

To any student or practitioner of humanitarianism today, the quote above likely resonates. Yet it is

legal, policy, and public sentiment evolutions over the past decade or two which continue to accelerate, or deepen.

This paper explores the various crisis facing the humanitarian enterprise today, outlines how the scope

homes in the first place are more and more likely to continue for years on end.¹² Where repatriation is considered or undertaken, such as to Myanmar, Syria, Somalia or Afghanistan, it is likely to be neither voluntary, safe or dignified.¹³ Despite recent muted euphoria around the signing of the new Global Compacts on Refugees and Migration, resettlement as an option for the most vulnerable is shrinking, facing sustained efforts at further constriction within locales that had typically been the most generous to refugees and asylum seekers.¹⁴ Finally, the prospect of long-term acceptance in a third country to which one has fled may also be diminishing. Deportation and forced returns, whether from Germany to Afghanistan, the USA to El Salvador or Haiti, Lebanon to Syria, or Greece to Turkey have taken pride of place over local integration and clear pathways to citizenship. Those who have moved find themselves increasingly in limbo, with no clear long-term solution for them on the horizon.

Just as it is getting harder to find a durable solution to one's displacement once one has moved, the very act of movement, especially across international borders, is becoming more and more difficult. Physical barriers to flight are emerging and expanding across the globe. Where ever one looks, walls are going up,

and fewer legal pathways to seek or gain asylum, or to enter another country to make such a claim, people fleeing persecution, war, natural disaster, abuse or abject poverty find themselves in the unenviable position of being considered "irregular" and "illegal." Today's migrants and refugees, rather than being seen as rights-bearing vulnerable people seeking safety and a better life, entitled to respect and protection, are systematically conflated in the public and policy eye with queue jumpers, criminals and terrorists. The humanitarian impulse is still alive and well, and Good Samaritans abound in places from Greece to Bangladesh to Texas.¹⁹ But their very actions are increasingly castigated, undermined, and outlawed.²⁰ Meanwhile search and rescue efforts in the Mediterranean, equated with the aiding and abetting of people smugglers, have floundered on the rocks of sustained legal assault, the latest efforts of which have brought to bear arcane Italian waste disposal laws on the last remaining MSF ship plying the waters off Libya.²¹ Anti-terrorism legislation is being more aggressively enforced against agencies working in areas of acute need which are controlled by terrorist sanctioned entities, such as Syria, Somalia, or the Sahel.²² Criminal penalties are assessed on individuals providing assistance to migrants in Hungary, and charitable organizations receiving foreign funding must declare themselves as "foreign agents" in Russia. The trend towards the "criminalization of compassion" is now well documented,²³ with its twin pronged assault on those on the receiving end as well as those dispensing it. In the wake of these trends many publics are losing trust and faith in humanitarianism and humanitaria.00(p)43711 011.04 TftR-5()]453.82TQq0.00

NGO spending 2017 (compared to 0.4% to all national and local NGOs combined).²⁷ Yet, to paraphrase one long-time observer of the system, “the stranglehold of the West on humanitarian action is loosening.”²⁸ On the one hand the currency of multilateralism has been devalued in the wake of the rise of nationalism, populism, protectionism, and isolationism in the USA, Europe and farther afield. Previous champions and system hegemony, such as the USA, have abdicated their leadership, are turning away from the rights and protection dimensions of humanitarian action and are actively campaigning to undermine or unravel the post- World War II international system, including the UN and EU, which are at the heart of the current humanitarian architecture.²⁹ On the other hand, there is a gradual relocation, or rebalancing, of global wealth and power away from the West to the East and the South. As new actors like China, India, Turkey, and the Gulf States embrace roles as donors and aid implementers, it is reasonable to expect there to be potentially different, perhaps more statist, sovereignty-focused, and instrumentalized approaches to humanitarian aid put forward which don't align with the current ethical foundations of the enterprise. Southern states as well are exerting more control, and demand for control,

phases of disaster.³³ Each of these groups of actors may bring different perspectives on the value, meaning, or hierarchy of importance of basic humanitarian principles such as neutrality, impartiality, and independence compared to the systems' traditional constituents.

The Elasticity of Humanitarianism's Boundaries

Where humanitarianism begins and where it ends is a recurring theoretical and practical question

may leave many behind and unserved. In the drive to do no harm, humanitarians may be forgetting to do good

or harm that they have little opportunity to materially improve. MSF's decision to cease its medical operations in Dadaab refugee camp in Kenya, despite unquestionable continuing need demonstrated by its Somali inhabitants, was driven by such logic.⁶² The number of places in which such questions will emerge for humanitarians is likely to increase, especially if the gap between resources available and need continues to widen.

The ends to which organizations considering themselves humanitarian profess commitment have been stretched beyond the relatively narrow scope of saving and protecting life with dignity for some time.⁶³ Development, poverty alleviation, social justice, institutional strengthening, the pursuit and defense of human, women's or children's rights, and peace-building have found their way, in whole or part, into the missions of many, if not most, organizations engaged in humanitarian action. Recent global attention to and desire to overcome what has been termed the "humanitarian/development divide" in funding and policy is another version of earlier efforts to link relief, rehabilitation and development (LRRD). That these goals may be in tension with ostensibly core humanitarian principles such as impartiality, neutrality, or independence is well documented, but not often forthrightly acknowledged by agencies who purport to simultaneously pursue them.⁶⁴ Questions about the proper ends to which humanitarian action should be directed manifest themselves in three principal ways today, above the afore-mentioned ongoing debates over if and how to incorporate more developmental and rights-based goals.

Firstly, the prolongation of wars, their prosecution in ways that systematically contravene international humanitarian law (IHL) and bring grave harm to civilians and humanitarian aid providers, coupled with the failure of traditional state and multilateral actors to meaningfully redress such behavior, is leading some humanitarian organizations to question whether they can or should remain silent about the conduct of war. Historically the rarified purview of the International Committee of the Red Cross and Red Crescent (ICRC), some other organizations are tentatively exploring ways in which they may contribute to enhanced accountability for alleged war crimes or breaches of IHL, thereby reducing the culture of impunity which currently surrounds such actions.⁶⁵

Humanitarians are also lending their voice to efforts to moderate, or modify, the actual conduct of hostilities on the battlefield, such as in the cases of the sieges of Aleppo

agencies to consider not just peace building but actual peace making. Whereas the former, as currently interpreted and implemented, is a more community-based intervention aimed at fostering social cohesion among local populations in conflict, the latter could envision the transformation of humanitarian agencies into active agents of international diplomacy not unlike the Carter Center or the UN.

While the historical trajectory outlined here depicts an expansionist march of humanitarianism's telos, one can ask whether there is also a contraction going on as well.

migrant containment causes to enable advocacy for changes to that system as it is to alleviate the particular harms that the system creates. Yet such actions are open to an impartiality-based critique that more, and more urgent, needs could be better addressed elsewhere with the same resources and with less organizational risk.⁷⁵

The criminalization of compassion, coupled with the chilling effects of anti-terrorism legislation enforcement, combined with host government and belligerent parties' harassment of, violence against, and denial of access to humanitarian aid providers also poses challenges to pursuit of the principle of impartiality. "Hard to reach" populations demonstrating some of the most acute needs-be they besieged communities in Syria or Yemen; civilian populations under the control of ISIS or Boko Haram; remaining Rohingya communities in Northern Rakhine State in Myanmar; or "irregular" migrants in the cities of Europe-may become more common, but even less accessible. Already increasingly risk averse,⁷⁶ humanitarian actors face the difficult choice of coming into more direct conflict with local authorities in their efforts to reach the most-needy or reconciling themselves to serving those that are most proximate, officially recognized, and/or clearly visible.

The prospect that humanitarian actors may feel called upon or compelled to adopt operational practices,

including neutrality- are bombed, attacked, and detained in the field

detention program.⁷⁹ Similar concerns have surfaced surrounding humanitarian NGO engagement with detained populations in Greece and Libya wherein front-line aid workers have expressed strong moral discomfort with fears that they are contributing to a dehumanizing, harmful, system of arbitrary immigration detention.⁸⁰ As more and more efforts are made to keep people where they are, restrict their access to asylum, incarcerate them when they do cross a border, and send them “back” (even to places which are not their homes), humanitarians will be further called upon to support, facilitate or otherwise serve these purposes. Faced with what are unquestionably extreme needs among such populations caught in this growing web of containment, humanitarians will continue to need to establish their comfort level with such potential instrumentalization and implement measures to mitigate the harms such implication entails.

The manipulation of aid for political and military purposes is another recurrent feature of humanitarian action which is alive and well today. In Syria, for example, humanitarian aid has been and continues to be used by belligerent parties to punish or reward oppositional or supportive communities; entice, coerce or facilitate less than voluntary population transfers and sectarian cleansing; and legitimize refugee returns from neighboring countries to euphemistically termed “safe-zones.”⁸¹ Humanitarian aid may also be used to support or undermine regime legitimacy as we are witnessing in the standoff between Venezuelan President Nicolás Maduro and opposition leader Juan Guaidó.⁸²

Finally, operational autonomy within many contexts wherein humanitarian aid is being provided is under pressure. At the micro-local level, work within detention settings comes with often extreme limitations on the ability of humanitarian actors to take independent action on even the most mundane of tasks such as health consultations and treatment. In the detention centers of Greece, for example, it has been noted that it was necessary to negotiate and gain approval from multiple authorities every day in order to access patients.⁸³ The twin trends of stronger, more authoritarian, sovereignty-defending states on the one hand, and the drive for the localization of humanitarian aid, on the other, also suggest that the independence of humanitarian action can expect to be further tested in the future. To the extent that such trends manifest themselves in increased obstruction of, restrictions on, or a decline in the effectiveness of humanitarian action, a defense of the independence of aid will increase in importance. But they also offer the more radical potential for a re-thinking of the value and place of the principle of independence within a reformed humanitarianism of the future. Humanitarian action of the present has often misconstrued and misapplied the principle of independence to be synonymous with avoidance of the state and its institutions. Yet if one is serious about fulfilling the truly transformative aspects of the localization agenda which proffers a real transfer of power, and control, to local actors, and one recognizes the centrality of the state as the principal bear

justifications for and utility of a principle which was designed to help those external to a conflict operate within it without being a part of it may no longer hold.⁸⁴

⁸⁴ See Dubois, *Op. cit.*, for a sustained argument for a re-

- 1) Where and how have core principles of humanitarianism come into tension with others associated with the promotion of rights, societal transformation, or development? How has IRC navigated these tensions in Afghanistan, Mali, and/or Myanmar?
- 2) How does IRC understand, operationalize and situate dignity within its approach to pursuit of the principle of humanity? Where is dignity most at risk in IRC's operations, and how has the agency responded?
- 3) Where and how has the violation of International Humanitarian Law, including the perpetuation of violence against aid workers, impacted IRC's work? How has IRC responded? What tensions, if any, have been identified between these responses and humanitarian principles and how have they been addressed?

Appendix 2: List of Interviewees

Antonio Donini-Visiting Fellow, Feinstein International Center, Tufts University

Marc Dubois-Independent Consultant and Analyst; Former head of MSF UK

Patrick Duplat-Humanitarian Affairs Officer, UN OCHA

Wendy Fenton-HPN Coordinator, ODI

Thea Hilhorst-Professor of Humanitarian Aid and Reconstruction, International Institute of Social Studies,