



# The War on Terror's Challenges to Humanitarian Action

Nicolas de Torrenté

Septembre 2002

Document en provenance du site internet de Médecins Sans Frontières

<http://www.msf.fr>

Tous droits de reproduction et/ou de diffusion, totale ou partielle, sous quelque forme que ce soit, réservés pour tous pays, sauf autorisation préalable et écrite de l'auteur et/ou de Médecins Sans Frontières et/ou de la publication d'origine. Toute mise en réseau, même partielle, interdite.

# **The War on Terror's Challenges to Humanitarian Action**

**Nicolas de Torrente**

It is a commonplace to say that the world has changed since the tragic events of September 11. This also holds true for those dedicated to humanitarian action—to the prevention of death and the alleviation of suffering during crisis and conflict, irrespective of any consideration other than need. The cause of the change for us, however, is not so much the attacks themselves or their vicious character. Sadly, such great loss of life and willingness to inflict death indiscriminately upon innocent civilians is nothing new, as those of us who have worked in areas of conflict know only too well.

What has changed is that, as a result of these attacks, the leading international power, the United States, has declared a new global war on terror. This war, as it has been defined, pits terrorism against freedom, and those who would imperil humanity against those who stand to defend it. While the main focus, thus far, has been on Afghanistan, the repercussions have swiftly embraced the entire planet. Like the Cold War, this is an open-ended, global fight defined to uphold both interests and values. Yet unlike the Cold War, it is one in which alliances are constantly shifting, the enemy consists primarily of an ill-defined set of nonstate actors as well as their purported state sponsors, and territorial control is not necessarily an aim.

The U.S.-led war on terror poses a number of challenges for independent humanitarian action and the principles that underpin it. First, it seeks to subordinate humanitarianism to its broader purpose, undermining the ability of humanitarian actors to impartially reach out to all victims. Second, by questioning the applicability of international humanitarian law, the anti-terrorism campaign could well threaten the fundamental restraints on the conduct of warfare, thus weakening the protection and assistance to which civilians are entitled. Third, there is a shifting worldwide attention to conflicts, and the victims they generate, making it more difficult to respond to crises at the margins of current priorities.

## **Subordinating Humanitarian Action to the Anti-Terrorism Campaign**

The war on terror would seem to bring to a close the post-Cold War era. During the 1990s, both individual states and the United Nations made humanitarianism a central part of the international response to crisis and conflict, in part because of the demise of former geo-strategic imperatives. As humanitarian concerns featured prominently on the post-Cold War international agenda, however, they were also subject to intense political calculations, yielding highly selective results for the victims, ranging from absolute nonintervention in the Rwandan genocide to a “humanitarian war” in Kosovo. The common thread, however, was that humanitarian concerns were often put at the forefront of public discourse, either

as a smoke screen to mask the absence of genuine political engagement or as a justification for intervention in fact motivated by other interests.

With the advent of the global war on terrorism, the situation is much clearer. The U.S. government declared that it was going to war in defense of national security interests, with the objective of destroying the al-Qaeda operatives responsible for the September 11 attacks as well as the Taliban regime that harbored them. To serve this politico-military imperative, the means employed have been diverse: since the beginning, the Bush administration has argued that the anti-terrorism campaign was “being fought at home and abroad through multiple operations including diplomatic, military, financial, investigative, homeland security and humanitarian actions.”<sup>1</sup> British Prime Minister Tony Blair has gone even further in speaking of a “military-humanitarian coalition”—epitomized by his evocation of a “bombs-and-bread” campaign.

In this view, humanitarian actions, whether conducted by military forces themselves or by civilian agencies, should be subordinated to a broader politico-military objective. Colin Powell has argued that nongovernmental organizations (NGOs) were a “force multiplier” and essential contributors to the United States’ “combat team.”<sup>2</sup> The rationale for these claims harks back to a long military tradition of trying to win over the “hearts and minds” of civilians by conducting psychological operations, including the provision of assistance to civilians in contested areas. It also fits in nicely with the prevailing doctrine of “compassionate conservatism,” in which a clenched fist toward a hostile regime may well be accompanied by an outstretched hand towards that country’s population. The Bush administration’s decisions to provide food aid for populations in Northern Sudan, and to continue massive assistance programs for North Koreans under Kim Jong-Il and Afghans under the Taliban are good illustrations of this policy.

In Afghanistan, the U.S.–led coalition implemented this integrated approach by having the airforce drop food destined for Afghan civilians while simultaneously bombing military targets. It also deployed a small number of special military units to engage in civil affairs, such as rebuilding bridges or digging wells. The effectiveness of these interventions is highly questionable: it was clear from the outset, and confirmed by later reports, that the unmonitored dropping of individual food rations from high-flying planes would provide little relief for those most in need, even if it were to reach them.<sup>3</sup> The usefulness of the food drops in winning over Afghan support is also doubtful: in a number of instances, Northern Alliance commanders sealed off drop zones in order to confiscate food rations, and several children had to be treated for limb injuries in

---

<sup>1</sup> White House, “Frequently Asked Questions about the War on Terrorism at Home and Abroad”; available at [www.whitehouse.gov/response/faq-what.html](http://www.whitehouse.gov/response/faq-what.html).

<sup>2</sup> Colin L. Powell, “Remarks to the National Foreign Policy Conference for Leaders of Nongovernmental Organizations” (speech given at the U.S. Department of State, Washington, D.C., October 26, 2001); available at [www.state.gov/secretary/rm/2001/5762.htm](http://www.state.gov/secretary/rm/2001/5762.htm).

<sup>3</sup> Elizabeth A. Neuffer, “Food Drops Found To Do Little Good,” *The Boston Globe*, March 26, 2002, p. A1.

Médecins Sans Frontières/Doctors Without Borders (MSF)—supported facilities in Taloqan and Herat after having mistaken cluster bombs for food rations. The U.S.-led coalition's selectivity in its "humanitarian" concerns exposed its own motives as essentially political: at the same time as food was being dropped, authorities in neighboring allied countries such as Pakistan essentially sealed their borders, trapping would-be refugees in the violence they were seeking to escape—in violation of international refugee standards.

The fact is that assistance provided by the military coalition in Afghanistan is not humanitarian action, which is required by the Geneva Conventions to be neutral, independent, and impartial. This is not just a matter of semantics or abstract principles. By blurring the lines between the military and humanitarian agendas, and by making aid delivery a means of attaining its politico-military objectives, the coalition's actions endangered the security of humanitarian staff and its access to populations in need. For instance, throughout Afghanistan, coalition soldiers continue to be dressed in civilian clothing and to carry concealed weapons.<sup>4</sup> While some take part in combat operations, others engage in relief activities, and their civilian clothing is meant to facilitate contacts with the local population. In southeastern Afghanistan, where foreigners are often viewed with suspicion and where the U.S. forces continue to battle against presumed Taliban fighters, this has raised tensions and contributed to preventing (unarmed) humanitarian personnel from accessing rural areas. In Kandahar, MSF teams are often asked if they are U.S. soldiers, and they have been warned not to venture into outlying areas.<sup>5</sup>

In more than twenty years in Afghanistan, maintaining a clear humanitarian identity has been a crucial asset for MSF in providing assistance in a highly sensitive context. As they have done before the anti-terrorism campaign made Afghanistan a hot spot, it is certain that humanitarian agencies will continue to respond to needs of the Afghan population once the coalition's priorities have shifted. And yet, the U.S. and U.K. militaries blurred the lines separating military and humanitarian approaches, thereby damaging humanitarian actors' ability to establish the trusted relationships with Afghan officials and people that are necessary for this assistance to take place.

## **International Humanitarian Law and the War on Terrorism**

The second major challenge to humanitarian action posed by the new global war on terrorism concerns the role of international humanitarian law as a system of restraint on the conduct of warfare itself. Humanitarianism is based on a key distinction between combatants, who are considered legitimate targets of violence, and noncombatants (such as civilians and prisoners of war), who should be spared, and this cardinal principle is enshrined in international

---

<sup>4</sup> Matt Kelly, "Pentagon Defends Work Out of Uniform," Associated Press Online, April 4, 2002.

<sup>5</sup> Rostrup, Morten and Kelly, Michelle, "Identify Yourselves: Coalition Soldiers in Afghanistan are Endangering Aid Workers," *The Guardian*, February 1, 2002, p. 19.

humanitarian law. In every conflict, whatever the aims of the belligerents, humanitarian actors seek out the victims of violent actions. They try to ensure their protection by reporting the abuses they witness and by pressing the warring parties to uphold international humanitarian law, and they offer them assistance in the forms of food, shelter, and medicine.

When planes are hijacked and plunged into buildings in New York, and when Osama bin Laden declares that he considers all Americans to be military targets, the fundamental principles of international humanitarian law as codified in the Geneva Conventions are badly shaken. The terrorist actions of September 11 raise disturbing questions about how to combat an (ill-defined) enemy that has placed itself outside the prevailing normative framework governing warfare.

Yet, to deal with this challenge, the United States has chosen to give unmistakable signs that it is considering jettisoning international humanitarian law. The predominant rhetoric has been of policemen hunting down outlaws, and therefore enforcing criminal law, rather than of two enemies locked in battle and therefore mutually bound by the laws of warfare. The prevailing description of the conflict relates not only to the type of military operations and forces being employed (special forces, intelligence services, and so on), but also reflects claims to unambiguous moral supremacy. By defining its cause as just and vitally important, the U.S. believes it should fight this war unfettered by cumbersome international rules. The decision that the Geneva Conventions did not apply to al-Qaeda and Taliban combatants captured in Afghanistan was a clear indication of this thinking.<sup>6</sup>

This line of thought contains serious dangers. It is based on the false premise that forces acting in the name of the greater good cannot commit abuses. There is a precedent for this kind of thinking: in the Somalia intervention, forces operating under the UN banner refused to be bound by international humanitarian law, under the assumption that, because they were carrying out a peace-keeping mission in the name of the international community, they could by definition do no wrong. After UN forces bombed hospitals, humanitarian compounds, and civilians, much legal wrangling later reversed this stance, and peacekeeping forces henceforth agreed to be held to international standards. The same logic applies to the war in Afghanistan: instances like the U.S. bombing of ICRC warehouses in Kabul and the dropping of cluster bombs in populated areas (leaving behind a legacy of unexploded bomblets that indiscriminately hurt civilians) are violations of international humanitarian law and must be opposed, irrespective of the cause that is being pursued. In fact, compliance with international humanitarian law in no manner constitutes an obstacle to the struggle against terror and crime. For instance, international humanitarian law grants the detaining power the right to legally prosecute prisoners of war suspected of having committed war crimes or any other criminal offence prior to or during the hostilities. International humanitarian law does not

---

<sup>6</sup> The decision was later reversed for Taliban combatants.

prevent effective military action, but rather regulates it so as to minimize noncombatant suffering in a manner consistent with military necessity.

The questions about applying international humanitarian law to the war on terrorism also fit into a broader dynamic, which is the redefinition and classification of conflicts. Around the world, conflicts and their victims have been cast in a different light since September 11, with the loosely defined concept of terrorism as the dominant mode of interpretation. The result is that, in the name of fighting “terrorism,” violations of international humanitarian law are increasingly being condoned. The brutal war in Chechnya is a good example of this trend. Although political interests have long allowed the Russian government to escape meaningful sanction for its conduct in the war in Chechnya, the absence of public international scrutiny and concern since September 11 is particularly striking. Yet, labeling this conflict a war of “national liberation,” as the Chechens have done, or an “anti-terrorist operation,” as the Russian army does, doesn’t change the fundamental reality, which is the widespread suffering of Chechen civilians, who continue to be victimized by abusive military operations conducted by Russian forces.<sup>7</sup>

This shifting categorization of conflicts and their victims as worthy of attention and concern is an additional fundamental reason for independent humanitarian agencies to resist subordination to the anti-terrorism campaign. For its part, humanitarian action does not categorize: civilian victims continue to be just that, irrespective of the label that is affixed to the violence that causes their suffering.

### **Shifting Attention to Crisis Situations Worldwide**

The anti-terrorism campaign has led to a shift in attention to crisis situations worldwide, bestowing international relevance on certain local situations while relegating others to oblivion. This has not changed the priorities for independent humanitarian agencies committed to assisting victims on the basis of need alone, but it has changed the environment in which we operate. In particular, it has been very difficult to attract attention to the human cost of conflicts in regions peripheral to the anti-terrorism campaign.

In Angola for instance, the conflict between the government of Angola and UNITA thankfully appears to be coming to a close, following the death of Jonas Savimbi in February 2002. In the aftermath of a cease-fire agreement in April, hitherto inaccessible “gray zones” opened up to humanitarian agencies, revealing thousands of famished people who had endured years of isolation, abuse, and neglect. The government of Angola was, however, far from alarmed at the massive crisis affecting its citizens. Meanwhile, the international

---

<sup>7</sup> Médecins Sans Frontières/Doctors Without Borders, *Chechnya/Ingushetia: A Deliberate Strategy of Non-Assistance to People in Crisis* (Special Report, February 2002); available at [www.doctorswithoutborders.org/publications/reports/2002/chechnya\\_02-2002.shtml](http://www.doctorswithoutborders.org/publications/reports/2002/chechnya_02-2002.shtml).

community, which has for years backed the Angolan government in its ruthless battle against UNITA, was very slow in responding to this major emergency. As MSF mounted one of its largest nutritional interventions in years, we struggled to highlight the plight of Angolan people and to mobilize a broader response. Not one U.S.-based TV network sent a team to cover the story, while radio and press coverage was few and far between. Recent UN appeals for aid programs in Angola, as well as other neglected crises such as Sudan or West Africa have been woefully underfunded. Clearly, the resources and focus are elsewhere.

There has been much hopeful talk of a surge of public interest in international issues, particularly in the United States. Even in Washington, commentators have noted that engagement, even if it is in a self-interested and starkly unilateralist mode, has apparently been rekindled, as pledges to increase development aid spending would seem to indicate. However, despite proclamations of increased attention and funding, the level of commitment to social and economic problems remains crassly insufficient and pales in comparison with the push towards heightened military engagement and spending. Moreover, whatever momentum exists seems to be predicated upon the tenuous and unproven link between poverty, disease, and terrorism. This reveals a worrisome absence of critical reflection on political responsibility and underlines yet again the subordination of “humanitarian” concerns to the broader politico-military agenda.

## **Conclusion**

In defining the war on terror, President Bush drew the line clearly: “either you are with us, or you are with the terrorists.” “This is civilization’s fight,” he declared, “the fight of all who believe in progress and pluralism, tolerance, and freedom.”<sup>8</sup> Humanitarian organizations unambiguously reject terrorist attacks, condemning them as an illegitimate means of waging war and an all-out assault on the fundamental values and principles we hold so dear. Yet in the interest of victims of all violence, whatever the cause of that violence may be, humanitarian agencies must strongly resist attempts to be caught up in this “terrorism vs. anti-terrorism” view of the world.

Humanitarian agencies have much to beware in the new environment the anti-terrorism campaign has created. Above all, the selectivity that politicization engenders is a poor guide to the effective alleviation of suffering. As battle lines mutate in unforeseen ways, the imperative to reach out impartially to protect and assist victims of crisis and conflict is more critical than ever. This can only be accomplished by making a commitment to fundamental rules of warfare central to the anti-terrorism campaign, by not allowing the campaign to determine who and where the only “real” victims are, and by respecting the necessary independence of humanitarian action.

---

<sup>8</sup> George W. Bush, *Address to a Joint Session of Congress*, September 21, 2001. See “Transcript of President Bush’s Address,” *The Washington Post*, September 21, 2001, p. A24.