose such a movement is to call for armed intervention against the aggressors.⁸⁴

In reference to the public initiatives made by MSF during and following the Rwandan genocide and refugee crisis, the organization acknowledged the inconsistency of the principle of neutrality with its public comments. This break with neutrality and the public outcry for military action sealed MSF actions to the far right-hand side of the Neutrality-Solidarity Spectrum – into solidarist humanitarian ideology.

Conclusion

Upon examination of MSF actions in the field, there appears to be a strong correlation between its ideology and its actions. Other than during the violent constrictions of the genocide, MSF maintained its focus on the rights of civilians and its commitment to addressing the political realities of an emergency. MSF's condemnation of the French government and its ties to the Hutu government, as well as the organization's call for international attention demonstrates MSF's initiative to confront the realities of the Rwandan complex emergency. With the avenues available to criticize and promote the rights of vulnerable populations severely limited in the refugee camps, MSF-France made the difficult decision to withdraw its relief efforts, choosing instead to address the rights

⁸³ http://www.doctorswithoutborders.org/publications/other/opinion_jeanhervibradol_2004.shtml

⁸⁴ Ibid

of vulnerable populations in another way. By focusing on the international community and the role it should play in addressing suffering worldwide.

The ideological notion of impartiality became quite significant in my analysis of MSF actions during the Rwanda crisis. It was an adherence to the principle of impartiality that previously swayed the organization slightly to the left in the Neutrality-Solidarity Spectrum of Humanitarian Organizations in Complex Emergencies, placing it between humanitarian maximalists and solidarists. During the course of the refugee crisis, MSF actions indicated that adhering to the principle of impartiality was not above an acknowledgement of human rights and the political realities of a complex emergency. Thus, as MSF demanded the assistance of the international community to separate the *genocidaires* from the civilian population, the organization was demonstrating its philosophy that some people in the camps were not deserving of aid. MSF-France felt so strongly about this that it decided to withdraw relief from the camps. Therefore, in practice, MSF failed to maintain its mentioned adherence to impartiality, moving the organization back to the far right hand side of the spectrum into the solidarist classification.

CONCLUSION

The ICRC and MSF Ideology and Actions Compared

With the seemingly endless incidents of complex emergencies, humanitarian organizations are increasingly being placed in the spotlight, dissected, in the hopes of better assisting those in need. The growing awareness of the difficulties involved in providing relief in a complex emergency however have left many with a disillusioned sense of humanitarianism. According to Vaux, ‘the Rwandan genocide of 1994 shook the confidence of aid workers and left many feeling deeply unsettled’ (2001: 183) as ‘many of my [Vaux] colleagues working in Rwanda said they had lost faith in humanity and in humanitarian work’ (Vaux 2001: 7). It is the failures associated with the relief initiatives of the 1990s that led many to envision a “crisis of humanitarianism” – the lack of humanitarian sustainability due to the multitude of humanitarian relief organizations operating together with a multitude of ideologies (Rieff 2002, Slim 2002).

In order to delve into this assumption, it was first necessary to organize and differentiate between the different humanitarian ideologies governing relief organizations. It was also necessary to determine whether a claim to a particular humanitarian ideology translated into actions based on ideology in the field. Upon my examination of the ICRC and MSF humanitarian actions during the Rwandan genocide and refugee crisis, I discovered that these two humanitarian organizations do in fact appear to possess a specific humanitarian ideology that guides their activities during a complex emergency.

The ICRC was able to maintain its strict adherence to traditional humanitarian principles both during the genocide and in the resulting refugee crisis. The ICRC actively set out to maintain relations with both the Hutu based government and the RPF in order to secure their medical operations in Kigali. The ICRC recognized the need to negotiate with both warring parties in order to provide relief as best as they could. While promoting the adherence to international humanitarian laws, the ICRC pursued this initiative outside of the public arena. The ICRC did not label the Rwandan emergency as genocide, nor did it set out in a public campaign to disseminate the realities of the genocide or refugee crisis.

Instead, the ICRC maintained consistency between its humanitarian ideology and relief practices in the field and pursued a more apolitical and neutral approach to relief.

MSF, on the other hand, pursued a humanitarian initiative found at the opposite end of the neutrality-solidarity debate. Rather than adhering to traditional humanitarian principles like the ICRC, MSF pursued a more solidarist humanitarian initiative – demonstrating that it too was bound by a specific humanitarian ideology. Although MSF workers operating in Rwanda during the genocide appeared to pursue relief operations in the same neutral manner as the ICRC workers, at the international level, the organization actively rejected apolitical humanitarianism, deciding instead to publicize the realities of the emergency to the world. MSF-France in particular set out to label the Rwandan emergency as genocide and continued by publicizing the French government’s close relationship with the Hutu government. MSF-France also publicly criticized the French President, condemning him for not taking proper actions to stop the killings and for not severing its ties with the Hutu regime. MSF-France later turned its attention to the rest of the international community, demanding the UN intervene with military force – an act unheard of by neutralist humanitarians. Instead of labeling the refugees in the camps as helpless victims, MSF broke away from more traditional humanitarian organizations and set out on a public campaign to highlight the political realities of the camps – a holding pen for some of the worst human rights abusers since the Second World War. Thus, MSF actively pursued a very specific humanitarian ideology during the Rwandan emergency, a relief initiative very different – and theoretically opposed – to the relief initiatives of the ICRC.

In terms of the lack of humanitarian sustainability, or the presumptive “crisis of humanitarianism,” the outcome of the relief operations pursued by the two seemingly opposed organizations do not appear to support this premise. During the Rwandan genocide, both the ICRC and MSF worked closely together, often in the same medical establishments in order to deal with the overwhelming suffering and intense insecurity. Both organizations maneuvered as best they could within the confines of the genocide, attempting to provide relief to those being targeted.

In the refugee camps, both humanitarian organizations established operations in the early weeks of the crisis in order to stabilize the mass of people swarming the borders of Rwanda's neighboring countries. MSF soon began to perceive the realities of the refugee camps, what it believed to be an extension of Hutu extremist power. With this growing awareness, MSF set out on a public campaign to force the international community to react to the abuse of relief. The ICRC, on the other hand, maintained its silence. The ICRC did however abandon its relief efforts in the refugee camps, and instead, turned its attention to what it deemed to be neglected populations. MSF-France was right behind, deciding to withdraw its aid from the refugee camps. Although the precise reasoning behind the ICRC's withdrawal from the refugee camps is unknown, the outcome was the same for both organizations – a withdrawal from the refugee camps.

Instead of existing in direct opposition to one another, the ICRC and MSF appear to have existed in separate yet compatible humanitarian spheres. The ICRC worked alongside the UN in order to promote international humanitarian law in the Rwandan complex emergency, insisting relief be delivered in a neutral manner facilitating access, thereby meeting the immediate needs of vulnerable populations. MSF insisted on a more forceful response to the emergency by publicly criticizing the international community for its inaction. Although the ICRC and MSF pursued different approaches to providing relief in Rwanda, the existence of a multi-faceted approach to humanitarianism does not appear to indicate an inherent flaw or "crisis of humanitarianism." It reflects a division of labor based upon different priorities with the same initiative - to alleviate the suffering of populations caught in a complex emergency.

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