# The construction of the humanitarian worker as inviolate actor

by

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**Abstract**

"How is it that there is such a concern for the security of humanitarian workers?" A glance at the legal, policy, humanitarian, academic and business spheres reveals a widespread and strong commitment to the security of humanitarian workers. While it may appear obvious that these actors should not be victims of security incidents, upon scrutiny, the prominence of this notion – which I term the "norm of humanitarian security" – is surprising. Concern for the security of humanitarian workers is startling considering the enduring ambiguity of what or who humanitarian workers are, and the fact that these actors perform work that has, for years, faced serious critiques.

In view of this state of affairs, this dissertation asks: "how is it that humanitarian workers came to be perceived as inviolate actors?" I attend to this question by tracing a genealogy of the norm of humanitarian security. After outlining the emergence of the humanitarian worker as actor, I show how the norm of humanitarian security developed and gained prominence in the 1990s. I argue that this development was greatly informed by states' commitment to the delivery of humanitarian assistance to which the security of humanitarian workers was perceived as central. States' changing paradigm of engagement in humanitarian affairs in the post-2001 period contributed to the norm of humanitarian security becoming a stand-alone norm. This occasioned a shift in which violations of the norm went from being portrayed as problematic owing to their impact on the delivery of humanitarian assistance, to being perceived as problematic in and of themselves.

This research makes an important contribution to the literature on norms – by providing the first study of the norm of humanitarian security; the literature on humanitarianism – by shedding light on the evolution of the notion of humanitarian worker and showing the interplay between the evolution of the humanitarian sphere and the humanitarian worker; and to the literature on the security of humanitarian workers – by providing a historically situated account of its object of study.

## Preface

The dissertation is an original intellectual product of Elise Leclerc-Gagné.

Portions of the research and analysis presented in Chapters 3 and 4 were published in 2014. "The Changing Portrayal of Violations of the Norm of Humanitarian Security." *Canadian Humanitarian Conference 2013:* Discussion Papers: 35-55.

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Professor Holsti was the first member of the Ph.D. committee – on board even prior to knowing the nature of my research project. He has been my anchor throughout this Ph.D. program, providing me with much needed support and assistance from the time of my first class at UBC and through the dreaded comprehensive exams to the completion of this project. His passion for learning and commitment to clear communication have not only benefitted this research but will infuse my future endeavours.
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## Dedication

To my family

# Chapter 1

> *Inter arma silent leges* (Among arms, the laws fall mute) (attributed to Cicero)
>
> "Those suspected of carrying the attacks out [against NGO workers] or ordering them must be brought to justice and tried according to international human rights standards." - Sam Zarifi, Amnesty International's Asia-Pacific director following the killing of 6 NGO workers in Pakistan in 2010. (Amnesty International, 2010)
>
> "NATO forces swooped in by helicopter before dawn Saturday to rescue two female foreign aid workers and their two Afghan colleagues who were held by militants for nearly two weeks in a cave in northern Afghanistan. British Prime Minister David Cameron hailed the "breathtaking" operation […] after becoming increasingly concerned about the safety of the hostages." (Faiez, Rahim and Sebastian Abbot, 2012)

Statements such as Zarifi's are a common reaction to security incidents involving humanitarian workers, and the North Atlantic Treaty Organization (NATO) intervention referred to in the third quotation, albeit less common, was not the object of critique or objections by NATO countries, the media or humanitarian organizations. One can only wonder at the spectacular development that occurred from Cicero's conception of war where "law is quiet" to a time where the kidnapping of four aid workers is so disquieting as to justify the deployment of NATO forces for their rescue. It is worth noting that this rescue mission was not unique. For instance, in the fall of 2010, aid worker Linda Norgrove was kidnapped in Afghanistan's Kunar province. United States (US) forces responded to her abduction by carrying out numerous search missions, blocking potential escape routes for the kidnappers, dropping leaflets on villages offering rewards in exchange for information and finally, performing a rescue mission, that unfortunately resulted in Norgrove's death.[1] Interestingly, the only critiques that arose in relation to this case focussed on the manner in which the rescue mission was carried out and its outcome, but not on *whether* such operation was warranted.[2] How is it that there is such a concern about the security of humanitarian workers?

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[1] Kim Sengupta provides a clear account of these events. See Sengupta, Kim. 2010. "How the official story of Linda Norgrove's death unravelled." *The Independent*, October 12.

[2] For example, see the following articles on Linda Norgrove's rescue: Sugden, Joanna. 2010. "Linda Norgrove rescue – reaction and developments." *The Times*, October 11; Boone, Jon, Declan Walsh, Matthew Taylor and Severin Carrell. 2010. "'We were ready to negotiate for Linda Norgrove when rescue bid began' claim." *The Guardian*, October 12; Kirkup, James and Ben Farmer. 2010. "Linda Norgrove: US soldiers disciplined over failed rescue." *The Telegraph*, December 2.

While it may seem obvious that humanitarian workers should not be victimized, Cicero's phrase reminds us that there is nothing natural or inherent about this concern. In fact, the notion that humanitarian workers' security should not be violated constitutes a novel development. It became an issue of increasing concern for the international community in the last two decades, as evidenced by increased attention from the media, academics, humanitarians, the policy community, and business leaders. Amidst this evident interest in the security of humanitarian workers, the norm of humanitarian security itself – which expresses the notion that humanitarian workers' security should not be violated – has attracted little attention. As Koskenniemi contends, this focus on compliance "silently assumes that the political question – what the objectives are – has already been solved" (quoted in Kinsella 2011, 5). My research seeks to fill this gap by examining what made the norm's development and current strength possible. It asks: "How is it that humanitarian workers came to be perceived as inviolate actors?" I attend to this question by tracing the genealogy of the norm of humanitarian security.

This research project has two main concerns. First, it attends to the evolution of the humanitarian worker as actor: as will be shown in this work, who exactly gets to count as a member of this category is not at all obvious. This is an important endeavour because humanitarian workers constitute a feature of contemporary international life, whose existence is taken for granted. Also, the International Relations (IR) and humanitarian aid literature have paid limited attention to the origins, meaning and development of this actor. This genealogy traces the emergence and evolution of a humanitarian *actor*, distinct from the sole performance of humanitarian acts, which have been and remain carried out by a variety of actors – including religious organizations and private companies such as Wal-Mart. This exercise is not only important because it fills a gap in the abovementioned literatures but also because it provides the requisite foundation for the rest of the research. A convincing account of the construction of the humanitarian worker as inviolate actor entails an understanding of who this actor is. Second, through shedding light on an international norm that has so far attracted limited attention in the IR, humanitarian aid and humanitarian security literatures, this genealogy makes a valuable theoretical contribution. By introducing the IR literature with knowledge of a

“new” norm, this research contributes to a better understanding of the international normative environment and its evolution. This is significant considering how norms do not develop in a vacuum and how their emergence and evolution are affected by other norms. Also, through connecting developments in the norm of humanitarian security with developments in the humanitarian sphere (e.g. nature of states’ engagement in humanitarian affairs), this research provides the literature on humanitarian aid with a more complex understanding of its object of study. Moreover, it offers the literature on the security of humanitarian workers with a historically situated understanding of its premise: the humanitarian worker as inviolate actor.

Considering that my research on the norm of humanitarian security is the first to attend to this development, I have limited its scope in two ways. First, my research centres on the development of the norm of humanitarian security in situations of armed conflict. Second, my research mainly focuses on foreign humanitarian workers’ security. Attending to the development of the norm of humanitarian security in natural disasters, examining the development of the concern for the security of local humanitarian workers, and analyzing how the concern for the security of local humanitarian workers differs from and resembles concern for the security of foreign humanitarian workers constitute important avenues for future research.

The project’s two related dimensions– the development of the humanitarian worker as actor, and the construction and evolution of concern for the security of humanitarian workers – are reflected into the organization of this research; with the second chapter attending to the emergence and early development of the humanitarian worker and the third and fourth chapters mainly focussing on the norm of humanitarian security. While both dimensions are addressed in each chapter, their weight is unevenly distributed. This derives from this research’s needs and state of the literature.

In this chapter I will outline the research’s contribution, relevance and organization. I start by reviewing how concern for the security of humanitarian workers is expressed in international politics. Second, I highlight two reasons why widespread concern for the

security of humanitarian workers is puzzling. Third, I present the research's argument. Fourth, I briefly discuss the terminology used in the research. Fifth, I situate the project in the literature and underline its contribution. Sixth, I discuss the method, data used and organization of the research.

## 1.1. The security of humanitarian workers in international politics

Attention to the security of humanitarian workers is not only visible in the humanitarian sphere but also in the media, research community, the actions of states and in the business sector. Several salient features of the attention to these issues are worth flagging. First, owing to a lack of data on security incidents involving humanitarian workers prior to the mid-1990s, it is not possible to demonstrate empirically that security incidents garner more media attention or that they are now more comprehensively reported (as such exercise would require matching security incidents with news reports). Yet, researchers examining the security of humanitarian workers have noticed a growing coverage of security incidents by the media over time.[3] Interestingly, the media does not only attend to the security of humanitarian workers in the aftermath of a security incident but also as means to illustrate the danger of certain contexts. For instance, in his August 14th 2013 article in the *New York Times*, Nicholas Kulis presented *Médecins Sans Frontières* (MSF)'s withdrawal from Somalia as evidence of "the continued violence in the country despite recent steps toward stability."[4] It is worth noting that humanitarian organizations have supported and encouraged this media attention to the security of humanitarian workers. Recognizing the significant role played by the media in bringing attention to the security of humanitarian workers notably led a 2010 expert roundtable on the protection of humanitarian personnel to propose that "reporting that brings attention to the issue of the protection of humanitarian personnel could be recognized by a humanitarian journalism award" (Eggleston and McDougall 2010, 11).[5]

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[3] Christina Wille, the lead researcher at Insecurity Insight, emphatically validated this observation by saying: "there is absolutely no question about it." (Interview with the author, Geneva, 2012)

[4] Other examples are Lantos, Tom. 2003. "Secure Afghanistan Now." *The Washington Times*, June 9; Wente, Margaret. 2003. "In Iraq, the war gets dirtier." *The Globe and Mail*, October 28.

[5] As of 2013, this award has not been created. This instance nevertheless highlights the perceived power of the media in raising awareness and attention to this issue. This prospective award also points to journalistic

Second, while it was scarcely mentioned three decades ago, the security of humanitarian workers has become the object of a lively field of study with research documenting trends and patterns of victimization (Stoddard, Harmer and DiDomenico 2009; Humanitarian Outcomes 2011; Humanitarian Outcomes 2012; Insecurity Insight, n.d.). Supported by the emergence of a number of think tanks and research initiatives, this body of literature has quickly grown in terms of sophistication.[6] In order to better understand the source of humanitarian workers' vulnerability, authors first distinguished between security and safety incidents – the former referring to acts of violence and the latter to accidents and illnesses (Martin 1999, 4; Sheik et al. 2000; Rowley et al. 2008). They then examined the different types of security threats facing humanitarian workers (e.g. suicide attack, carjacking), the location of security incidents (urban v. rural areas), the varying degree of vulnerability experienced by different organizations (United Nations (UN), International Committee of the Red Cross (ICRC) or non-governmental organization (NGO)), and staff (male and female; foreign and national) (Fontaine 2004, 170-171; Stoddard, Harmer and DiDomenico 2009; OCHA 2011, 11-12; Wille and Fast 2011; Humanitarian Outcomes 2012a; Wille and Fast 2013a). Building on this mapping exercise, a multiplicity of factors – ranging from the "Western face" of humanitarianism, to the proliferation of small arms, to the increasing number of workers deployed in dangerous settings[7] to the politicization and militarization of aid – were identified as increasing the vulnerability of humanitarian workers to violence (Comtesse 1997; Van Brabant 1998; UN 2003, 19; Olson 2006; Stoddard, Harmer and DiDomenico 2009, 6; Micheletti 2010; Kratenbuhl 2011). Authors also identified considerations including operationality, integration into the local community and involvement with both sides of the conflict to explain the different degree of insecurity experienced by humanitarian organizations (Fast 2007). Complementing

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awards' impact on the content of media reports as they provide media professionals with frames through which to analyze situations and with incentives to focus on certain issues. For example, the United Nations Correspondents Association (UNCA) grants awards to media professionals covering the United Nations. Prizes up to $10,000 per category accompany these awards (UNCA 2013).

[6] For instance, important contributors to this field have emerged in the last 15 years: the Overseas Development Institute was created in 1999, Security Management Initiative in 2004, Humanitarian Outcomes in 2005 and Insecurity Insight in 2008. Research programs examining the issue of the security of humanitarian workers were also founded during the same period, including at Tufts University in 1997.

[7] As an illustration of this increasing organizational density of INGOs operating in dangeous environments, Cooley and Ron write: "In 1980, for example, there were 37 foreign relief agencies in a major Cambodian refugee camp along the Thai border. By 1995, more than 200 INGOs were present in Goma; and in 1996, 240 INGOs were active in Bosnia,12 requiring some thirty coordination meetings per week" (2002, 10).

these general findings, some researchers also explicated conflict-specific patterns of victimization.[8] A clearer picture of the insecurity of humanitarian workers has thus emerged over the last two decades and has provided humanitarian organizations and policymakers with a source of invaluable information.

Third, starting in the late 1990s, humanitarian organizations developed a greater awareness of risk to their personnel and have become more engaged in reflecting on and bringing necessary changes to their approaches to security and risk management.[9] Although humanitarian organizations have changed their security practices by differing degrees, a concern for security matters now permeates the humanitarian sphere (Kemp and Merkelbach 2011, 10-15; OCHA 2011, 43).[10] Complementing intra-organization initiatives, increasing inter-agency cooperation and programmes, notably pertaining to information and training have been established. Such programmes have been set up both in the field in challenging environments and at an administrative level. Examples of such initiatives are the UN Security Management System (or UNSMS), the Inter-Agency Security Management Network (or IASMN), the European Interagency Security Forum (EISF), the InterAction's Security Advisory Group, the Afghanistan NGO Safety Office (ANSO) and the United Nations Department of Safety & Security's (UNDSS) program *Saving Lives Together*.

Fourth, governments have also paid attention to and expressed concern about the security of humanitarian workers. Starting in the 1990s, the UN adopted scores of resolutions drawing attention to the security of humanitarian workers.[11] The adoption of the UN Convention on the Safety of UN and Associated Personnel in 1994 and of its Optional

[8] For instance, Ferreiro shows how while in Afghanistan, major security incidents were correlated with proxies for the political and military intervention (and thus providing some support for the hypothesis that security incidents are a function of the militarization and politicization of aid), the size of the humanitarian enterprise better explains the occurrence of security incidents in Sudan (2012).
[9] Interview with humanitarian expert Christina Wille, Geneva, 2012.
[10] This is not to say that security issues were never discussed within humanitarian organizations prior to the end of the Cold War, but when such reflection occurred, it was sporadic and did not lead to widespread operational or organizational change (e.g. see ICRC 1942).
[11] Examples of UN documents expressing concern for the security of humanitarian workers are: UN Security Council resolutions 819 (1993), 913 (1994) 1019 (1995), 1502 (2003) and 1674 (2009), UN General Assembly resolutions 46/242 (1992), 49/196 (1995) and 57/155(2002), UNGA 58/122 (2003).

Protocol in 2005 also speaks to governments' commitment to the security of humanitarian workers.[12] Moreover, some governments have inaugurated monuments honouring humanitarian workers and their sacrifice. One such monument, entitled *Reflection*, is located in Rideau Falls Park in Ottawa. An international day of commemoration – World Humanitarian Day – has also been designated by the General Assembly "in honour of aid workers, who have lost their lives in the line of duty" (UN n.d.d.). It is celebrated on August 19th, the date of an attack on the UN headquarters in Baghdad in 2003.[13]

Fifth, picking up on the widespread attention to the security of humanitarian workers, the business community has started developing security-related goods and services intended for humanitarian organizations (Smillie and Minear 2004, 8). Companies justify the value of their products by referring to past security incidents involving humanitarian workers. They have produced goods tailored for humanitarian workers, such as concealable body armour that allows them to retain a "non-confrontational, non-authoritative and peaceful" appearance, and "smart bracelets" to prevent the kidnapping and killing of aid workers (PPSS Group 2012; PFO Technologies 2013). These developments reflect and respond to observed trends of concern for the security of humanitarian workers (DuPont 2012).[14]

## 1.2. Surprising concern for the security of humanitarian workers

In light of the amount of attention it generates, the norm of humanitarian security thus represents a noteworthy development in international affairs. This development is also

[12] The UN Convention is examined in Chapter 3.
[13] This incident and World Humanitarian Day are examined in Chapter 4.
[14] The following statements from DuPont's website further illustrate how business interests did not spur concerns about the security of humanitarian workers, but instead resulted from these new concerns: "Aegis, the designer and manufacturer of specialist body amour, has designed a vest specifically to meet the needs of the humanitarian sector. Due to the vest's adaptability, it is increasingly popular among many UN agencies and is quickly becoming a vest of choice for the humanitarian sector. […]Steve Pope, Business Development Manager at Aegis, explains: "Many agencies in the humanitarian sector have commissioned Aegis to provide vests for their staff by developing an armour solution that was durable enough to be used across all operational theatres, whilst maintaining the flexibility to address future requirements. The development programme covered all three aspects of body armour design: soft armour, hard armour and outer carrier design. The results of the development programme were stunning, bringing the cutting edge of personal protection within the humanitarian sector and reiterating to their staff how valued they are." (DuPont 2012)

interesting to attend to because not all civilian actors' security has garnered the same degree of attention. For instance, in the 1990s, there was a notable difference in concern for the security of humanitarian workers and that of media professionals. The uniqueness of the concern for the security of humanitarian workers during that period is illustrated in the Rome Statute of the International Criminal Court, adopted in 1998. Article 8, clauses 2 b iii and e iii – the former applying to situations of international armed conflicts and the latter to armed conflicts not of an international character – prohibit attacks against "personnel, installations, material, units or vehicles involved in a humanitarian assistance […] mission."[15] The presence of these clauses is noteworthy because first, they are the only clauses that single out some actors from the broader category of civilians.[16] Second, these clauses directly follow two clauses presenting the general prohibition of attacks against civilians and civilian objects thus clearly highlighting the protected status of these civilian actors. Third, from a legal perspective, clauses 2 b iii and e iii do not actually give additional legal protection to humanitarian workers involved in humanitarian assistance as they already benefit from the protection endowed to civilians. These clauses simply have a declaratory function, which Cottier argues is meant to emphasize the "exceptional seriousness" of the crime (Cottier 2008, 330). The perception that attacks against humanitarian workers constitute a particularly grave crime was also asserted on many occasions by participants at the conference of the State Parties (UN 1998).[17] The particularity of the treatment of humanitarian workers is further highlighted in the ICC review conference rejecting Reporters Without Borders' amendment project that aimed to single out the prohibition of attacks on the press in a clause (Balguy-Gallois 2010, 103).

[15] The clauses read as follow: "Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict" (ICC 1998).

[16] While clauses 2 b xxvi and e vii focus on children under 15, they do not reiterate the general prohibition of attacks against civilians and civilian objects but rather addresses an issue peculiar to this group, specifically their conscription, enlistment or use in hostilities.

[17] For instance, Mr. Ibrahim from Nigeria argued for the inclusion of these crimes on the ground that they "were of as much concern to the international community as the four core crimes [genocide, crimes against humanity, war crimes and the crime of aggression]". Mr. Zamir from Bangladesh claimed that "the Conference offered a rare opportunity for the international community to put in place a system of justice to redress unspeakable crimes. […] Attacks on humanitarian workers and international peacekeeping personnel should be included within the jurisdiction of the Court" (UN 1998). This last declaration points to an oft-repeated feature of the ICC, which specifies it should: "deal with *only the most serious crimes* of concern for the international community" (UN 1998 (emphasis added by the author)).

These different levels of consideration in the 1990s is surprising because these categories of actors were experiencing similar levels of victimization.[18] For instance, while the Aid Worker Security Database records 164 humanitarian workers killed between 1997 and 2000, the Committee to Protect Journalists documents 170 media professionals' casualties during the same period (CPJ 2012; Humanitarian Outcomes 2012).[19] Also, humanitarian workers and media professionals are valuable and interesting to compare considering that first, these actors work in similar environments and thus face similar types of risks; second, both categories of actors aim, albeit through different means and among other motives, to improve the living conditions of populations living in challenging environments,[20] and third, the relationship of humanitarian workers and media professionals is often depicted as one of co-dependence (Kalshoven and van Reesema 1989, 203; Lindijer 1989, 83-4; Moreels 1989, 45; Terry 2002, 230; Micheletti 2010, 6; Barnett and Weiss 2011, 18; 73-4).[21]

Moreover, the norm of humanitarian security constitutes a fascinating development to examine because humanitarian workers constitute a category of actor that remains underspecified and that performs work that has for many years faced powerful critique.[22]

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[18] I further develop this difference in concern for the security of humanitarian workers and media professionals in the 1990s in Chapter 3.

[19] I use the period 1997-2000 to compare these actors' levels of victimization because 1997 constitute the first year about which the Aid Worker Security Database has data.

[20] For instance, the Santa Cruz massacre of November 12 1991 spurred international outcry, grass-roots activism and diplomatic initiatives because it was filmed by foreign journalists (Kennedy 2004, 86). In his comprehensive study of civilian immunity, Bellamy also shows how access to reliable information constitutes a key factor affecting external reactions to mass atrocities (Bellamy 2012). Also, the 1994 Development Assistance Committee (DAC) Chairman Report highlights the media effect on humanitariran aid. It reads: "The spread of television and reporting by satellite have made it possible to provide audiences in industrial countries with graphic images of large-scale human misery. This has raised the awareness of western audiences to disasters situations and increased public donations to relief efforts. At the same time it has influenced the approach to disasters, sometimes promoting expensive gestures which relieve the sufferings of a few individuals but divert attention from the difficult political and technical work needed to relieve the situation as a whole." (quoted in Minear, Scott and Weiss 1996, 7)

[21] De Waal even describes journalists as being part of the "humanitarian international" (De Waal 1997, xv). In their study of media and humanitarian action, Minear, Scott and Weiss characterize the relationship between the news media and humanitarian action as "un undeniable mutuality of influence: The news media influence the pace, scale, locus, and duration of action mounted by humanitarian actors. Conversely, those actors alert the media to breaking stories, provide them with first-hand accounts of what is taking place, and even arrange access for journalists to otherwise unreachable destinations and overnight food and accommodations in war zones" (1996, 45).

[22] While I mainly focus on the case of media professionals, some researchers also documented how the security of humanitarian workers garners more attention than the security of medical workers (Rubinstein

All things being equal, one would expect these issues to weaken the special level of concern for humanitarian workers' security. To highlight this puzzle, I briefly present these two elements.

Humanitarian workers constitute an ambiguous category of actors for which there is no agreed-upon definition. This is not surprising considering that the term "humanitarian" itself is very vague (Minear and Weiss 1995, 18-21; Donini 2010, 220-225).[23] Commitment to alleviating human suffering is often seen as the nucleus of humanitarianism (Hoffman and Weiss 2006, 2; Donini 2010, 220-21). Even in its judgement in Nicaragua v. the United States, which required attending to the meaning and scope of humanitarian action, the International Court of Justice (ICJ) failed to provide a clear definition. Rather, the ICJ relied on the Red Cross as a benchmark and its judgement reads:

> In the view of the Court, if the provision of "humanitarian assistance" is to escape condemnation as an intervention in the internal affairs of Nicaragua, not only must it be limited to the purposes hallowed in the practice of the Red Cross, namely "to prevent and alleviate human suffering", and "to protect life and health and to ensure respect for the human being"; it must also, and above all, be given without discrimination to all in need in Nicaragua, not merely to the contras and their dependents (ICJ 1986, 125).[24]

The ICRC principles of independence, impartiality, neutrality and humanity are often used and treated as forming the basic standards of humanitarian action. Yet, their definition and applicability to "new wars" has been the object of discussions over the years (Weiss and Hoffman 2006, 82). Also, adding to this already confusing state of affairs, humanitarian organizations come in a variety of size and type: from highly institutionalized with multi-million dollar budgets and working in numerous

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and Biddle 2010, 329). Yet, this situation may change with the recent ICRC project "Health Care in Danger" (which draws attention to access to health care) (ICRC 2014) and with the attention to this issue brought by the conflict in Syria (e.g. see Cumming-Bruce, Nick. 2013. "U.N. Reports Syria Uses Hospital Attacks as a 'Weapon of War'." *The New York Times*, September 13.)

[23] The extreme ambiguousness of the term "humanitarian" does not only constitute an academic problem but also one with important "practical" implications. For instance, in their study of Afghanistan, Benelli et al. lamented this ambiguity owing to its impact on the ability to assess the situation and its evolution. "Assessing and quantifying debilitating factors is hampered by a number of issues, including the paucity and unreliability of data and the lack of conceptual clarity on "what is humanitarian" – an eminently variable notion and one that has, over the years, been subjected to political manipulation"(Benelli et al. 2012, 5).

[24] The legal sphere treats the Nicaragua case as providing the benchmark definition of humanitarian action (Interview with Law Professor Marco Sassòli, Geneva, 2012).

simultaneous crises to "mom and pop" organizations dedicated to one particular crisis (Minear and Weiss 1995, 157; Minear 2002, 80; Ferris 2005, 319). A multiplicity of definitions and criteria also populate the humanitarian field with some authors including, and others excluding – generally without much explanation – organizations that are faith-based, involved in development work, not intervening during armed conflicts, intervening in their own country, UN agencies, or not abiding by the humanitarian principles. Adding to the vagueness created by this definitional proliferation, news reports and academic and policy documents often fail to define whom they treat as humanitarian workers (Inter-Agency Standing Committee 2002; Smilie and Minear 2004, 192; Mackintosh 2007, 125-6; Humanitarian Outcomes 2010; Barnett 2011; Barnett and Weiss 2011, 10-11; Humanitarian Outcomes 2011). The label "humanitarian worker" is also assigned to a variety of actors. For example, management consulting firm J.E. Austin Associates's contractor Warren Weinstein who was abducted in Pakistan in 2011 is constantly referred to in the news media as being an "aid worker."[25] Also, in his compilation of aid worker deaths, Dennis King listed a policeman and mine-clearing experts as "humanitarian aid workers" (Dennis 2002). Saying that the definition of humanitarian worker is equivocal would be an understatement.

The level of concern about the security of humanitarian workers is also surprising in light of the numerous critiques levelled against aid work.[26] One such criticism is the almost

[25] For example, see 2012. Abbot, Sebastian. 2012. "Warren Weinstein, American Kidnapped in Pakistan, Asks for Israel for Help." *Huffington Post*, September 12; 2013. "Warren Weinstein: Family of US hostage plead for return." *BBC*, August 22. Another example of confusion can be found in a 2003 article in the NY Times on Afghanistan which reads, "In the fourth reported attack on Afghan government employees *or aid workers* in two days" (emphasis added). Rohde, David. 2003. "9 Afghan Police Officer are Killed in Attack by Insurgents." *New York Times*, August 20.

[26] Even if not specific to humanitarian work, Kennedy's *The Dark Sides of Virtue* provides a critical view of humanitarian endeavours. The book examines humanitarian endeavour in a broad sense "to refer very generally to people who aspire to make the world more just, to the projects they have launched over the past century in pursuit of that goal, and to the professional vocabularies which have sprung up to defend and elaborate these projects" (Kennedy 2004, 236). Also, since the 1970s, the humanitarian domain has been criticized for sometimes producing harmful effects on host populations (Cooley and Ron 2002; Menkhaus 2010, 322-323). Among the main criticisms are accusations that humanitarian aid creates dependency of recipients on donors and feeds into and exacerbates conflicts. Minear explains the latter by writing: "through providing resources that are diverted to military purposes or through freeing up local assets that are then committed to military uses. External aid can strengthen the hand of economic actors with criminal agendas or with vested interests in sustaining a particular conflict. Protection of humanitarian operations purchased locally can fuel a conflict and lend an imprimatur to violence as means of social problem solving. Outside aid may fan tensions between beneficiaries and nearby local communities that are

complete lack of accountability of humanitarian work, which largely stems from the lack of professional standards in this industry. Not only can almost anyone can fashion him or herself a humanitarian worker but there is no formal accreditation mechanism for humanitarian organizations (Smillie and Minear 2004, 8; Donini 2004, 40; DeChaine 2005, 55).[27] Humanitarian workers' self-anointment has been much criticized, often because producing disastrous effects on beneficiary populations. For instance, Polman describes one MONGO (My Own NGO) composed of American medical students, who carried out, in a Liberian refugee camp, procedures they were not licensed to perform in the United States (2011, 48-94).[28] Although some noteworthy best practices and codes of conduct have developed in recent years (e.g. Humanitarian Accountability Partnership, 2012; ALNAP 2012), they remain self-regulated and voluntary, and their application greatly vary (Terry 2002, 19).[29] Also, only a limited number of humanitarian

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often excluded form emergency help" (2002, 157). Kenyon Lischer studied the conditions under which humanitarian assistance to refugees can exacerbate conflict and argues that the initial level of politicization or political cohesion of the refugee group and the state response to the crisis are central elements in explaining conflict (2003). Terry also analysed how humanitarian aid contributes to the war economy. She draws attention to the need to distinguish between types of contributions (ranging from legal, gray areas and illegal) and the level on which they occur namely macro, meso and micro (2002, 35). Anderson's *Do No Harm* is a must-read on the impact of aid of conflict (1999). Humanitarian aid has also been critiqued for disrupting social and economic arrangements and its approach to famine to have "politically regressive implications" (De Waal 1997; Anderson 1998, 137-142; Minear 2002, 197; Büscher and Vlassenroot 2010; Human Rights First n.d.). Still, these critiques brought about limited change in the humanitarian sphere. De Waal famously qualified the international humanitarian system as having an "extraordinary capacity to absorb criticism, not reform itself, and yet emerge strengthened" (quoted in Hoffman and Weiss 2006, 198). Kennedy also documented the lack of pragmatic assessment of costs and benefits of humanitarian endeavours (2004).

[27] A security expert captured this situation by saying: "Humanitarianism is akin to psychology in the 1910s and 1920s. There are some people doing it (Jung, Freud) but it is not an academic discipline. It is not a certified profession with standards you have to abide by, exams you have to pass, etc. It does not have an international or national board saying "these are the rules of the game, if you qualify with these requirements, then you are part of the club, if not, you get sanctioned and you get kicked out." That's what medical, bar exams are for. All sorts of professions have that. This one doesn't. Anybody who wakes up and wants to join an organization can do so. There are no requirements apart from the recruitment process and it is most often defined by the urgent needs for staff, not competence. […] You cannot wake up one morning and say, I am going to help people with cancer, I am going to be a nurse, walking to a hospital and starting injecting people. You don't do that. It's not acceptable. You want to be a nurse, great. You go to nursing schools, you pass exams, then you are certified…and then you are a nurse. In this business, you can get up, join and go, and you can collect a million dollars here in the street and go run a hospital in the DRC. What is going on?". (Interview with the author, Geneva, 2012)

[28] She also describes the case of a retired health administrator from Kansas who performed operation diagnostic in Sierra Leone (Polman 2011, 48-94).

[29] They have themselves been the object of criticisms in their own right (Hoffman and Weiss 2006). For instance, Terry writes: "The first and most serious shortcoming of the Sphere and Ombudsman projects is that they do not address the problems they claim to address; rather, they obscure the real problems and their sources. […] The Sphere guidelines do not refer to the legal or physical protection of civilians, but

organizations are part of such initiatives. As an illustration, as of November 2013, the Humanitarian Accountability Partnership-International, which aimed at improving accountability to beneficiaries, only had 70 NGOs as full members. This constitutes a minuscule fraction of the number of operational NGOs in the humanitarian sphere, which Stoddard estimated, in 2003, to range between 3,000 and 4,000 in the Western world alone (2003, 1). Training courses for humanitarian workers have also proliferated; but in the absence of accreditation mechanism and body, these have not yet significantly affected the dynamics of the humanitarian sphere.[30] Also, the prohibitive costs and location of these training initiatives make them out of reach for the majority of humanitarian workers (mostly national staff).[31]

## 1.3. Argument

This project is divided into three parts, each illuminating an important dimension of the development of the norm of humanitarian security and of the humanitarian worker. Chapter 2 traces the origins and early development of the humanitarian worker. I argue that the humanitarian worker as a distinct category of actor officially entered the international scene in 1899, through its first mention in an international document, the 1899 Hague Convention. This recognition of a new category of actor stemmed from

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misleadingly equate the right to a certain level of technical assistance with protection. […] But pretending that the fulfilment of biological needs is a form of protection is dangerous. In Liberia and Somalia, combatants forcibly seized relief item from civilians after distribution; in the Democratic Republic of Congo, rebel forces followed aid vehicles at a distance and slaughtered refugees who emerged from hiding to receive aid. […] [T]he idea that the quality of humanitarian space can be measured in technical terms neglects crucial issues such as the conditions of access negotiated with combatants and the relationship between combatants and civilians in areas where aid agencies are working. The achievement of technical standards risks becoming an objective in itself. Sphere ignores the importance of evaluating the overall impact of aid: technical standards may be perfectly achieved, but they are counterproductive if they work against rather than for the victims. […] Moreover, Sphere, the codes of conduct, and the Ombudsman Project hand over means of control to the very powers from which aid agencies should strive for independence. Many donor governments have made adherence to these initiatives a prerequisite for funding. In the current climate, where the UN and donors increasingly bind humanitarian aid to peace and other political processes, it is not unreasonable to envisage the use of these standards as a way to marginalize aid organizations whose views do not conform to the prevailing discourse." (2002, 51- 3)

[30] As an illustration, the first Canadian conference on humanitarian action that took place in Ottawa in October 2013 witnessed much discussion on these issues. Among the accreditation initiatives discussed were the Steering Committee for Humanitarian Response Project and the Humanitarian Passport Initiative. Neither projects is operational yet.

[31] I further discuss these limitations in Chapter 5.

concern for the treatment and care of prisoners of war (POWs). I examine humanitarian workers' first steps during the Great War and show how they were not perceived as belonging to a common category of actor. Owing to the independent, disjointed and nationalist character of humanitarian action during World War I (WWI), these actors' identity was rather closely associated with that of their organization and/or state, thus preventing the emergence of the norm of humanitarian security in these early years.

Chapter 3 examines the emergence and development of the norm of humanitarian security, which I situate at the end of the Cold War. This chapter covers the 1990s until the beginning of the War on Terror in 2001. I argue that the development of the norm of humanitarian security in the 1990s resulted from the convergence of three elements: (1) the growing recognition of humanitarian workers as forming a category of actor; (2) the increasing number of security incidents involving humanitarian workers; and (3) the international community's commitment to the norm of humanitarian assistance. I argue that the rapid growth of the norm of humanitarian security in the 1990s mainly derived from its perception as a *sine qua non* for the realization of the norm of humanitarian assistance. The centrality of this commitment to humanitarian assistance stemmed from decades of normative evolution and from states' use of delivery of humanitarian assistance as substitute for political action. As a result, throughout the 1990s, the norm of humanitarian security was mainly expressed through a consequentialist discourse where its violation was presented as problematic owing to its impact on the delivery of humanitarian assistance. Humanitarian workers were perceived as a *category* of actors and concern for their security was spurred by the nature and perception of their *role*. I examine the discourse on the norm of humanitarian security in the context of the war in Bosnia and Herzegovina. I complement this analysis by briefly attending to the norm's treatment in the Rome Statute of the International Criminal Court.

Chapter 4 examines the norm of humanitarian security in the context of the War on Terror. This period saw a strengthening of the norm of humanitarian security. Violations of the norm came to be perceived and depicted as wrong in and of themselves rather than due to their impact on aid programs. Reactions to security incidents also came to be

expressed through the prism of personal tragedy with increasing attention to the personal story of victimized humanitarian workers. I contend that a virtue ethics discourse came to replace the consequentialist discourse as means of expression of the norm of humanitarian security. I examine these dynamics in the context of another defining moment for the security of humanitarian workers: the bombing of the Canal Hotel in Baghdad in 2003 and one of its outcomes: World Humanitarian Day. I argue that this change in the norm of humanitarian security owed much to states' changing paradigm of engagement in humanitarian affairs. While during the 1990s states provided humanitarian assistance as a substitute for decisive political action, they increasingly came to incorporate humanitarian action as part of their political and military strategies in the 2000s. This paradigmatic change, often crudely referred to as the growing politicization and militarization of humanitarian action, had the effect of gradually eclipsing the norm of humanitarian assistance. Moreover, I argue that three developments contributed to present security incidents through the prism of personal tragedy: (1) the post-9/11 culture of commemoration and the narrative of the War on Terror; (2) developments in media and technology which made security incidents more sensory experiences; and (3) the increasing familiarity of publics with humanitarian workers as individuals deriving from their use of new media.

I contend that the norm of humanitarian security constitutes a strong international norm. I argue it is an international norm because the international community at large, rather than only a small group of countries shares it.[32] Having the United Nations General Assembly

[32] It is worth noting that the numerous instances of violations of the norm of humanitarian security in the Middle East and South-East Asia documented in Chapter 4 do not indicate a wholesale rejection of the norm in these regions. For instance, the case of Margaret Hassan, which I discuss in Chapter 4, highlights how reactions of outrage and condemnations to security incidents involving humanitarian workers are not limited to the West. Reactions to Hassan's abduction also took place in Iraq where she worked. Following the release of the video of her alleged killing, numerous journalists reported on the reactions generated since Hassan's abduction. For instance, a CNN article reads:
After she was taken hostage on October 19, protesters gathered outside CARE's Baghdad headquarters, carrying pictures of her and banners which called for the release of "Mama Margaret." Nasrat al-Asadi, a teacher at an Iraqi school for the deaf, brought about 30 pupils to the demonstration and told the UK's Press Association: "They all love her. She helped them with hearing aids besides reconstructing the institute." Hassan's abduction resulted in a wave of sympathy across the Islamic world, with many Web sites filled with messages deploring her kidnapping. (2004. "Tributes to Iraq's mama Margaret." November 17)

– the representative body of the organization – adopting scores of resolutions, a Convention and its Optional Protocol enshrining this norm is evidence of the widespread nature of the commitment to the norm of humanitarian security. Also, states plenipotentiaries representing the many regions of the world expressed their commitment to the security of humanitarian workers at the occasion of the Rome Conference. In the words of the Norwegian plenipotentiary, attacks against humanitarian personnel "indubitably touch the international community" (UN 1998).[33] Also, I contend that the norm of humanitarian security is a strong norm. There is no standard list of criteria to precisely determine the strength of the norm. Rather, a norm's strength runs along a continuum; at one end, there are very strong norms that are not violated; at the other end, there are weak norms that are systematically violated and for which violations do not spur much reaction. Thus, both behaviour and reactions to violations can be indicative of norm strength. The norm of humanitarian security does not stand at either end of the continuum. Rather, it is weaker than norms that are not violated but stronger than those which violation does not spur reactions and condemnations. Considering the considerable data limitations on security incidents involving humanitarian workers, which I discuss in Chapter 3, it is often not possible to ascertain why the norm of humanitarian security is violated. The sheer increase in the number of humanitarian workers acting worldwide and their involvement in increasingly risky environments rather than a disregard for the norm may be the reason for any apparent rise in violations of the norm. That is, the relative percentage of total humanitarian workers who are harmed at present might be no greater than previous eras but simply a function of increased numbers exposed to harm. Also, drawing on the civil war literature, Narang and Stanton explain security incidents in Afghanistan as a strategic response of armed groups for controlling civilian populations (2013). This shows how security incidents involving humanitarian workers do not happen incidentally (because of a lack of awareness of a norm) but rather take place because they serve a strategic purpose. This can only occur to the extent the norm is salient. Only using behaviour as a proxy for the strength of the norm of humanitarian security would not be

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This does not mean that the degree of adherence to the norm is uniform throughout the world. Still, despite potential disparity in terms of adherence, the norm of humanitarian security can legitimately be seen as being internationally shared.

[33] The original reads "touchent indubitablement la communauté internationale" (UN 1998). The translation was made by the present author.

satisfactory. As a result, I mainly focus on reactions to the norm violation as means to assess and illustrate the norm's strength over time. As the following chapters show, since the 1990s, security incidents involving humanitarian workers have prompted strong reactions of condemnation and critique, thereby substantiating the claim that the norm of humanitarian security is a strong norm.

### *1.3.1. Alternative explanations and responses to main critiques*

In Chapter 3, I discuss two alternative explanations specific to the emergence of the norm of humanitarian security in the 1990s: (1) ascribing the growing concern for the security of humanitarian workers to an increasing number of security incidents involving humanitarian workers; (2) ascribing the growing concern for the security of humanitarian workers to an overall increasing concern for all the actors (e.g. peacekeepers) and institutions (e.g. international tribunals) involved in attending to the plight of civilian populations. Here I briefly attend to an overall critique of this research project, namely that the norm of humanitarian security does not constitute a significant development in international affairs. Despite the fact that the security of humanitarian workers has attracted a lot of academic and policy attention, led to the investment of resources in the security of humanitarian workers and the adoption of an array of legal documents condemning security incidents, critics may claim that the norm of humanitarian security is "just talk" and does not affect behaviour. Additionally, considering that humanitarian workers are regularly victims of security incidents, critics may argue that my claim to the presence of a strong norm of humanitarian security is unconvincing.

In response to the latter point, a norm violation does not negate a norm existence and/or its significance. Academics and policy makers pay attention to *reactions to* norm violations (Price 2004; Percy 2007a, 373-391; Percy 2007b, 35-37).[34] If a norm violation does not spur condemnation and/or critique, one can indeed claim that the norm has

[34] The case of Syria and its chemical weapons is illustrative in that regard. See Price, Richard. 2013. "No Strike, No Problem: The Right Way to Reinforce the Taboo on Chemical Weapons." *Foreign Affairs*, September 5; Price, Richard. 2013. "How Chemical Weapons Became Taboo." *Foreign Affairs*, January 22.

minimal strength and acceptance. Yet, violations of the norm of humanitarian security are met with strong critiques and condemnations. For instance, as I discuss in Chapter 4, the bombing of the Canal Hotel in Baghdad in 2003 led to the recognition of an international day – World Humanitarian Day – to honour humanitarian workers and their sacrifice. Also, the undertaking of rescue missions to free abducted humanitarian workers evidences both how a norm violation does not disprove the presence of a norm and how the norm of humanitarian security shapes behaviour. The case of Linda Norgrove previously discussed illustrates this point. US efforts required significant investment in terms of time, money and troops. Also, the failed rescue mission prompted an investigation of the incident and led some soldiers being disciplined. Aware of the costs of US involvement, it is very unlikely the US government would have approved such actions in the absence of a strong norm of humanitarian security. It is also worth noting that Norgrove was not an American citizen, rather a UK citizen, thereby invalidating the claim that her rescue was simply a case of the rescue of nationals abroad.

## 1.4. Terminology

The norm of humanitarian security captures the notion that humanitarian workers' security should not be violated. Building on Katzenstein's foundational work, I use the concept of a norm "to describe collective expectations for the proper behavior of actors with a given identity" (1996a, 5). I have termed the norm of interest "norm of humanitarian *security*" as a way of signalling that it is concerned with more than the *protection* of humanitarian workers.[35] Protection is a legal concept that the ICRC explains as aiming "to ensure that authorities and other actors respect their obligations and the rights of individuals in order to preserve the safety, physical integrity and dignity of those affected by armed conflict and other situations of violence" (ICRC 2008, 752). International humanitarian law recognizes certain categories of actors as "protected persons" (e.g. prisoners of war in the 1949 Geneva Convention III; civilians on enemy territory in the 1949 Geneva Convention IV) to which protection activities can be

[35] I thank Dr. Robin Coupland for bringing to my attention the importance of this distinction.

extended to and cover.[36] Although humanitarian workers are protected persons in international law, the abovementioned concern for their safety and well-being extends beyond solely their legal protection. Moreover, while this research attends to the legal status of humanitarian workers and to their legal protection, its focus is not limited to the legal domain. Hence, capturing the entirety of this concern requires adopting a broader term: security. This phrase was also selected because it follows the terminology already used in the literature and in common parlance. Consistency and clarity are important for fostering dialogue in the field, and for engaging with humanitarian organizations and the policy world (Martin 1999, 4; Fast 2007, 138; Humanitarian Outcomes 2012).

While it may appear weighty, I prefer the term security incident to the term attack, because it is a broader concept and thus more apt to capture different types of vulnerabilities experienced by humanitarian workers. For instance, it can encompass situations where humanitarian workers are victimized incidentally (e.g. a bomb exploding in a market where humanitarian workers were present), as well as instances where it is unclear whether or not humanitarian workers were intentionally targeted. Moreover, the term security incident is used by humanitarian workers and by both databases reporting on the security of humanitarian workers: the Aid Worker Security Database (AWSD) and Insecurity Insight (e.g. Olson 1999, 84, 89, 97).[37] As I will make use of the AWSD's data, employing the same terminology is useful. The Aid Worker Security Database defines "major incidents" as "killings, kidnappings, and armed attacks that result in serious injury." (Humanitarian Outcomes 2012) I adopt the AWSD's definition because the database provides more detailed data than Insecurity Insight's and allows the user to select search criteria such as year, country, feature of staff.

[36] The ICRC's involvement in protection is multidimensional and covers responsive actions (to deal with an emerging protection problem), remedial action (to restore the dignity of individuals having experienced violation), and environment-building (to establish an environment conducive to the respect of rights of protected persons) (ICRC 2008, 759).

[37] Insecurity Insight's definition of "security incident" involves "threats and incidents of violence affecting aid workers (kidnapping, death, and injuries) and impediments to aid delivery and access (e.g. damage to infrastructure or supplies and the impact of insecurity on access for humanitarian agencies)" (Wille and Fast 2013b, 3).

Throughout this research, I prefer the term “media professionals” to “journalists.” Using media professionals allows sidestepping definitional issues linked to the terms “journalist” and “war correspondent.” While the latter constitutes a legally sanctioned term and category of actor, few in the media profession seem to be au fait with this distinction (Tumber and Webster 2006, 61-63). As an illustration, reporter Ross Benson wrote: “My newspaper calls me a war correspondent when I’m covering a war, and when I’m not covering a war, they don’t” (quoted in Tumber and Webster 2006, 61). Also, the term media professionals is valuable because it constitutes a broad term encompassing a range of journalistic roles such as photographer and cameraperson (Feinstein 2006, 8).

This research does not start with a pre-given definition of humanitarian worker. Doing so would run counter to this project’s aim of inquiring into the origins and meaning of this actor and her security norm as it would presuppose consistency in meaning. Rather, in each chapter, I examine the way in which humanitarian workers are perceived.

A central actor in my research is the Red Cross and Red Crescent Movement, which is composed of the International Committee of the Red Cross (ICRC), the International Federation of Red Cross and Red Crescent Societies (previously termed the League of Red Cross Societies), and National Societies. To make the reading of the forthcoming chapters less cumbersome, I use the term Red Cross when referring to the whole movement, and use the specific terms such as the ICRC and National Societies when only referring to these components.

Finally, building on Hoffman and Weiss’s work, I use the expressions humanitarian enterprise, humanitarian system and humanitarian sphere interchangeably, and see them as being comprised of norms (humanitarian ethics), legal institutions (international humanitarian law) and operational institutions (humanitarian organizations) (2006, 11).

### 1.5. State of the literature and the contribution of this research

My research engages with and contributes to a number of areas of scholarly literature, principally: studies on humanitarianism; literature on norms; and also work on the security of humanitarian workers.

### *1.5.1. Humanitarianism*

The first area of scholarly literature my research engages is studies on humanitarianism. Michael Barnett's critique of the neglect of humanitarianism as an object of study has been heard and significantly attended to in the last decade (2005a, 726). Complementing issue-specific projects, a number of scholars recently attended to tracing the history of humanitarianism (Ryfman 2008; Barnett 2011; Barnett and Weiss 2011). My research engages with this new literature but adopts a different analytic focus: the humanitarian worker instead of humanitarianism or humanitarian organizations (Hutchinson 1996; Forsythe 2005). While existing work sometimes examines renowned humanitarian actors, such as Eglantyne Jebb, founder of Save the Children or Henry Dunant, forefather of the ICRC, no systematic study of the humanitarian worker as an actor has been undertaken. Illuminating the origins, meaning and evolution of the notion of humanitarian worker constitutes one of the main contributions of my research.

This analytical focus on the humanitarian worker is not only valuable in its own right but also because it furthers our understanding of the history of humanitarianism and developments in the humanitarian sphere. In terms of approach, my research follows the work of Barnett, Weiss and Paras, as I am treating the humanitarian worker in active interplay with the normative and political environments rather than in isolation (Barnett and Weiss 2008; Paras 2010; Barnett 2011; Barnett and Weiss 2011).[38] Such an approach is intellectually important for averting the fallacy of examining norms in a vacuum (Finnemore 2004, 57). It also allows for connecting the development of the norm of

[38] Barnett and Weiss present a particularly elegant and convincing argument in situating humanitarianism in relation to the forces of destruction, production and salvation (Barnett and Weiss 2008; Barnett and Weiss 2011; Barnett 2011).

humanitarian security to developments in the humanitarian sphere.[39] This exercise is not only important because of its novel nature but also because it produces a richer understanding of the evolution of the humanitarian sphere. For instance, in Chapter 3 and 4, I show how changes in states' engagement in humanitarian affairs – from provision of humanitarian assistance as substitute for political action to the inclusion of humanitarian action in states' political and military arsenals – shaped the framing of the norm of humanitarian security. Attending to the interplay between the norm of humanitarian security and the trends and developments in the humanitarian sphere constitutes another valuable contribution of my research. This exercise also prompts my research to adopt the same general periodization as the literature on humanitarianism.

Moreover, my research engages with the analytical and critical literature on humanitarian aid. This body of research illuminates the main debates and issues affecting the humanitarian sphere (e.g. the "do not harm" debate following the Rwandan genocide) (De Waal 1994, 1997; Anderson 1999; Rieff 2002; Terry 2002; Kenyon Lischer 2003; Büscher and Vlassenroot 2010). It is thus highly instructive of the development of the humanitarian system. Also, the critical literature on humanitarian aid's main contribution has been to prompt reflection on and identify the implications and hidden costs of humanitarian action. I principally draw on and contribute to this literature in Chapter 5 where I examine the implications of the development of the norm of humanitarian security.

### *1.5.2. Constructivim and the Literature on Norms*

I also engage deeply with the constructivist literature as it constitutes the main theoretical framework shaping my research.[40] Within the span of less than two decades, the grounds of debate in IR theory have significantly changed. The field of IR theory has been the

[39] Work presenting and analyzing trends in the humanitarian sphere (e.g. professionalization, growing number of actors) are particularly helpful for comprehending this interplay (Kent 2004; Smillie and Minear 2004).

[40] The author is aware that other theoretical approaches, such as the English School, have examined the role of norms. Still, considering that the bulk of the recent research on norms has been produced by constructivists and that the genealogical method used in this research shares an affinity with constructivism, this discussion will only focus on the constructivist literature on norms.

scene of "debates" since its inception and one of the more recent major debates – opposing rationalism to reflectivism created greater space for new approaches.[41] One such approach that travelled from the margins of IR theory to being an increasingly accepted and recognized approach to the study of international relations is constructivism.[42] The study of norms also underwent a remarkable development during this same period as scholarly literature greatly expanded, both in terms of the number of studies produced, and in its sophistication. Initially concerned with showing the limitations of mainstream approaches in illuminating certain issues, and demonstrating that "norms matter," the constructivist literature on norms moved on to distinguish between different functions of norms (e.g. regulative, constitutive and evaluative), and examined how and which norms matter, and their "life cycle." This scholarship's successful engagement with a variety of issues, including matters of "high politics" (e.g. state interests, weapon use), compelled proponents of mainstream approaches to increasingly recognize the value of attending to norms (Finnemore 1996; Katzenstein 1996b; Legro 1997; Price 1997; Finnemore and Sikkink 1998; Keohane 2000). Given these developments, instead of reiterating the broader arguments of "whether and how norms matter," I instead choose to focus on the specific elements from this body of literature that my research engages as will be detailed in what follows.

My project on the norm of humanitarian security builds on, and notably contributes to, constructivist research on norms and law. Why constructivism? My research fits particularly well within this area of scholarly literature concerned with the social construction of world politics given that "[u]nderstanding how identities are constructed, what norms and practices accompany their reproduction, and how they construct each other is a major part of the constructivist research program" (Hopf 1998, 192). Hopf's words precisely capture the essence of this research, since, in each chapter, I attend to the

[41] This debate between rationalism and reflectivism is usually seen as the "4th debate" in IR theory and was preceded by debates opposing realism and liberalism, traditionalism and behaviouralism, and neorealism and neoliberalism.

[42] A comprehensive presentation of constructivism is beyond the scope of this project. I refer interested readers to the following works, listed in order of increasing complexity: Barnett 2005; Price and Reus-Smit 1998; and Reus-Smit 2005. Also worthy of mention are Finnemore and Sikkink who engage with the issue of norm development (1998), and Price who discusses the constructivist contribution to ethical theorizing (2008a, 2008b.)

norm of humanitarian security in concert with how the humanitarian worker is portrayed and perceived. Considering how the recognition of the humanitarian worker as an actor emerged out of concern for the treatment of POWs, I also attend to the construction of POWs as a category of concern. To do so, I build on the work on transnational civil society (TCS) and its findings on advocacy and issue adoption (Finnemore 1996; Price 1998; Khagram, Riker and Sikkink 2002; Price 2003).

My research also deeply engages with and contributes to the literature on avenues of norm development (Florini 1996; Finnemore and Sikkink 1998; Checkel 1999; Checkel 2005; Gilardi 2012). The development of the norm of humanitarian security did not follow a single avenue of norm development but rather incorporated different avenues such as the role of key individuals, systemic sources and mechanisms at the societal level thus making the norm of humanitarian security a very interesting case for the norms literature (Price 1998, 616). A norm entrepreneur played a role at the beginning of this normative development (the *Société Internationale de Secours pour les Prisonniers de guerre*) but no norm entrepreneur steered and championed the development of the norm of humanitarian security throughout its history. Systemic sources played a more prominent role in this development. Important systemic factors were "contingencies of history," change in states paradigm of engagement in humanitarian affairs and the norm's coherence with existing norms. I engage the literature on norms as means to understand the normative environment in which the norm of humanitarian security developed (Finnemore 1996; Florini 1996, 376-377; Wippman 2004, 158; Finnemore 2008, 198). Attending to this literature was important considering how "norms are not continually re-created from scratch; rather, at any stage in history states operate within a pre-existing normative context that is both the product of past processes and the starting point for future ones." (Thomas 2001, 33) Also, by drawing attention to and providing the first account of the norm of humanitarian security, my research makes an important contribution to the literature on norms. Furthermore, at the societal level, the United Nations played an important role in shaping discussions on the security of humanitarian workers in the post-2001 period.

In order to better understand the development of the norm of humanitarian security, I also identify the presence and role of mechanisms in this normative evolution. In chapter 2, the mechanism of grafting played a key role in the recognition of POWs as a category of concern, while the rationalist mechanism of reciprocity was frequently essential in allowing relief workers to carry out their work during the First World War. As discussed above, the mechanism of grafting played a significant role in the development and prominence of the norm of humanitarian security in the post-Cold War years. During the War on Terror, the mechanism of empathy contributed to the strengthening and framing of the norm of humanitarian security.

Given the recent use of legal instruments to express and highlight the international community's commitment to the norm of humanitarian security, my project briefly engages with the literature examining the relationship between norms, law and politics (Herczegh 1998; Finnemore 2000; Finnemore and Toope 2001; Reus-Smit 2004b; Smillie and Minear 2004). Principally, my project speaks to studies attending to the relationship between the strength of norms and law such as Percy's work on mercenaries (2007a; 2007b). She demonstrates how the weak law pertaining to mercenaries results from the international community's deep commitment to the norm against the use of mercenaries (Percy 2007b, 387). The case of humanitarian workers reveals a different interplay between norms and law, which I further discuss in Chapter 5. The norm of humanitarian security is the case of a strong norm that benefits from a strong law.

In the coming chapters, I take up two further concerns expressed in the constructivist literature that also underscore the importance of examining the norm of humanitarian security. First, addressing Legro and Kowert's argument on the importance of examining variations in degrees of "success" of norms, I examine the norm of humanitarian security in conjunction with the norm pertaining to the security of media professionals (Kowert and Legro 1996, 485). While not exhaustive, examining the evolution of these two norms is instructive in identifying the forces accounting for the particular development of the norm of humanitarian security. I discuss the treatment of the security of media professionals at the end of Chapter 3 and Chapter 4. This allows for enhancing the

confidence in these chapters' argument. Second, I take up the ethical engagement of some constructivist scholars by examining the broader effects produced by the norm of humanitarian security (Price 2003; Price 2008a; Rumelili 2008). I reflect on the implications of this norm development in Chapter 5.

Even if my research displays a particularly good fit with the constructivist literature, both in terms of the insight and guidance it provides and from my own contribution, one may ask "Why not using another approach"? I do recognize that one can tell the story of the norm of humanitarian security using a feminist (or, more generally, gender), critical, and Marxist (or neo-Gramscian) lens, just to name a few. Each approach would provide a different narrative reflecting their ontological, methodological and epistemological inclination. Documenting and presenting these different stories constitutes an endeavour I welcome my peers to also undertake. While recognizing the gains that may be derived from being theoretically pluralist (or eclectic), the novel nature of this project advises adopting one main approach (Sil and Katzenstein 2010). Given that no study of the humanitarian worker has yet been undertaken, this project requires the analysis and organization of a significant amount of information and data. Still, while I pay particular attention to constructivism, the research incorporates insights from other approaches when need be. As discussed, the rationalist mechanism of reciprocity played a role in humanitarian action during the First World War with belligerents mainly accepting the interventions of relief workers on the basis of reciprocity. I believe that flagging the role of non-constructivist mechanism does not affect the epistemological or ontological coherence of this project while painting the most comprehensive picture of the development of the norm of humanitarian security.

### *1.5.3. Security of humanitarian workers*

Finally, my research clearly engages with the literature on the security of humanitarian workers. While this body of work is comprised of both policy-oriented and academic work, its contributors all adopt as a starting point the notion that humanitarian workers are inviolate actors. This is not surprising in light of the strength of the norm, the increase

in the number of security incidents involving humanitarian workers and the fact that this literature mainly developed in reaction to a deterioration of the security of humanitarian organizations (Finnemore and Sikkink 1998, 892; Percy 2007b, 373; Renouf 2011, 14).[43] For instance, the most recent Humanitarian Outcomes report reveals that while 2012 experienced a slight decrease in the number of aid workers affected by security incidents – from 308 in 2011 to 272 victims in 2012 – the year 2012 recorded a record high number of major attacks (167) (Humanitarian Outcomes 2013). Also, since 2000, security incidents involving humanitarian workers have increased. While 42 incidents were recorded in 2000, it rose to 129 in 2010, and reached 272 in 2012 (Humanitarian Outcomes 2011, 2012b, 2013). Unsurprisingly, these trends direct attention to examining the cause of recent incidents and proposing solutions, rather than attending to the meaning and origins of this notion of humanitarian workers as inviolate actors. Yet, addressing this prior question is also important. My project provides researchers attending to the security of humanitarian workers with a deeper and more historically based understanding of their object of study. A sound comprehension of the past trajectory of the norm, in terms of influential factors and actors, is central for insights into, and means to act, on its future. Not only does my research contribute to this field of research but it also uses this body of work as evidence of the evolution of concern about the security of humanitarian workers.

As I discuss in details in Chapter 3, while the growing number of security incidents in the 1990s contributed to the growing prominence of the norm of humanitarian security in the post-Cold War years, it alone cannot fully account for the development of the norm of humanitarian security. Notably, this trend is unable to illuminate the norm development's timing and evolution. Also, accounting for the development of the norm of humanitarian security by the frequency of its violation prevents one from understanding how humanitarian workers came to be perceived as inviolate actors in the first place, as well as how and why humanitarian workers' security has garnered more attention than other civilian actors' such as media professionals.

[43] While this may appear contradictory or paradoxical, reactions to violations of the norm clearly indicate the norm's strength.

## 1.6. Method, Data and Organization of the research

Tracing a genealogy of the humanitarian worker as inviolate actor consists of attending to the history of the present. Bartelson explains that a "genealogy is strategically aimed at that which looks unproblematic and is held to be timeless; its task is to explain how these present traits, in all their vigour and truth, were formed out of the past" (1995, 73). This idea resonates with this project, which attends to the little scrutinized notion that humanitarian workers' security should not be violated. Studies such as Price on chemical weapons (1997) and Kinsella on the principle of civilian immunity (2011) have showed the value and appropriateness of the genealogical approach in illuminating the development of norms. Tracing a genealogy of this norm allows for understanding the origins, meaning, and forces behind the development of this moral interpretation. Price best captures the essence of this project when writing: "[t]his interpretive question of understanding requires a descriptive account of the meanings that constitute the norm, one which makes clear the appeal of such ideas" (Price 1994, 27-28). Thus, this research aims to do more than trace a history of the humanitarian worker: it also aims to present an account of the construction of the humanitarian worker as inviolate actor and the meaning underlying this development. However, shedding light on "how we got here" does not involve the reconstruction of a linear narrative. As Foucault contends:

> [t]o follow the complex course of descent is to maintain passing events in their proper dispersion; it is to identify the accidents, the minute deviations – or conversely, the complete reversals – the errors, the false appraisals, and the faulty calculations that gave birth to those things that continue to exist and have value for us (1984, 81).

This research is divided in three parts, each covering a period highlighting a valuable piece in understanding the development of the norm of humanitarian security. Chapter 2 traces the origins and first steps of the humanitarian worker. It starts by examining the episode of Solferino and the founding of the ICRC in 1863 because as argued by Bartelson:

> For every inquiry must depart from somewhere, from a point that is self-evident or at least held to be unproblematic, and since the present inquiry has for its object precisely such points of agreement, it will consequently set these points in motion, expose them to contingency, and deprive them of their unproblematic status (1995, 4).

In virtue of being the modern humanitarianism founding myth, the episode of Solferino (as will be elaborated in Chapter 2) constitutes a valuable starting point for this inquiry. Examining this instance reveals that contrary to what would be expected, the humanitarian worker, as a distinct category of actor, did not emerge at that time. Only in 1899, did state plenipotentiaries gathered at The Hague recognize the presence and work of a new actor in warfare. I detail this development and the forces that made it possible before examining the first steps of this newly recognized actor during the First World War. This moment was selected because it constituted the first major conflict since the recognition of the humanitarian worker in the 1899 Hague Convention and thus allows for an examination of the impact of this legal recognition.

Chapter 3 focuses on the period starting with the end of the Cold War until 2001, which saw the growing prominence of the norm of humanitarian security. I start with a brief overview of the humanitarian developments since the end of WWI to historicize how the norm of humanitarian security came to emerge in the 1990s. To understand the meaning of the norm of humanitarian security in that period, I examine a "defining moment:" the war in Bosnia and Herzegovina. Price defines defining moments as "events of particular importance which provide discursive moments characterized by burst of rich debate and which represent discussions of the crucial dimension of the [norm]" (Price 1997, 10). Numerous studies have shown the value of examining defining moments to understand norm development (e.g. Price 1997; Paras 2010; Kinsella 2011). The Bosnian conflict was selected because it witnessed a high level of violence against humanitarian workers and it occurred early in the decade, which allowed for capturing the initial forces underlying the norm's development. I provide a comprehensive justification of this defining moment selection in the chapter. I complement the analysis of this defining moment by briefly examining the Rome Statute of the International Criminal Court. Attending to this legal document is valuable because it enshrines particular concern for the security of humanitarian workers. Moreover, while dividing the chapters into historical periods obviously does not hermetically capture phenomena and processes, it is methodologically useful for exploring the impact of the normative and political environments. It is also appropriate and valuable as it allows for superimposing the

narrative of the humanitarian worker onto the narrative of humanitarianism to highlight their interplay and distinctiveness (Kinsella 2011, 10).

Chapter 4 covers the period from 2001 to 2012 and examines the strengthening of the norm of humanitarian security. This chapter begins in 2001 because it constitutes the start of the America's "War on Terror" and the literature on humanitarianism treats this period as displaying distinct characteristics such as increased politicization and militarization of humanitarian aid. I examine one defining moment: the bombing of the Canal Hotel in Baghdad in 2003. This attack constitutes the first main security incident of the War on Terror and significantly affected the humanitarian sphere. Notably, it led to significant security changes within the UN system and the adoption of its date to celebrate World Humanitarian Day.

I use the conclusion as a means to theoretically and empirically reflect on the findings presented in the previous pages. I present how this research contributes to different bodies of literature and discuss the implications and meaning of this norm development. This responds to the genealogical approach's concern for power and for the effects and meaning of seemingly innocuous norms and practices. In particular, I examine what it exposes about the unequal value accorded to human life.

The genealogical approach requires a vast amount of source material, which prompted gathering data from a variety of sources. First, I use a variety of primary documents. I examined legal documents and conventions, as well as the minutes of conferences and meetings during which the humanitarian worker was discussed. I also attended to memoirs written by humanitarian actors and other actors involved in the defining moments under study. I also analyzed reports and internal documents of humanitarian organizations. I accessed a portion of these documents by consulting the archives of the ICRC and the League of Nations in Geneva in 2012. Second, I conducted interviews with humanitarian workers, and security and legal experts during two research trips: the first in the Democratic Republic of the Congo in 2010 and the second in Geneva in 2012.[44] I also

[44] A list of interviewees is provided in Appendix A.

communicated with humanitarian organizations and legal experts via email and phone. Third, as means to capture the portrayal of humanitarian workers and the norm of humanitarian security, I examined media reporting of the defining moments. I also relied on media to document trends in media reporting and framing. Finally, I analyzed scholarly and historical works attending to humanitarian work and conflicts.

## Chapter 2: The first steps of the humanitarian worker

In order to comprehend the development of the norm of humanitarian security, it is necessary first to give adequate attention to the subject of the norm: the humanitarian worker. My purpose in this chapter is to trace the emergence of the humanitarian worker as a new actor. This constitutes a challenging endeavour given the ambiguity of the term "humanitarian" and the state of flux of humanitarianism, which prevents identifying a priori certain elements one currently associates with humanitarian workers and tracking their presence over time. Assuming continuity in humanitarian work would display a contemporary bias, and would shed little light on the forces that made the development of the humanitarian worker possible (Percy 2007b, 50; Ryfman 2008, 4-5; Barnett and Weiss 2011, 104). There is also changing terminology to contend with: over time, the humanitarian worker has been referred to as an "aid worker," a "relief worker" and, as this chapter shows, originally a "delegate of relief society." Furthermore, understanding what constitutes the humanitarian worker as an actor requires focussing on more than the just the mere performance of humanitarian acts (which has never been the exclusive sphere of one category of actor). The difference between humanitarian acts and humanitarian actors is observable today. Humanitarian aid is provided by various types of actors, such as employees of private companies and members of the armed forces, who are not considered to be humanitarian workers. The peculiarity of the humanitarian worker thus precludes taking the history of humanitarianism and of the humanitarian worker as interchangeable. While adding a layer of complexity to my study, the distinctiveness of these narratives makes it possible to attend to their relationship and thus produces a richer understanding of humanitarian developments.

I start by examining the founding myth of modern humanitarianism: the episode of Solferino. This episode encompasses the battle of Solferino, Henry Dunant's experience of its aftermath, and the creation of the ICRC and the 1864 Geneva Convention as a result. Given that modern humanitarian workers consider Henry Dunant's life to be a "master narrative" to model their own actions after and also consider Solferino as "the moment that started it all," the founding myth of Solferino is a logical place to start my

inquiry (Sørensen 2006, 4-5). Wortel expresses the importance of this moment, writing: "[Solferino] play[s] an important role in the broader humanitarian discourse as well. In a way, [it] produced 'its founding past, its identity and its projections for the future'" (Wortel 2009, 780-781). A more detailed examination of this episode, however, reveals that Solferino was not the birthplace of the "humanitarian worker" as a concept. I argue that the idea that the humanitarian worker might constitute a distinct category of actor officially can in fact be traced to the 1899 Hague Convention. Nevertheless, the episode of Solferino was instrumental in this outcome as it contributed to the emergence of prisoners of war (POWs) as a category of concern. And it was concern for POWs that supported the emergence of the humanitarian worker.

In advance of my critics I acknowledge that, by starting with Solferino and framing it as humanitarianism's founding myth, the account of the humanitarian worker I provide is Euro-centric. While I argue that the *international institutionalization* of humanitarian rules and practices witnessed in Solferino was unique to Europe, I also recognize that these rules and practices have counterparts in other traditions. I provide a brief survey of these traditions at the start of my discussion.

This chapter is divided into six sections as follows. First, I briefly sketch how the humanitarian developments that coalesce in Solferino were not unique to the Occident. In the second section, I examine the founding myth of Solferino and show how it did not mark the emergence of the humanitarian worker. Third, I present the 1899 Hague Convention, which recognizes this new actor. Fourth, I examine the precedents that made this recognition possible, namely the construction of POWs as a category of concern. Here, I show how this development owed much to the ICRC and its successful construction of wounded soldiers as a category of concern. Sections two, three and four shed light on the emergence of the humanitarian worker, whose modern history has so far been overlooked. In the fifth section, I attend to the First World War and to the first steps of the delegate of relief society for POWs. This period reveals two important elements. First, despite their recognition as a new internationally recognized actor in wartime, delegates of relief societies were not perceived as forming a single *category* of actor. The

independent, disjointed and nationalist nature of humanitarian action during the Great War hindered the emergence of a common identity. Instead, the identities of these actors remained closesely tied to that of their organization. Second, the scope of humanitarian action expanded to include relief to civilians and was performed by actors lacking legal recognition. They were similar to delegates of relief society for POWs in most respects except for their domain of action and legal recognition. Sixth, I provide a short conclusion.

## 2.1. Humanitarian developments around the world

While the overarching focus of this chapter is on the impact of developments in Europe on the concept of the humanitarian worker, the question naturally arises of the views and practices elsewhere and their impact. I briefly outline how the humanitarian norms, practices and limitations on the conduct of warfare that converged and were institutionalized in Solferino had counterparts outside of Europe. My aim here is not to provide a comprehensive survey of the history of humanitarianism in all of the world's traditions and civilizations. Rather, I simply want to highlight a few key developments so as to acknowledge that the essential components of the modern humanitarian system are not solely derived from the European experience.[45] Additional readings are suggested for interested readers.

Instances of humanitarian acts have been recorded throughout history and civilizations (Wilson and Brown 2009, 1). One of the oldest example dates back to Ancient Egypt. Harkhuf, the governor of Upper Egypt during the sixth dynasty (c. 2290-70 BCE) had his

[45] It is also worth noting how the European tradition has seen its rules concerning the conduct of warfare greatly develop from the times of ancient Greece and Rome. In both these civilizations, the foreigner was considered a barbarian unworthy of living in freedom. Although sporadic acts of humanity were recorded, these were the exception. In the Occident, the conduct of war became gradually more humane, as exemplified by the improvements in the treatment of prisoners and wounded in Rome compared to Greece. However, these practices took place against a background of widespread violence and barbarity (Riad 1929; Douzinas 2007). Although the emergence of Christian theology brought about the conception of all men being spiritually part of spiritual humanity, this did not translate in a thoroughly more "humane" conduct of war (Douzinas 2007, 2). As an illustration, in the Middle Ages, armies paid little attention to their own wounded and generally killed their enemies' wounded. When wounded soldiers were spared, it was for the purpose of obtaining ransom and not based on humanitarian principles.

tomb walls recording his humanitarian accomplishments: "I gave bread to the hungry, clothing to the naked. I ferried him who had no boat" (quoted in Walker and Maxwell 2009, 14). In addition to individual humanitarian acts, providing succour and help to the less fortunate has been an integral part of numerous civilizations. For instance, the Li Ki or Book of Rites, which documents "Chinese cultural and religious practices from the eight to the fifth century BCE" mentions a duty to support widows and orphans (Walker and Maxwell 2009, 14).[46] Religious institutions and beliefs also significantly contributed to humanitarian ethics and action.[47] Barnett and Weiss explain this cross-cultural influence of faith on humanitarianism:

> Charity is a longstanding religious value. Christianity's notion of love and compassion includes obligations to strangers. *Zakat*, which roughly translates to voluntarism, is one of the five pillars of Islam and reflects Islamic identity, commands various forms of charity, and is intended to foster solidarity within the community. *Tzadakah* and the idea of repairing the world make charity and good works part of the Jewish identity. In other spiritual traditions, service to and solidarity with others go beyond the injunction and are living values or principles emanating from the supreme wisdom of the inherent unity and interdependence of all life and creation. The millennial Hindu philosophy of *Upanishads* declares, "Wisdom means a life of selfless service," because the wise "realize that all life is one" and "are at home everywhere and see themselves in all beings." The southern African concept of *ubuntu* popularized by Archbishop Desmond Tutu underlines the fundamental interdependence that renders solidarity with and protection of the other instinctual and natural (2011, 22).

These religious and cultural beliefs have not remained *lettre morte* but, rather, have prompted much action.[48] As an illustration, since the mid-1990s, the number of religious humanitarian organizations has grown faster than the number of secular humanitarian organizations (Barro and McLeary 2008, 518).[49] Also, the financial contributions of faith-based organizations provide constant evidence of the influence of religion on humanitarian action (Barnett and Gross Stein 2012a, 5). For instance, the World Council of Churches alone mobilizes more than US$1 billion per year, while Islamic Relief had a

[46] Readers interested in the laws of war in the Pacific region should read Durham, Helen. 2008. "The Laws of War and Traditional Cultures: A Case Study of the Pacific Region." *Commonwealth Law Bulletin* 34(4): 833-841.
[47] Readers interested in the relationship between the religious and the secular in the humanitarian sphere should read Barnett and Gross Stein 2012b.
[48] Recent conflicts in Islamic countries brought interest and analytical attention to *zakat*. For instance, see Vaux 2006, 245; Hansen 2008, 121; Donini 2010, 222-225. Also, Ferris provides an interesting history and discussion of faith-based humanitarian organizations (2005).
[49] For a comprehensive picture of the development of secular and faith-based humanitarian organizations since WWII, see Barro and McLeary 2008.

budget of $109 million in 2007 (which figure does not include the resources raised by local branches) (Ferris 2005, 313; Barnett and Gross Stein 2012a, 6).[50]

Rules on the conduct of warfare, which started being internationally institutionalized in Solferino, also have a long history spanning centuries and cultures. A brief overview shows how Occidental practice and rules had analogues in other traditions. For instance, in ancient India, humanitarian principles were clearly delineated and humanitarian practice was prevalent. Professor Penna argues that "[i]n all her history of warfare Hindu India has few tales to tell of cities put to the sword or of the massacre of non-combatants" (1989, 333). Also, Hindu humanitarian law and practice reveals striking similarities with modern humanitarian law with principles such as the distinction between combatants and non-combatants, the distinction between military and non-military objects, the humane treatment of prisoners of war and Bihsma's counsel that is akin to the Martens Clause. Accounts of war also mention that the medical corps as well as the female nurses accompanying armies were to be positioned in relative safe locations prior to battle (Penna 1989).[51]

Given the number of recent and ongoing conflicts in the Middle East and South-East Asia, it is worth noting the unique contributions of Islam to humanitarianism.[52] These contributions are primarily rooted in specific rules concerning warfare.[53] Of particular

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[50] Professor William Headley also expresses the significance of faith-based organizations in the humanitarian sphere by saying: "the principal agents of human development in the world have been or continue to be faith-based organizations. In the US, the Catholic Church is the largest non-public provider of human services to poor families. One-third of all AIDS patients in the world are served through the auspices of the Catholic Church" (quoted in Ferris 2005, 316-317). Yet, despite the importance of these actors in the humanitarian sphere, this dissertation does not distinguish between secular and faith-based humanitarian organizations. This decision is supported by Paras and Gross Stein's research that found that "[t]he attributes of "secular" and "religious" organizations, however, do not conform neatly to expectations; nor are they especially useful in understanding what the large, professional humanitarian organizations do in practice." (2012, 228-229)

[51] Professor Penna provides a clear and comprehensive overview of the conduct of warfare in ancient India in his 1989 piece entitled "Written and customary provisions relating to the conduct of hostilities and treatment of victims of armed conflicts in ancient India" published in the International Review of the Red Cross.

[52] This focus is also valuable considering that "[m]ost Western aid is now directed to societies in which the majority population or the single largest religious group is Muslim: Somalia, Bosnia and Herzegovina, Sudan, Palestine, Iraq, Afghanistan, Pakistan." (Barnett and Gross Stein 2012a, 7)

[53] Alarefi (2009) wrote an interesting article presenting Islamic law, its origins, many traditions and main principles. For readers with an interest in international Islamic law, Munir (2012) provides a good

interest are rules on conflict, on relations with non-Muslim populations, and on the conduct of war itself. None of these rules should be particularly surprising from a historical perspective: following Muslims' emigration to Medina, the Prophet was not only responsible for the spiritual well-being of his people, but also for their material well-being. This added responsibility prompted the development of a complex body of rules about how to defend and maintain the new Islamic state. In this sense, Islamic international law is and has long been concerned with the same issues as has European public law. Islamic international law has clear rules regarding *jus ad bellum* – conditions for waging war – and *jus in bello* – the way in which war had to be fought. And, contrary to popular contemporary perception, the Prophet praised non-violent *jihad* – which refers to "struggle," not violent "holy war." Notwithstanding the Prophet's preference for peace and the Qur'anic ideals of non-aggression and peaceful coexistence, rules of combat were clearly delineated. These rules can be distilled in three main principles: "(1) Non-combatants are not legitimate targets, […] this not only includes women, children, and the elderly but also animals and the natural environment; (2) The fact of someone's being non-Muslim does not make them a legitimate target of attack; (3) Muslims are expected to live in peace with their neighbors whenever possible, and must respect treaties, but this never precludes the right to pre-emptive or responsive self-defense." (The Royal AAl Al-Bayt Institute for Islamic Thought 2007, 71-2) Thus, not only do Islamic international law and European public law discuss the same issues but the content of these rules is also similar.[54]

Whether any of these parallel humanitarian rules and practices informed the development of humanitarianism in Europe is difficult to answer. Numerous scholars point to connections between European public law and other traditions, including Islamic international law. For instance, Baron de Taube argues that the concept and practice of declaration of war was adopted from Islamic law (Munir 2012, 22). Also, some Islamic international law experts claim that early European legal scholars such as Grotius were

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introductory article. Also, one of the most renowned books about international Islamic law is Shaybani's *Kitab al-Siyar al-Kabir.*

[54] Murphy and Zeidy present a fascinating comparative study of IHL and Islamic international law with regards to the rules pertaining to POWs (2009).

familiar with and influenced by this tradition (Munir 2012, 16). Such claims may sound surprising considering that the first Muslim state to be admitted to European public law was Turkey in1856. Nevertheless, contact between European and Islamic traditions dates back centuries, all the way to the Crusades. Interestingly, the Crusades themselves had a series of famous encounters that neatly illustrate the similarly between Islamic and European norms and rules of war. In one famous case, Saladin allowed the Hospitallers of St.John of Jerusalem to enter his camp to aid wounded captive Crusaders following the Muslim capture of Jerusalem in 1187. Saladin's gesture stemmed from two prohibitions found in Islamic international law: killing individuals accompanying the army who are engaged in non-military activities and killing members of religious organizations (El-Said El-Dakkak 1990, 112-3). Finally, the fact that both Iran and Turkey adopted the first IHL document – the 1864 Geneva Convention – provides further evidence of the compatibility of these two traditions.[55] Muslim states' commitment to the spirit of the 1863 and 1864 Geneva Conventions is also demonstrated by their efforts to have another protected emblem recognized in lieu of the Red Cross: the Red Crescent.

## 2.2. Solferino – humanitarianism's founding myth

The events to be examined below, including Dunant's life-changing experience following the battle of Solferino, the identification of wounded soldiers and prisoners of war as categories of concern in wartime, and the emergence of the relief worker as a distinct category of actor, need to be considered in light of the social and political environments of the second half of the 19th century. Given that the societal forces behind the growth of humanitarianism have already been a subject of much scholarly attention, I will simply highlight major developments and point to further literature for interested readers. In doing so, I hope to avoid the fallacy of "examining norms in vacuums," without properly situating them in the unique conditions in which norms develop (Finnemore 2004, 57).

[55] The recognition of the Red Crescent as a recognized emblem highlights Muslim states' influence on practices in the humanitarian sphere. For a comprehensive presentation of the emblem debate, see IFRC n.d.b.

On many levels, the 19th century was a highly conducive environment for humanitarian developments. From the late 18th century, European societies started to experience major changes, notably modernization, urbanization and rapid industrialization. These society-level transformations contributed to the rise of a "culture of compassion" and to a belief in the possibility of improving the well-being of all individuals.[56] For instance, advances in agricultural and medical science and technologies made possible improvement in health and nutrition (Hoffman and Weiss 2006, 38). Alongside the promise of progress, these societal changes also produced "social ills" such as prostitution and drunkenness, which quickly became a concern for and object of intervention by numerous individuals and groups (Barnett and Weiss 2011, 36).[57] These philosophical inclinations were also reflected in the peace movement, which started developing prior to the 1830s under the lead of religious movements, mainly Quakers and Mennonites. The peace movement was very broad, encompassing not only those who praised the excellence of peace, but also the wider internationalist movement, the liberal ideology of economic development and social improvement, and the pervasive disposition towards humanitarianism (Best 1980, 132-4). Whereas this movement was a supportive force for the development of humanitarian activities to be examined, it was counteracted by what is crudely referred to as the "war movement." The latter blossomed after the 1850s mainly due to influence of nationalism, the Hegelian theory of world history, Napoleonism, ideologies such as social Darwinism, the development of new weapons of war, and a belligerent popular culture literature. The arrival of the daily press helped to circulate these ideas and developments within society at large (Best 1980, 135-8). Although the daily press did draw attention to humanitarian initiatives from time to time, as I note below, it was the war movement and was "notoriously sensational, xenophobic, inflammatory and nationalistic" (Best 1980, 138). In sum, European societies were living through the influence of two opposite movements, whose interplay was central to the scope and nature of humanitarian developments during this period. Generally speaking, in order to win the acceptance of

[56] I here refer to the way in which compassion, beginning in the 18th century, "moved from part of the private realm and into the public realm, and the alleviation of human suffering became a defining element of modern society"(Barnett 2011, 49).

[57] Although arguably the best known, the campaign to end the slave trade was not the only humanitarian movement active at this time. Rather, humanitarian reform movements of the 18th and 19th century targeted a variety of social domains such as prisons, mental hospitals and schools (Calhoun 2008, 76). Kellow provides a fascinating account of the humanitarian narrative on slavery (2009).

the war movement, the peace movement's humanitarian projects always had to be framed in such a way as to not be seen as a hindrance for armies (Moynier 1882, 14-15, 21-23). As a result, most humanitarian initiatives such as the 1864 Geneva Convention sat at the crossroad between these movements and, as a result, were frequently criticized by both camps. On one side, they were chastised for misunderstanding the requirements and conduct of war and, on the other, they were castigated for not putting more limitations on the use of force (Moynier 1882, 71; Best 2002, 45).

In addition, the rise of war-related humanitarianism in the 19th century was made possible by changes in the nature of warfare and the growth of interstate wars. Of particular significance was the institutionalization of the inter-state system, which altered the rationality and practices of war. As war became more about political relations among states, captured soldiers, for example, were perceived less as personal enemies than agents of the enemy state. As a result, they did not become property as slaves but the object of exchange with the enemy's prisoners (Hoffman and Weiss 2006, 36). The declining faith in natural law and great powers' engagement in a wide range of military conflicts across the globe also prompted intellectual efforts to develop a unified international legal order (Kennedy 2004, 246-247).

Into this European milieu steps Henry Dunant. While the tale of Dunant and the events of Solferino have been recounted time and again by scholars, briefly presenting modern humanitarianism's founding myth is important for assessing its contribution. Briefly, the story goes as follows: while travelling for business from Geneva to Lombardy, Dunant witnessed the harsh realities of war in the little town of Castiglione delle Stiviere, where many wounded and dying soldiers who fought in the battle of Solferino had congregated. Dunant, like other passersby and the residents of Castiglione, was appalled by the serious inadequacy of the medical services available to these injured soldiers. Diverging from his original travel plans, Dunant stayed in Castiglione to lend a hand to medical staff on site, organize relief efforts, and tried to provide some comfort to the wounded and dying.

Haunted by what he had seen in Italy, Dunant wrote A Memory of Solferino, in which he vividly captured the horror of the battle of Solferino and its equally horrific aftermath. Using his own money, Dunant had his book printed and distributed to several prominent aristocratic families, politicians, military men, philanthropists, writers and friends. A Memory of Solferino quickly became a literary success and Dunant soon received letters of praise, support and encouragement from many influential people of the time, such as the Goncourt brothers, Victor Hugo and military men such as Surgeon-General Bartherand who shared Dunant's dismay about the treatment of wounded soldiers (Boissier 1985, 37-41).[58] Inspired by his book's reception, Dunant devoted himself to lobbying for improvement in the treatment of wounded soldiers in wartime.[59] His efforts bore fruit in the creation of the International Committee for the Relief of the Wounded (which later became the International Committee of the Red Cross),[60] and the adoption of the 1864 Geneva Convention on the Amelioration of the Condition of the Wounded in Armies in the Field.[61]

The ICRC's success in codifying international humanitarian law gave the organization an incredible amount of respect and legitimacy. The 1864 Geneva Convention was supported and even lauded by many European leaders, most notably Napoleon III of France (Moynier 1882, 62-70). Swiss jurist Bluntschli called it "one of the noblest

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[58] For instance, the Goncourt brothers wrote: "It is the sublime touching the depths of one's being. It is more beautiful, a thousand times more beautiful, than Homer, than the Retreat of the Ten Thousand, than anything. …It is the truth about the living, about the mutilated, about those dying by violence in the prime of life, about everything descried in rhetoric since the world began" (quoted in Slaughter 2009, 96).

[59] Concern and care for the wounded significantly changed starting in the 14th century, period when armies became royal armies. Surgeons were appointed to army units or legions and field hospitals were created (Boissier 1985, 126-143). These changes appeared against the background of a greater recognition of doctors and medicine and the growing power of artillery, making the presence of competent medical staff an important determinant of success (Guillermand 1989, 309). Army medical services reached a high point during these times thanks to schools of military medicine and surgery and the number of surgeons accompanying armies. These achievements were brought down by the French Revolution. With the advent of mass conscription, the wounded and sick combatants were not cared for but simply replaced by new troops (Bugnion 2009, 9). This was the lamentable state of sanitary services that Dunant observed in Solferino, and which prompted him to act.

[60] For ease of reading, the acronym ICRC will be used to refer to this organization throughout its history.

[61] The 1864 Geneva Convention was a landmark agreement as it was the first international treaty of international humanitarian law. Among other things, it sanctioned the neutrality of medical personnel and places of care, and established that wounded and sick combatants shall be collected and cared for (ICRC 1864).

achievements of the human spirit" (Pictet 1989, 278).[62] Although the content of the 1864 Geneva Convention was itself not new, the document managed to make coherent a number of independent proposals (e.g. neutrality of ambulances, situation of the wounded) and, more importantly, win enough support to transform these proposals into reality (Bugnion 2009, 15). The ICRC also innovated by combining a strategy of continuity (through preparation in times of peace) with a more ambitious tragedy of protection (through the development of international humanitarian law) (Blondel 1987, 451).

The success of this enterprise certainly owed much to a supportive international environment at the time. However, considering that other individuals put similar proposals forward during the same period, including Italian doctor Ferdinando Palasciano and French pharmacist Henry Arrault, the air du temps alone cannot account for the success of the ICRC (Lubin 1991; Russo 1991). Three elements were central to securing this outcome: first, Dunant's untiring lobbying efforts throughout Europe to publicize the ICRC's project and gather support from elites; second, Maunoir's (one of the original member of the Committee) strategy of gaining the support of the masses by stirring "up an agitation," notably in the daily press; and third, the organizational format adopted by the ICRC – the convening of an international conference bringing together European governments to discuss concrete proposals, rather than impassioned and vague declarations (Moynier 1882, 16-18; Boissier 1985, 55; Finnemore 1996, 69-88).

As modern humanitarianism's founding myth, the episode of Solferino would lead one to assume that it also marks the birth of the humanitarian worker (Barnett and Weiss 2008, 21; Walker and Maxwell 2009, 21-22). This is unsurprising in light of founding myths' effect of creating and legitimizing identity – in this case, the "humanitarian" identity (Probst 2003, 45-6).[63] While a humanitarian organization – the ICRC – and a key humanitarian legal convention emerged from Solferino, no humanitarian actor, as a

[62] Dr. Julius Naundorff has been quoted to have praised it as "one of those important events and rare progress that one witnesses in history" (Moynier 1882, 69).
[63] While the terms "humanitarian" and "humanitaire" were first used in 1838 and 1835 respectively, their use greatly proliferated following Solferino (Harper, Douglas, n.d.; Centre National des Ressources Textuelles et Lexicales 2012).

distinct category, came to be at that point. One new category of actor did in fact emerge from Solferino, however: medical personnel. The resolutions of the 1863 Geneva International Conference pertained to the formation of national committees to assist the Army Medical Services in times of war, if need be, through sending voluntary medical personnel (ICRC 1863). Additionally, the 1864 Geneva Convention addressed the neutrality of ambulances and military hospitals and their staff (ICRC 1864). The focus of the Geneva Committee on medical matters is not surprising considering that the reasons motivating its formation, as well as the Committee's ability to garner popular and elite support, were both tied to Dunant's vivid depictions of wounded soldier on the battlefield (Moynier 1882, 29).[64] While doctors and surgeons had been traveling with European armies for centuries, they identified themselves with their brothers in arms, not as a category of non-combatant. To underline this identification, most medical personnel carried weapons and were deeply attached to them insofar as they symbolized their membership in the army (Boissier 1985, 100; Guillermand 1989, 329). Thus, the neutralization of medical personnel had the effect of positioning them as distinct actors. It is worth noting, however, that medical staff had been granted an inviolable or neutral status in a number of military cartels concluded between the 16th and 19th century.[65] Still, the scope, multilateral and permanent nature of the 1864 Convention constituted a novel development.

The distinction I am drawing here between medical personnel and humanitarian workers is not simply a semantic exercise: they each constitute different categories of actors with distinct rights and obligations. The two concepts are sometimes confused. Many humanitarian organizations, such as *Médecins du Monde* (MdM) and *Médecins Sans Frontières* (MSF) for example, are involved in the provision of medical services.

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[64] It is worth noting that while Dunant's book produced tremendous reaction, the issue of the treatment of wounded soldiers was not new and had in fact been the object of discussion in European circles since the Crimean war (Moynier 1882, 29).

[65] The oldest detailed example of such a cartel was granted by the Marquis of Spinola at the capitulation of Breda in 1625 (Guillermand 1989, 309). A particularly noteworthy cartel is the one concluded between the Count Stairs and the General Duc de Nouailles in 1743 as it guaranteed the inviolability of military hospitals. Other precedents include the 1759 treaty concluded at Sluys between France and England, and the 1759 Convention of Brandenburg concluded between Frederick the Great and Louis XV. Following the 1864 Geneva Convention, Gurlt undertook an extensive study of these instances and recorded 294 such treaties concluded between 1581 and 1864 (Lueder 1876, 11-16; Nussbaum 1947, 128-9).

However, staff from these organizations, and other similar NGOs, are actually not "medical personnel" in the strict legal sense. Personnel need to be

> assigned, by a party to the conflict, exclusively to the search for, collection, transportation, diagnosis or treatment, including first-aid treatment, of the wounded, sick and shipwrecked, and the prevention of disease, to the administration of medical units or to the operation or administration of medical transports (Henckaerts and Doswald-Beck 2005, 81, emphasis added).

The use of the Red Cross emblem by both the ICRC – generally perceived as the prototypical humanitarian organization – and medical personnel may have contributed to the confusion between these categories of actors.[66]

In addition to founding myths' institutional impact, the natural association of Solferino with the humanitarian worker may stem from humanitarian workers' adoption of Henry Dunant's story as their "master narrative," which they use to anchor their role and goals and which lends legitimacy to their activities. Humanitarian workers construct their professional identity with reference to the features of altruism and humanity highlighted in Dunant's story, and perceive themselves as Dunant's direct heirs (Sørensen 2006, 4-5).[67] The fact that this narrative is part of the founding myth of Solferino makes it all too easy for humanitarian workers to draw a direct connection between Dunant's work and their own. It is a powerful story that gives humanitarian workers instant legitimacy. Portrayals of humanitarian workers as vulnerable and altruistic actors performing admirable work are not only found in humanitarian workers' self-understanding and within humanitarian organizations, but are also widely conveyed in the media to this day (Rieff 2002, 275; United Nations 2008; Fast 2010, 381-2; Willsher 2010).[68]

There are two reasons that the presence of ICRC representatives on European battlefields in the second half of the 19th century did not mark the emergence of a new category of

[66] Mackinstosh clearly explains the use of the Red Cross by writing: "Use of the[Red Cross] emblem is controlled by the states parties to the Conventions, and is in the first place assigned to the medical services of the armed forces. Other medical services, units and personnel assigned to a party to the conflict (such as national Red Cross societies), can make use of the Red Cross with the consent of the military authoriites, as can civilian hospitals organized to give care to the wounded and sick, the inform and maternity cases if authorized by the state concerned. […] The other use of the Red Cross emblem is to designate the activities of the International Red Cross Movement (the ICRC – International Committee of the Red Cross – and the International Federation of Red Cross and Red Crescent Societies) [as recognized in] article 44 of Geneva Convention I" (2007, 114-115).

[67] Interview with a humanitarian worker, Geneva, 2012.

[68] This portrayal of humanitarian workers will be further developed in forthcoming chapters.

actor. First, as an organization, the ICRC differed little from the array of welfare organizations and societies budding in Europe during this period. In fact, the ICRC itself broke-off from one such welfare organization: the Society for Public Welfare of Geneva. Dunant's proposals were discussed by the Society, however they were received with some trepidation. This lead one the Society's most respected members, Gustave Moynier, to suggest forming a special committee to study Dunant's proposals in more detail, and to prepare a dossier to be presented at the international welfare congress in Berlin in September 1863 (Moynier 1882, 5-14; Boissier 1985, 49). The Committee, first referred to as the "Committee of Five," was the precursor to the ICRC.[69] Thus, from the start, the ICRC was almost indistinguishable from the many other organizations and projects that grew out of the Genevan Society, such as the Bureau central d'aide sociale and the Société genevoise pour la protection des animaux (SGUP n.d.).

Second, ICRC delegates deployed on the battlefield differed little from the ones in Geneva or those travelling to European capitals. Not only did ICRC delegates carry out similar tasks, like disseminating and supervising the 1863 Geneva Conference's resolutions, but they were also often one and the same. For instance, during the Schleswig-Holstein war (German-Danish war), one of the two representatives of the ICRC, Dr. Louis Appia, was also one of the founding members of the Committee of Five (Boissier 1985, 169-170). Thus, unless all the members of the ICRC were perceived as forming a new category of actor, which is dubious considering the likeness of the ICRC to other targeted organizations and that its subject matter fell under the Genevan Society's perceived scope of intervention, the two ICRC delegates dispatched during the German-Danish war can hardly be perceived as such. Also, their deployment on the battlefield stemmed from the ICRC's mission requiring supervision and advice in wartime – they were sent to assess the implementation of the Geneva Conference – rather than from a deliberate attempt to present itself as distinct from other organizations (ICRC 1998b).

[69] The Committee of the Five was composed of Henry Dunant, Gustave Moynier, General Guillaume-Henri Dufour, Dr Louis Appia and Dr. Theodore Maunoir.

## 2.3. First recognition of the humanitarian worker

Some thirty years following the recognition of medical personnel, however, a new actor did finally enter the scene. Again, it was through a new international legal convention. The 1899 Hague Convention on the Laws and Customs of War on Land recognized a new category of actor in wartime, and this category can be linked to the modern concept of the humanitarian worker: delegates of relief societies for prisoners of war (POWs). Even if not considered by many to be a landmark moment in the history of humanitarianism, this Convention constituted a central moment in the history of the humanitarian worker. Article 15 of the Convention reads as follows:

> Relief societies for prisoners of war, which are regularly constituted in accordance with the law of the country with the object of serving as the intermediary for charity, shall receive from the belligerents for themselves and their duly accredited agents every facility, within the bounds of military requirements and administrative regulations, for the effective accomplishment of their humane task. Delegates of these societies may be admitted to the places of internment for the distribution of relief, as also to the halting places of repatriated prisoners, if furnished with a personal permit by the military authorities, and on giving an engagement in writing to comply with all their regulations for order and police (ICRC 1899).

The connection between these delegates of relief societies for prisoners of war and modern-day humanitarian workers can be made on the basis of both practice and terminology. The provision of relief to POWs constitutes a task still performed by humanitarian workers today. This work is oftentimes carried out by the ICRC, which has been recognized in legal documents as being "humanitarian," and whose delegates have been described as "humanitarian workers."[70] Continuity in the work performed and the actor performing it, even in the face of a changing label (from "delegates of relief societies for POWs" to "humanitarian workers") speaks to the connection between the actor recognized in 1899 and the modern-day humanitarian worker. Moreover, the terms "relief", "aid" and "humanitarian" are often used as equivalents in the policy and legal domains. For instance, while using the term "relief," Article 71 of the first 1977 Additional Protocol is widely recognized as addressing the protection of humanitarian workers (Mackintosh 2007, 118; Barrat 2010, 54). Furthermore, while the term "assistance" has increasingly come to replace the term "relief" to refer to the provision of

[70] See for example, ICRC 1949d, article 123.

material goods, "humanitarian workers" remains the predominant phrase used to refer to individuals dispensing assistance (e.g. UN 1998).[71]

Not only was the 1899 Hague Convention's recognition of the delegates of relief societies for POWs a landmark for the category "humanitarian workers," it also marked the entry of a new actor on the international scene. It was the first time that delegates of relief societies for POWs were recognized in a legal convention. These actors were also new in the sense that they did not qualify under existing categories – they were not, for example, medical personnel or civilians. They were something different. Furthermore, as we saw in the case of medical personnel, external recognition is crucial to being perceived as a distinct kind of actor.[72] The pre-1864 medical personnel differed little from their predecessors in terms of medical function but were constructed as a distinct actor through their separation from the army. A similar dynamic of external recognition is observable regarding the delegate of relief society. Although some relief work in favour of POWs preceded the adoption of the Hague Convention, the relief societies and their delegates recognized in Article 15 were perceived as something new. Reflecting on the Conference, Boissier wrote: "Nobody seemed clear as to who these intruders were. Louis Renault [the 1899 Hague Conference secretary and main drafter of the 1907 Hague Convention] flatly declared they didn't exist" (Boissier 1985, 382). This perception of novelty is also evidenced by the fact that the adoption of the Hague Convention prompted discussions regarding "who" or "what organization" should carry out these new tasks in favour of POWs. Had societies, organizations or an identifiable category of actor already been in existence and recognized, it is doubtful that such discussions would have occurred. The Red Cross appeared as an obvious choice for some jurists, such as Renault and de Martens, and at the IX$^{th}$ International Red Cross Conference in Washington in 1912, the Red Cross accepted prisoners of war as part of its mandate (Korff 1912; ICRC 1919; Boissier 1985, 382-384).

[71] Macalister-Smith also argues that the expression "humanitarian assistance" has come to replace the term "relief" because it is more neutral (Macalister-Smith 1991, 446).
[72] Numerous scholars have addressed the importance of this external recognition for identity formation. For instance, see Wendt 1992; Hansen 2006, 6.

Although it explicitly recognizes the work of a new actor in wartime, Article 15 of the 1899 Hague Convention has received little attention in histories of humanitarianism. One possible reason is that it was actually not discussed at the Conference. The silence was instigated by his Excellency Mr. Beernaert, the senior delegate of Belgium, who argued that this provision, and others pertaining to prisoners of war, were not new.[73] Before turning to the precedents that paved the way for this recognition in the Hague Convention and the provisions referred to by Beernaert, it is worth mentioning that this silent "birth" of the humanitarian worker was uncontroversial as humanitarian workers were viewed as a simple means for relief societies to provide assistance to POWs. Article 15 focuses on the relief societies and their work and not on their individual delegates. This emphasis is not surprising considering that this article was spurred by a concern for the treatment of POWs and more importantly because this "organization-focussed" clause thereby endowed belligerents with an efficient means to control actors wishing to provide relief in wartime.

## 2.4. Precedents of the 1899 Hague Convention: history of the concern for POWs

As the emergence of delegates of relief societies for POWs stemmed from a concern for POWs, it is worth looking at how the latter was constructed as a category of concern. Interestingly, Solferino writ large, or the work of the ICRC in particular, was instrumental in this outcome mainly through providing a blueprint for the construction of POWs as a category of concern. In so doing, it contributed to the emergence of the humanitarian worker. That efforts in favour of POWs paralleled the ICRC's advocacy work in favour of wounded soldiers is not surprising given the success of the ICRC in having protective principles on wounded soldiers, as well as an actor to attend to them, enshrined in an international convention. The strategies used by the ICRC, namely: (1) lobbying; (2) using the press for gaining support of the masses; and (3) convening international conferences, also played an important role in the construction of the POW as a category of concern. In addition to the successful precedent set by the ICRC, this

[73] Only Article 16, which related to postal, customs and other privileges was discussed (Scott 1917, 144; Abrams 2001, 72).

similarity in tactics was also possibly a function of the involvement of Henry Dunant, one of the ICRC's architects, in lobbying in favour of POWs. Dunant, who was not associated with the ICRC after 1867 as a result of a controversy at the *Crédit Génévois*, had adopted the situation of prisoners of wars as his new cause (Boissier 1985, 203-206).

Similar to the impact of the battle of Solferino on wounded soldiers, the 1870 Franco-Prussian war was a catalyst in the history of the concern for prisoners of war. Going beyond *ad hoc* initiatives and cartels, prisoners of war henceforth became the object of more sustained attention and intervention (Romberg 1898, 25-26). During the war, a number of *ad hoc* relief committees emerged in France, Germany, Austria and Belgium to attend to POWs' needs (Romberg 1898, 27). For example, given that "the enemy wounded rubbed shoulders with prisoners who had fallen ill in captivity," the ICRC extended its activities aimed at the wounded soldiers to prisoners of war (Boissier 1985, 265). However, perceiving relief to able-bodied prisoners of war as falling outside of its mandate, it created the "International Relief Committee for Prisoners of War" in Basle, under the supervision of Dr. Christ-Socin.[74] Amidst a myriad of organizations intervening in favour of POWs, one committee, the Brussels Committee (which became the driving force behind the *Société Internationale de Secours pour les Prisonniers de guerre*), distinguished itself by its prestigious membership and the quality of its work. It presented itself as the equivalent to the ICRC for prisoners of war and it is this organization that became the lobbying force for POWs.[75]

Following the steps of the ICRC, the *Société Internationale* became a very active lobby group. To achieve its aim of having protective provisions on prisoners of war enshrined

[74] During the war, the ICRC and its Committee for POWs gathered information about the wounded, compiled lists of POWs, instituted a service to exchange correspondence between POWs and their families and provided relief (ICRC 1973, 4-5; ICRC 1998a).

[75] Its programme reads "do for prisoners of war, without distinction of nationality, with the agreement of belligerent states what the Geneva Convention had done for the wounded: to improve the situation of prisoners of war through the provision of aid of any kind; to facilitate contact with their families, in line with the conditions set by the governments; to multiply the resources for their intellectual, moral and religious life." The original reads "Faire pour les prisonniers de guerre, sans distinction de nationalité, avec l'agrément des gouvernements belligérants, ce que la Convention de Genève a fait pour les blessés; adoucir par des secours de toute nature la position des prisonniers de guerre; leur faciliter, par les conditions fixées par les gouvernements, les relations avec leurs familles; multiplier autour d'eux les ressources de la vie intellectuelle, morale et religieuse." (Romberg 1898, 28) The translation was made by the present author.

in an international convention, the *Société*'s representatives travelled throughout Europe. They familiarized elites on the situation of POWs, advocated for the need for an agreement on their treatment and presented possible measures to improve the circumstances of POWs.[76] Only the Russian government's convening of the 1874 Brussels Conference prevented the *Société* from holding a diplomatic conference under its own auspices, as the ICRC had done in 1864. As a result, the *Société* became an active contributor to diplomatic conferences. Given that government representatives were oftentimes the only ones allowed to submit projects at the occasion of diplomatic conferences, the *Société* lobbied for, obtained and ultimately relied on the support of the Belgium government to have its project examined. For instance, at the occasion of the 1874 Brussels Conference, the Belgium plenipotentiary, Baron Lambremont, presented a project on POWs based on a draft of the *Société.* Although these propositions were not included in the final document of the Brussels Conference, their authorship and value were nevertheless recognized by a resolution of the Conference.[77] The *Société* also submitted some propositions on the treatment of POWs at the 1889 *Congrès International des Oeuvres d'Assistance* in Paris that were unanimously adopted (Annales de l'École Libre des Sciences Politiques 1889, 735). The work of the *Congrès* was notable in prompting the French government to elaborate and adopt a *règlement* (regulation) on the treatment of prisoners of wars in 1893. The content of the *règlement* was greatly inspired by a project submitted at the 1874 Brussels Conference and at the *Congrès* (Romberg 1898, 28, 30-38, 75-85). The adoption of seventeen articles pertaining to prisoners of war in the 1899 Hague Convention was the culmination of these lobbying efforts. The *Société Internationale* played a particularly important role in this outcome as

[76] For a comprehensive presentation of these efforts in favour of prisoners of war, see Romberg 1876; Romberg 1898.

[77] The resolution reads as follows: "The Committee, having heard the proposals made by the Belgian Committee of the International Society for the relief of prisoners of war and presented by the delegate of Belgium in a modified form, and after deliberation, finds a common agreement that the purpose of this eminently charitable society in general, and the high repute of the members of the Belgian Committee in particular, are likely to ensure a warm welcome of these proposals and serious consideration" (the translation was made by the present author). The original reads "La commission, après avoir entendu la lecture des propositions faites par le comité belge de la Société internationale de secours pour les prisonniers de guerre et présentées par M. le délégué belge dans une forme modifiée, et après en avoir délibéré, constate d'un commun accord que le but éminemment charitable de cette Société en général, et la haute honorabilité des membres qui composent le comité belge en particulier, sont de nature à assurer à ces propositions un accueil bienveillant et une sérieuse considération." (Romberg 1898, 32) The translation was made by the present author.

these clauses were included by the Belgium plenipotentiary upon the request of Romberg, who was the *Société*'s secrétaire-rapporteur (secretary-rapporteur) (Boissier 1985, 370). Once again, the support of the Belgium plenipotentiary was essential, especially because the conference was not open to the public.

In a manner reminiscent of the ICRC publishing its project in the Genevan press to inform the public and gather support, the *Société* attempted to reach out to the public by publishing a book entitled *Les Belligérants et les Prisonniers de Guerre* in 1894 to publicize its project. It pertained to the situation of prisoners of war in wartime and included a detailed draft convention on the situation of prisoners of war. As of way of spurring support for its content, most of its clauses were skilfully accompanied by a brief description of their consonance with previous agreements and doctrines (Romberg 1898, 94-104). This strategy of the *Société* – presenting the draft convention as simply reflecting prior understandings and traditions rather than constituting a brand new set of agreements – constitutes a clear illustration of the role of "grafting" in norm development. The concept of grafting captures "the genealogical heritage of such normative branching that is glossed over by overly volunteeristic terms such as "framing" [while avoiding] the overly static connotations of "fit" or "resonance""(Price 2003, 584). Price explains the value of this technique, writing: "ideas are more likely to be influential if they fit well with existing discourses in a particular historical setting" (1998, 630).[78]

In addition to providing a blueprint for the successful construction of a category of concern, the ICRC contributed to the emergence of delegates of relief societies for POWs by setting a positive precedent. The fact that governments accepted the intervention of a new civilian actor during armed conflicts undoubtedly owed much to the success of medical personnel themselves on the battlefield. For instance, the ICRC's use of new war surgery techniques and the methods discovered by Pasteur had the effect of reducing the mortality rate from arm wounds from 21% in 1870 during the Franco-Prussian War to 0% during the 1885-1886 Serbo-Bulgarian War. The mortality rate for leg wounds also

[78] Grafting has contributed to the acceptance of numerous norms such as the landmine ban and as discussed in the next chapter, it played a central role in the growing prominence of the norm of humanitarian security in the 1990s.

dropped from 21% to 6% during this period (Boissier 1985, 341). Through the drop in mortality rates, medical personnel illustrated the value of recognized civilian actors intervening in times of war in a clear and tangible way. Had the tasks and presence of medical personnel been perceived as worthless or hindering, as some critics first feared, governments would likely have had little inclination to consider the involvement of another category of actor in war (Moynier 1882, 25).

## 2.5. World War I

While the climate of relative peace between 1899 and 1914 provided few opportunities for the newly recognized delegates of relief society to gain experience, it nevertheless saw the reaffirmation of the recognition gained in 1899.[79] The 1907 Hague Convention repeated, almost verbatim, Article 15 of the 1899 Hague Convention, thus further endorsing the work of relief societies. It also validated another precedent set by the ICRC in recognizing, in Article 14, the institution of information agencies for prisoners of war at the start of a conflict (ICRC 1907; ICRC 1973, 16).[80] The First World War witnessed the first steps of the legally sanctioned delegate of relief society but not the emergence of a clear new actor. This is principally because delegates of relief societies were not perceived as all belonging to a common category of actor. Their identity was rather closely associated with their organization. They were perceived as "Red Cross delegate" or "YMCA secretary" rather than "relief worker." This perception was very much in line with the spirit and letter of the 1899 Hague Convention which sanctioned the work of "delegates of these societies" (ICRC 1899). Article 15's focus lay on the relief societies and not on their delegates. Delegates of relief societies were perceived as the means through which duly recognized relief societies could operate. ICRC president Max Hubert illustrates this perception, writing: "the delegates […] are, so to speak, front line troops of the International Committee or of the neutral organizations" (Junod 1951, 10).

[79] For ease of reading, I interchangeably use the terms "delegates of relief society" and "relief worker."
[80] Building on this provision, during the Balkan war, the ICRC set up, in 1912, an agency for prisoners of war, and sick and wounded soldiers (ICRC 1973, 14-15).

The absence of internationally agreed upon criteria for relief societies also hampered the perception of all delegates as belonging to a common category. It was each belligerent's prerogative to recognize relief societies and sanction the type of work they were allowed to carry out in their territory.[81] The perception of all relief societies' delegates as sharing a common identity was also significantly hindered by the independent, disjointed and nationalist character of relief during the Great War. Appreciating that the First World War saw the interventions of relief workers who were not perceived as belonging to a common category of actors is critical, as it shows how treating and recognizing these actors as "humanitarian workers" and "aid workers" is recent. It also helps to account for the nonappearance of the norm of humanitarian security in that period.

Comprehending the experience of delegates of relief society (and of other humanitarian actors) requires attending to the work performed by their organizations. This analytical focus is valuable for identifying what is perceived to be "humanitarian work," which constitutes an important dimension of the actor's identity. Also, this analysis of World War I does not only attend to the work performed in favour of POWs but also examines information work, and actions in favour of civilian populations. This broader focus allows us to account for the recognition of humanitarian work as an esteemed endeavour, which supported the growth of the humanitarian sphere as well as the emergence of the category and identity of "humanitarian worker" in future decades. The analysis of WWI that follows contains three parts. The first section examines the Information Agency set up at the outset of the hostilities. The second section attends to the work performed in favour of POWs. Here, I highlight two characteristics of relief action that prevented the perception of all delegates of relief societies as belonging to a common category of actors: the differentiation between relief societies and the nationalist character of relief action. Third, I look at the work performed in favour of civilians. My analysis shows how the meaning of delegate of relief society has been ambiguous from the start as actors carrying work in favour of civilians were highly similar to delegates of relief societies for POWs. While the work and presence of these actors were not legally sanctioned, these

[81] Nice illustrations of these negotiations with belligerents are presented in Davis (1993), Becker (1998) and Steuer (2009).

actors presented themselves in similar ways to delegates to POWs. This section is important for providing a full picture of humanitarian action during WWI and understanding how the humanitarian worker evolved over time.

### *2.5.1. Information Agency*

The first humanitarian initiative established at the outset of World War I was the International Prisoners of War Agency (IPOWA) by the ICRC.[82] Briefly put, the IPOWA was the primary institution to which families that had lost contact with their soldiers turned for information. To be able to respond to the overwhelming demand, which sometimes amounted to up to 8,000 letters per day, the agency grew from 20 staff members to 1,200 within three months of the start of the war (ICRC 1973, 17). But the IPOWA's modest nomenclature far from captures the scope of activity of the Agency. Along with acting as a hub of information on prisoners of war, and civilians, it also processed and transmitted information on missing, wounded and dead soldiers and civilians and forwarded relief to soldiers hors de combat. By the end of the war, the agency had "made out 4,895,000 index cards and forwarded 1,884,914 individual parcels and 1,813 wagonloads of collective relief supplies" (Durand 1984, 45). It also demonstrated outstanding adaptability in establishing new information systems on missing soldiers. For instance, with the battle of Verdun and the coming of static warfare, the IPOWA established a system of "regimental searches," which consisted of sending a request for information to someone in a regiment regarding the whereabouts of some of his brothers in arms. This system proved highly valuable as it allowed for collecting 90,000 reports on French prisoners alone, which were not included in the official lists (Durand 1984, 44).

Through this information work, the IPOWA advertised the distinctiveness of humanitarian action. In comparison to the small number of individuals who had any previous direct contact with the ICRC, millions of individuals interacted with National

[82] The Vatican and the King of Spain also received a significant number of letters asking about the whereabouts of family and friends. Yet, the hundreds of daily letters received by the Vatican appear small in comparison with the sometimes thousands of daily letters received by the ICRC (Becker 1998, 164-168).

Red Cross Societies or the ICRC during the Great War. Throughout the war, the IPOWA positioned itself as the alternative to inadequate government channels of communication and as a symbol of hope for individuals wishing to locate, communicate with and send relief to relatives.[83] It indicated to belligerents and populations that there was a respectable "third way" or, in the words of ICRC delegate Marcel Junod, a "third combatant" on which they could rely (Junod 1951; Becker 1998, 188). While this information work was performed by an ICRC subsidiary agency, it was perceived by soldiers and civilian populations to be the work of the Red Cross. This is unsurprising given the presence of the Red Cross emblem on documents requesting information on civilians and on wounded and dead soldiers (ICRC 1917; ICRC 1973, 130-132; ICRC 2007b). Also, information periodicals such as the weekly French newspaper "*La Recherche des Disparus*" (The Search for the Missing) clearly positioned the Red Cross as a central actor with regard to information on civilians and soldiers. This newspaper provided lists of displaced civilians, missing civilians and missing soldiers as well as forms to request information on soldiers and civilians. Not only did its front page display the Red Cross emblem but it was dedicated to present relief action and the work of the Red Cross in particular.[84] The IPOWA's work was not only important for families desiring information on their missing relatives but also for POWs themselves. Reporting on their visit to POWs camps, some ICRC delegates wrote that "the lack or simply the scarcity and slowness of correspondence" was one of the most acute suffering experienced by POWs (ICRC 1917, 12-13).[85]

The information work performed by the IPOWA contributed to the ICRC being awarded the Nobel Peace Prize in 1917 (Nobel Prize 2012). The growing recognition of the Red Cross is important to acknowledge because it allowed the ICRC to undertake numerous

[83] The Danish Red Cross had established a similar information agency in 1916 to deal with prisoners of war of the German-Russian front (ICRC 2005b).
[84] For example, the February 28th 1915 edition presented the organization of the Red Cross movement and ways for individuals to request information on soldiers and displaced civilians. The March 7th edition explained how correspondence between prisoners and their families was organized and functioned. The March 14th1915 edition dedicated its front page to Swiss relief work and the contribution of the Red Cross.
[85] The translation was made by the present author. The original reads, "De toutes les souffrances des prisonniers, l'une des plus aiguës est certainement l'absence, ou simplement la rareté et la lenteur des correspondences" (ICRC 1917, 12-13).

humanitarian initiatives during the war – notably in favour of civilians – and to come to be seen as the "gold standard" for humanitarian organizations.[86]

### *2.5.2. Prisoners of War*

The 1899 Hague Convention's recognition relief societies for POWs allowed their delegates to perform tremendous work during the First World War.[87] As the war dragged on, the number of prisoners of war in the custody of the Central and Allied powers steadily increased. Given the shared belief that the war would be over by Christmas 1914, the belligerents had not made the necessary arrangements to accommodate and care for over five million POWs (Steuer 2009). This lack of foresight allowed relief societies and neutral Powers to carry out large-scale interventions in favour of POWs.[88] For instance, the ICRC visited and provided relief in 524 camps, while the Young Men Christian Association (YMCA) set up operations in 80 POW and civilian internment camps in Germany by February 1917, which represented almost 89% of such camps (Abbal 1987, 7; Steuer 2009). Also, despite repatriation being a prerogative of the Detaining Power, both the ICRC and the YMCA assisted States in this work. The ICRC itself organized the return of some 425,000 prisoners of war, whereas the YMCA supported POWs in their journey by providing them with food and blankets as well as moral and social support (Durand 1984, 74-75, 100; Steuer 2009). Despite this dynamism, however, the delegates of these relief societies were not perceived as forming a new and encompassing category of actor.

#### 2.5.2.1. Distinctiveness of relief societies

[86] The valuable work performed by the ICRC during WWI was also recognized in the 1929 Geneva Conventions. I discuss these conventions in the next chapter.
[87] Historian Daniel Palmieri situates ICRC's visits to POWs during the First World War as marking the emergence of the humanitarian worker as actor. (Interview with the author, Geneva, 2012)
[88] While this research focuses on relief societies, neutral states used a system of protecting powers to play a valuable role in favour of prisoners of war. For instance, French and Russian POWs in Germany were represented and looked after by Spain while German POWs in the UK were represented and looked after by the United States (Jones 2009, 700).

A small number of organizations became involved in providing relief to POWs during the Great War. The requirement that relief societies receive the consent of governments before intervening not only thwarted spontaneous work supporting POWs but also favoured bigger and more organized societies as only the latter could undertake reciprocal actions. The principle of reciprocity, a key rationalist theoretical mechanism of norm development, formed the cornerstone of most POW work during the war. Belligerents generally only sanctioned the work of relief societies in favour of foreign POWs in their territory if that society could ensure that similar work would be undertaken in favour of their POWs on foreign territory (Taft 1922, 239; Abbal 1987, 16-19; Davis 1993, 39; Steuer 2009). In addition to neutral states and the Vatican, the principal actors intervening in favour of POWs were the Red Cross (the ICRC and the National Societies) and the YMCA (the World Alliance and National Associations).[89] This section will thus focus on these two major relief actors.

Despite their shared concern for the plight of POWs, these two movements developed and demonstrated different expertise. The Red Cross work in favour of POWs had three main dimensions: (1) information (which involved information on the whereabouts of POWs and correspondence between the latter and their families); (2) provision of succour to POWs and investigation of conditions of detention; and (3) diplomatic interventions in cases of violation of conventions by states (Becker 1998, 180).[90] Whereas the delivery of relief was mainly carried out by National Societies, the ICRC played a leading role with regards to information and diplomacy. Also, the ICRC did not limit its intervention in favour of POWs to the provisions of the Hague Convention. Using its self-proclaimed identity as "a highly active neutral intermediary," the ICRC approached belligerent states to secure some ad hoc agreements on standards of treatment of POWs. These efforts, often supported by National Societies, produced a number of successful outcomes such as the exchange of seriously wounded prisoners, agreement on punishments in case of

[89] Other relief societies include Dr. Markel's Committee and the Friends' Emergency Committee in England (Taft 1922, 230).

[90] The ICRC's diplomatic efforts will not be comprehensively examined because this section focuses on the newly recognized delegates of relief societies. Also, some of these diplomatic interventions were supported by political actors such as Guiseppe Motta, President of the Swiss Confederation. It suffices here to highlight that the ICRC was involved in humanitarian diplomacy and that its successes contributed to the recognition and legitimacy of the organization. Interested readers should consult Becker 1998, 199-213.

escape attempts and the internment of wounded officers in Switzerland (Abbal 1987, 14; Forsythe 2005, 31; Nobel Prize 2012).[91]

Complementing these legal, diplomatic and relief efforts, YMCA workers attended to the religious, educational, recreational and moral needs of POWs by providing them, for example, with books, musical instruments and education opportunities (Durand 1984, 77; Taft 1922, 234-236).[92] These interventions aimed at making "incarceration a rewarding experience" and combating "barbed-wire disease," which plagued POW camps (Steuer 2009). This psychological affliction, also known as neurasthenia, stemmed from feelings of intense boredom, hopelessness, uselessness and lack of privacy (Taft 1922, 220-227).[93] The significance of this affliction in POW camps made visits by relief workers, of any organization, highly valuable for incarcerated POWs. Relief society delegates provided more than relief parcels to POWs but also acted as concerned listeners and connections with the outside world. Numerous inmates in Russia recalled these visits as the "high points of their time in captivity" (quoted in Davis 1993, 41). Here, we find one of the first instances in which the successes of relief workers placed them in a position of general esteem.

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[91] For a comprehensive presentation of the internment of POWs in Switzerland, see Fabre 1917.

[92] The YMCA welfare efforts were often restricted because "prisoners could not be allowed too good a time" (Taft 1922, 238). Its religious identity also often hindered its acceptance. For instance, with reference to the case of France, Steuer remarked "French Catholics feared the dissemination of Protestant propaganda, while the French left opposed sectarian religious influence as represented by the American YMCA" (Steuer 2009).

[93] Taft explains barbed-wire disease thus: "Among prisoners of all nations there developed a distinct psychological condition, pathological in its nature to a varying degree. Herded together as they were in forced confinement without normal occupation; believing themselves hated and ill-used; tortured by their uselessness in the hour of their country's need and by anxiety regarding their own people at home; alternating between hope and despair till their numbed hearts could feel no more; fighting without adequate encouragement against approaching lethargy, with the blight of futility on all that they did – it is little wonder that so many of them sank into neurasthenia so well-marked in type and symptoms that it has been called "barbed-wire disease"." (Taft 1922, 220) The prevalence of this condition was a function of the very long time of captivity experienced by POWs. For instance, more than half the French POWs had been captured between August 1914 and December 1914 and three-quarters of French POWs had arrived in German POW camps by the end of 1916 (Abbal 1987, 18). In his study on POWs during the Great War, Abbal also notes a deterioration in the tone of messages sent by POWs to their families. He notes that the reassuring letters from the first months of the war in which prisoners were confident that they would be home by Christmas turned into disillusioned messages as the war went on (Abbal 1987, 12-13).

In addition to their distinct domains of action, Red Cross' and YMCA's efforts to highlight the organizational affiliation of their employees and actions further hindered the perception of all delegates of relief societies as belonging to a common category of actor. Relief societies were actively branding their services. For instance, private packages sent to POWs and delivered by the Red Cross as well as parcels from the Red Cross itself were stamped with the Red Cross emblem. POWs receiving such packages were thus highly aware of the role played by this organization in their relief. When providing goods to POWs, the YMCA also often stamped them with the YMCA emblem (Steuer 2009). While the Red Cross branding was partly aimed at facilitating the delivery process, the YMCA explicitly intended to "establish […] name recognition among the war prisoners" (Steuer 2009).[94] Furthermore, as the access of relief society delegates to internment sites hinged on their being part of a recognized organization, such branding was essential. Delegates presented themselves and were thus perceived as "ICRC or Red Cross delegates", "sisters" (a term used to refer to female Red Cross delegates), "YMCA secretaries" or "Red Triangle workers or representatives" and not as "relief workers" (Renault 1916, 66; Davis 1993; Blanchard 1997; Steuer 2009).

Not only was this close organizational association a requirement for access but it was also actively displayed to both POWs and external audiences. Both the YMCA and the ICRC publicized their work in their respective publications. For instance, the ICRC published 24 volumes on its visits to POW camps. These publications were sent to its *Bulletin international* subscribers, sold in bookstores and partly reproduced in a variety of documents published by the ICRC (Becker 1998, 189). The YMCA also publicized its work in its magazine *American Men*. It also published a monthly newspaper for prisoners of war between July 1915 and December 1918. *The Messenger to Prisoners of War* was published in French, German, English, Russian and Bulgarian and had more than one million subscribers before the Armistice (Steuer 2009). The YMCA also reached a broader audience by publicizing pictures of POW camps taken by its secretaries in

[94] This is because, in virtue of Article 16 of the 1899 Hague Convention, parcels sent by and forwarded by the IPOWA benefitted from free postage. Article 16 reads: "The information bureau shall have the privilege of free postage. Letters, money orders, and valuables, as well as postal parcels destined for the prisoners of war or dispatched by them, shall be free of all postal duties both in the countries of origin and destination, as well as in those they pass through" (ICRC 1899).

Germany. Through these publications, the general public gained organization-specific information on relief to POWs rather than a bird's-eye view of all relief efforts. And, when one relief society's actions were mistakenly confused with another, other actors involved in attending to POWs lamented the misunderstanding. For instance, Abbé Devaud, who visited French POWs in Germany wrote in a report sent to His Eminence Gasparri: "German Authorities have understood very well […] The camp commanders, less so. […] Some identify my role with the delegates from the Red Cross and make me visit the health camp facilities while I was there to see the prisoners" (quoted in Becker 1998, 192).[95]

This distinction between organizations was not only expressed by relief societies but also noted by observers. As an illustration, Red Cross worker Anni Rothe wrote in a report, "What the Americans accomplished for our prisoners is difficult [to say]; what is neglected to do is easy to say…A laudable exception is the work of the American Christian Young Men" (quoted in Davis 1993, 49). This passage shows how identification was organization-specific and not solely based on nationality. The contribution of the YMCA was also conveyed in this excerpt from a POW letter which reads: "In the camps' weary round of daily life the YMCA hut was for very many a veritable oasis where they found much needed restful surroundings and an atmosphere of calm and quiet and food for their anxious minds" (quoted in Taft 1922, 241). The YMCA hut in this letter was a venue within the camp facility used for any recreational, moral or religious activities.

The distinctiveness of the YMCA was not only acknowledged and expressed in personal or internal communications but also in newspaper articles. For instance, in a letter in the London Times, Rt Rev. Herbert Bury, Anglican Bishop for North and Central Europe wrote:

> Will you allow me to offer a small tribute to the generosity of the American YMCA? In October 1915, at the suggestion of the Archbishop of Canterbury, the War Office appointed me to

[95] The translation was made by the present author. The original reads, "Les autorités allemandes ont très bien compris[...]. Les commandants des camps moins bien. […] Quelques-uns identifient mon rôle avec celui des délégués de la Croix-Rouge et me font visiter les installations sanitaires du camp alors que ce sont les prisonniers que je viens voir" (quoted in Becker 1998, 192).

> superintend the social and religious work in the prisoners' camps in Great Britain and Ireland, and, in all that work, important and responsible as it has been, I have had the unfailing support, financial and otherwise, of the American YMCA [...] It would be difficult to speak in too appreciative terms – as no funds have been available for such work from the War Office – of the modest, generous and entirely unadvertising work of the American YMCA (quoted in Taft 1922, 235-236).

Moreover, the acknowledgement by relief societies of the contributions of other societies further highlighted their individuality. A 1917 edition of the YMCA newspaper *The Messenger to Prisoner of Wars* dedicated much space and attention to the "untiring efforts of the Red Cross" (original in French, quoted in Becker 1998, 185-6). The particularity of these organizations was not only conveyed by the remark itself but also by its vehicle – namely the publication of another relief society. Finally, the literature on relief to POWs during the First World War very rarely presents an overview of relief efforts, instead, it presents each society's contribution separately (e.g. Abbal 1987; Becker 1998; Jones 2009). This contrasts with the post-Cold War literature on humanitarian action which provides an overall picture of humanitarian actions in the field, without always distinguishing individual organizations (e.g. Smillie and Minear 2004; Hoffman and Weiss 2006; Barnett and Weiss 2011).

2.5.2.2. Nationalist character of relief action

The nationalist character of some relief action during the Great War constitutes a second factor hindering the emergence and perception of a common identity for all delegates of relief societies. Jones describes the nature of humanitarian action during the war as having a "dual nature" composed of an "international humanitarian sphere at the supra-national level, through both the ICRC and neutral state aid interventions, and the *national* level of aid where national Red Cross societies and aid movements were integral parts of the war effort" (Jones 2009, 699).[96] Reporting on "Red Cross Nationalism" in Japan and the United States, Hutchinson wrote:

[96] It is worth noting that despite significant improvements, "most national societies are more aligned with their national governments than with the ICRC. Like the American, British, or French Red Cross Societies, most are more nationalist than cosmopolitan. They are more patriotic than neutral and impartial. For example, they followed their governments into Northern Iraq in 1991 without much coordination with the ICRC" (Forsythe 2009, 74).

> From [the Germans] the Japanese had learned how to create an efficient military medical organization, but they did not merely copy the Germans; they also introduced variations of their own. One of these was the creation of a Red Cross society that unashamedly regarded patriotism rather than humanitarianism as the guiding principle of its activity. […] Once America entered the war in 1917, contributing money and time to the Red Cross became a kind of patriotic obsession, which brought out the best and the worst in the American genius for publicity and hoopla. (1996, 256) [97]

The discrepancy between the values associated with the Red Cross and the behaviour of some National Red Cross delegates is captured in an excerpt from the Official Report on the transport of British POWs to Germany, which reads: "The story is always the same – any appeal to the German Red Cross, to the people who bore on their arms the sacred brassard which signifies the eternal charity of man to man, even in the heat and bitterness of warfare, was met with foul words and infinitely fouler deeds" (Howard 1918, 4-5). The Report also clearly contrasts the work performed by the German and British Red Cross:

> officers and men are here unanimous – that the behaviour of the German Red Cross was so vile as to be almost incredible. […] One has only to think of the unfailing kindness of the British Red Cross nurses to realize the horror with which these helpless and wounded men shrank from the jeering, spitting, vindictive "angels of mercy" that they met behind the German lines (Howard 1918, 4-5).

Such accounts highlight the cultural mobilization of the national charities of belligerent countries (Jones 2009, 699).

The reciprocity regime guiding most interventions in favour of POWs is also evidence of this nationalist character of relief action. For instance, delegates of the Austrian, Hungarian and German Red Cross were allowed to visit POW camps in Russia in exchange for the Russian Red Cross' right to visit Russian POWs in Europe (Davis 1993, 34). The Russian government's decisions on access to its POW camps highlight how nationality and reciprocity, rather than international humanitarian principles, significantly impacted relief action and relatedly how actors providing relief were not perceived as interchangeable. For example, on 24 February 1916, the day before the Russian Foreign Office demanded the recall of the US Secretary of State's representative and expelled all American Red Cross doctors and nurses from Russia, the War Ministry "approved a second rounds of visits by German and Austrian Red Cross sisters, this time with twice

[97] For more information on this issue, interested readers should read Hutchinson 1996, 256-276.

the personnel of the 1915 round" (Davis 1993, 34). The varying degrees of success between humanitarian actors further highlight the nationalist influence on relief action. This is variance is captured by Davis: "While the Americans had great difficulty obtaining clearance for a few carloads of food and clothing, the Swedish Red Cross managed to distribute a total of 41 trainloads, including 1,016 railcars of supplies sent from Germany and Austria-Hungary to prisoners of war in Russia" (1993, 39). In addition, the Russian government's indulgence towards the Hungarian Red Cross, filled with the Habsburg aristocracy, is evidence that not all relief societies and their delegates were treated in the same way. Members of the Hungarian Red Cross notably included Princess Kunigunde von Croy-Dülmen, Countess Pauline von Stubenberg-Palffy, Countess Nora Kinsky and Countess Magda Cebrian (Rachamimov 2002, 180). This prestigious membership allowed some Hungarian Red Cross delegates to extend their stay in Russia and meet high-ranking individuals and dignitaries (Rachamimov 2002, 178). Not only were these Central Powers' Red Cross delegates perceived as representatives of their home state but they were also treated as such by their government. For instance, the Austro-Hungarian *Kriegsministerium* formulated criteria for Red Cross delegates, one of which was "to be impeccably loyal to the Habsburg state" (Rachamimov 2002, 172). Delegates appeared to have taken their loyalty to the state very seriously, as was the case of delegate Anna Revertera, who, during a visit in Perm to POWs in December 1915, collected the names of officers she considered to be traitors (Rachamimov 2002, 176).

Finally, the distinct national characters of members of the World Alliance of YMCA and the Red Cross were acknowledged within each movement. The war itself had ruptured the YMCA movements, "dividing long-time members into belligerents" (Steuer 2009). After the armistice, efforts were undertaken to reconcile national chapters, the American and German associations in particular, and re-introduce a measure of unity to the movement (Steuer 2009). As for the Red Cross, diversity within the movement spurred much discussion on the future activities of the movement and on the need to adopt common codes of conduct (Wortel 2009, 784). It notably led to the first formulation of the Red Cross principles in 1921. They were "*impartiality*, political, religious and

economic *independence*, *universality*, and the *equality* of National Red Cross Societies" (Hantos 1990, 87). It is also worth noting that the scale of suffering brought by the Great War led to an extension of the Red Cross work in peacetime. In the first Circular it published following the armistice, the ICRC wrote:

> The International Committee makes the proposal from its firm conviction that one of our first duties, now that peace has been restored, is to work to mitigate some of the untold suffering caused by war, and from its desire to do something for the unfortunate victims of the dreadful scourge which, it is to be hoped, has devastated the world for the last time (quoted in Durand 1984, 140-141).

ICRC historian André Durand explains this expansion on the grounds that

> [The National Societies] possessed by the end of the war a large number of employees who had proved their worth, experienced administrative services, and considerable reserves of medicines and equipment. It would not have been reasonable to do away with this charitable force, whose entire organization could be put into the service at any time for those in need of assistance (Durand 1984, 139-140).

The Red Cross' expansion of its field of activity is significant as it further muddies the category of "delegate of a relief society for POWs" recognized in the Hague Convention. It suggests that actors who had been providing relief to POWs during the war could be performing similar work during the Interwar period, without qualifying as a "delegate of relief society." This point might seem trivial given that the relief societies intervening in the Great War did not perceived themselves, and were not perceived by others, as "delegates of relief society." Yet, it actually reveals the limited importance of this category for organizations like the Red Cross. No discussion took place on whether to update the nomenclature sanctioning these organizations, even as they began performing new tasks. They continued to be described simply as the "Red Cross" or "ICRC delegates."

### *2.5.3. Civilians*

Alongside this legally sanctioned relief work in favour of POWs, relief action was also undertaken to attend to civilian populations' needs. Contra prisoners of war, existing legal conventions had barely broached the issue of the treatment of civilians in wartime. While the Martens Clause and the provisions of the 1907 Hague Convention established certain limitations on methods of combat and safeguarding populations from certain abuses, they constituted little guidance for belligerents engaged in a total war (ICRC

1907; Durand 1984, 34, 83).[98] Despite this legal vacuum, numerous organizations and neutral powers carried out relief efforts to respond to their plight. The same actors who intervened in favour of POWs became involved with interned civilians and populations from occupied territories.[99] This mandate expansion was important in light of the scale of these new needs to be addressed. As an illustration, French historian Jean-Claude Farcy documented that 60,000 civilians were interned in France alone during the war (Becker 1998, 232).

These interventions in favour of civilian populations are noteworthy in that they brought into play a number relief actors who lacked any sort of legal recognition. They were highly similar to the legally sanctioned delegates of relief societies, and they sometimes were one and the same, yet, the work they performed was still not sanctioned, their organization was still not recognized – the Hague Convention recognized "relief societies *for POWs*" – and they were still not recognized in international law. This made the ability of these actors to perform their work entirely dependent on the benevolence of states, as they had less leverage to justify their work.

Given the similarity between the plight of interned civilians and POWs, the ICRC, the Vatican and neutral powers extended their work in favour of POWs to these civilians. The ICRC dedicated a section of the IPOWA to civilians and became engaged in "forwarding correspondence, tracing missing persons, exchanging news, transmitting official documents" (Durand 1984, 47). The Vatican, neutral powers and the ICRC were also engaged in securing agreements on the repatriation and exchange of civilians (Becker 1998, 234-238; Steuer 2009). While the success of these interventions hinged on the assent of belligerents, the ICRC did not consult or try to secure the acquiescence of states on its mandate extension. The ICRC perceived acting in favour of "civilian victims of war" to be a natural extension of its mandate because of the similarity in situation

[98] The Martens Clause was introduced into the Preamble to the 1899 Convention. It states: "Until a more complete code of the laws of war is issued, the High Contracting Parties think it right to declare that in cases not included in the Regulations adopted by them, populations and belligerents remain under the protection and empire of the principles of international law, as they result from the usages established between civilized nations, from the laws of humanity and the requirements of the public conscience." (ICRC 1899)

[99] It is worth noting that while the YMCA did carry out some relief action in favour of interned civilians, it principally remained focussed on attending to the plight of POWs (Steuer 2009).

between civilian victims and prisoners of war (ICRC 2005a). In 1916, the ICRC further expanded its scope of activity to include political detainees, penal-law prisoners and hostages (Durand 1984, 216).

While the needs of interned civilians were attended to by a small number of organizations, the scale of the devastation caused by the Great War spurred the creation and involvement of numerous organizations in favour of civilian populations (American Red Cross 2012). Although no precise data exist on the scale of humanitarian involvement during the war, the fact that 25,000 American women were deployed nevertheless gives an idea of the scale of the humanitarian effort undertaken (The Morgan Library and Museum n.d.).[100] These organizations provided assistance to European populations in the medical, nutritional, well-being and reconstruction fields. Interestingly, these organizations were similar to relief societies for POWs in requiring the consent of states to carry out their interventions and having their employees being closely associated with their organization (Bardol 1920-21). These organizations also presented themselves as similar to recognized relief societies by using a similar rhetoric.

Although employees of these organizations did not need to gain access to POW or internment camps, they were closely associated with their organization, thus preventing the emergence of a common identity. Employees of organizations were perceived as distinct notably through their use of different uniforms or distinctive signs and their work in different domains or locales (Bartol 1920-21). For example the American Committee for Devastated France (ACDF) was highly active in northeastern France and was the main organization operating in certain localities. This prompted more exclusive encounters with civilian populations with the effect of these employees being specifically identified and, in this case, referred to as “dames américaines” (American ladies) rather than more generic designations (Morgan 1917-19). Another employee of the ACDF recounted a discussion with returned civilians who told her that without the food packages distributed by Hoover (founder of the Committee for Relief of Belgium), they

[100] It is worth mentioning that this data problem remains acute to this day where there exists no authoritative data on the number of humanitarian workers. (Interview with Dr. Robin Coupland, Geneva, 2012)

would have died of starvation (Bartol 1920-21). The ability of civilian populations to identify relief providers illustrates the sensitivity of civilians to the distinctiveness of each organization. In addition to incidental distinctiveness deriving from exclusive encounters, the Red Cross made efforts to distinguish itself from its peers. As one of the most prominent organizations in the field, this may have prevented populations receiving relief from seeing all these actors as similar. For instance, in a letter to her mother, Anne Morgan, who ran the ACDF wrote: "The Red Cross goes on being very nice to us, though they don't want us to say anything about it" (Morgan 1917-19).

The rhetoric and domain of intervention of such relief organizations was also highly reminiscent to the Red Cross. This reminiscence had the effect of positioning these organizations as a similar type of actor.[101] For instance, the American Committee for the Relief of Belgium (which later became the Commission for Relief of Belgium) (CRB), was concerned with the situation in occupied Belgium and succeeded in delivering more than 5 million tons of food to Belgium by presenting its work as "work of mercy" and independent from the conflict (Gay 1929; Barnett 2011, 87). Also, the American Committee for Devastated France presented itself as being particularly well-suited to attend to French civilians' needs because it was external to the conflict and provided voluntary work (American Committee for Devastated France 1918-19).[102] Similar to the Red Cross, most of these newly formed organizations expanded their scope of intervention to respond to the needs created by the war. For example, even if established to assist French reconstruction, the German offensive of April 1918 incited the ACDF to attend to refugees' and soldiers' needs (American Committee for Devastated France 1918-19, 13-14).

[101] To this day, there is no agreed upon definition of "humanitarian organization." The humanitarian sphere holds little barriers to entry and is devoid of adjudication criteria. However, given that these newly-formed organizations shared the Red Cross' domain of activity and rhetoric, and have been perceived as such post facto, one would be hard pressed to not consider them as humanitarian organizations (Barnett 2011, 87).
[102] The annual report of the ACDF reads: "The French government realizing that the strength and morale of its armies were to a great extent dependent on the well-being of the civilians in the rear and on the productivity of the soil, encouraged the civilians, wherever and whenever possible, to return to the ruins of their homes and to cultivate their soil – in short, to re-weave the fabric of their former community life. Obviously this could not be accomplished with France at war without such aid and encouragement as only an organization such as this Committee, supported by its friends in America and carried on by voluntary work, could provide" (American Committee for Devastated France 1918-19, 3-4).

In sum, the Great War witnessed the involvement of numerous actors to attend to POWs' and civilians' needs. Alongside legally sanctioned delegates of relief societies for POWs, actors lacking legal recognition performed valuable work in favour of civilian populations. The legal distinction between these categories of actors was to disappear by the time of the 1949 Geneva Conventions. I examine this episode of legal codification in the next chapter.

## 2.6. Conclusion

What does the discussion in this chapter reveal about the first humanitarian workers? First, the emergence of humanitarian workers as an actor originated in a widespread concern for the treatment of prisoners of war and was first recognized in the 1899 Hague Convention. Second, these actors performed tremendous work during the First World War were not perceived as belonging to a common category of actor (i.e. delegates of relief societies for POWs). Instead, they remained closely associated with their organization and country of origin. This situation stemmed from the independent, disjointed and nationalist character of relief action during WWI. Still, the universality of this perception of relief workers should be qualified. While the 1899 Hague Convention was adopted by states from different regions – Asia, Europe and the Americas – numerous state parties did not directly participate in WWI. For instance, eighteen Central and South American states, out of a total of 49 state parties, did not fight on the Great War battlefields.[103] While these states' populations and leaders may have become aware of the close "organization association" and nationalistic character of relief action through

[103] I only mention 49 state parties as the 50th state party was South Africa and it only ratified the 1899 Hague Convention in 1978. The Central and South American countries parties to the 1899 Hague Conventions at the time of the Great War were: Argentina, Bolivia, Brazil, Chile, Colombia, Cuba, The Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay and Venezuela. Out of the nineteen listed, only Brazil directly participated in the war. Yet, at it joined the Allies only in late 1917, Brazilian troops' encounter with relief workers is expected to have been minimal. Other countries, such as Cuba, made declarations of war but did not send troops to fight in Europe.

reading newspapers, as well as ICRC and YMCA publications, one can presume that their perception was not as clear as for states that experienced the war. Third, work in favour of civilian populations was first undertaken by actors devoid of legal recognition and developed from practice, which grew due to what we might call in theoretical terms functionalist mechanisms and reciprocity.

This lack of common identity for relief workers is significant because it help account for the absence of a norm of humanitarian security in that period. Despite that the security of relief workers does not seem to have been an important issue during the Great War – in light of the general silence on this question in academic work and the documents of relevant organizations – the recognition of a category of actor is the *sine qua non* of the existence of a protective norm. I discuss this issue more fully in the next chapter and show how humanitarian workers came to be perceived as a category of actor.

## Chapter 3: The emergence of the humanitarian worker as inviolate actor: humanitarian security as means

> "We know, of course, that humanitarian aid will never be risk-free. Sadly, there will always be casualties amongst relief staff. While this is a major concern, however, it is not the principal one. Both I and you, I am sure, are increasingly worried whether it will continue to be possible to provide aid at all in numerous places around the world. Even more, we are all worried about what is happening to people we cannot reach today - or what will happen if the worst comes to the worst as it did in Eastern Zaire. Security, therefore, needs to be at the top of all our agendas because, essentially, it is a necessary precondition for helping those who rely on us for their survival."
> - Emma Bonino, European Commissioner for Humanitarian Affairs (1998)

The period between the end of the Great War and the fall of the Soviet Union witnessed many important events and developments in world politics – World War II and the Cold War to name but two examples –, as well as in the humanitarian sphere – such as the growth and diversification of humanitarian actors, and the adoption of the four Geneva Conventions in 1949 and their two Additional Protocols in 1977. Despite these many developments, I contend that the norm of humanitarian security did not emerge during these seven decades. Rather, the norm developed and grew in prominence after the end of the Cold War. Concern for the security of humanitarian workers in the 1990s is notably manifest in the proliferation of declarations and legal documents condemning attacks against humanitarian workers in international *fora* as well as in humanitarian organizations' growing involvement in security. I argue that the development of the norm of humanitarian security in the 1990s is due to the convergence of three developments: (1) the increasing recognition of humanitarian workers as a category of actor; (2) the growing number of security incidents involving humanitarian workers; and (3) the international community's commitment to and involvement in humanitarian assistance. The norm of humanitarian assistance captures this commitment to assistance and signifies that when lacking, individuals should receive the material goods and services necessary for their survival, health and safety (Minear and Weiss 1995, 38).[104] Whereas the first

[104] Humanitarian assistance can be comprised of an array of activities. Jakovljević captures this breadth when writing: "it should include the supply of material goods to meet vital necessities, such as food, clothing, shelter, medicaments, and even money to purchase such goods. At the same time, humanitarian assistance should include services, in particular medical assistance, social welfare services, civil defence against the effects of war or disaster (rescue, firefighting, etc.), tracing services, the reunification of families and the like" (1987, 470).

element was a prerequisite for the emergence of the norm, the two latter developments help account for its timing and framing in the post-Cold War period. Security incidents are portrayed as problematic owing to their impact on the delivery of humanitarian assistance. This consequentialist discourse emerged out of states' commitment to the norm of humanitarian assistance to which the security of humanitarian workers was perceived as central.

Understanding how the humanitarian worker as a category of humanitarian actor came to be is important for this study because a clear referent constitutes a *sine qua non* for a norm. One can hardly abide or be guided by a standard of appropriate behaviour – be it against the use of chemical weapons or the use of mercenaries – without a prior notion of what chemical weapons or mercenaries are. However, this does not mean that complete definitional clarity is required. As previously discussed, there is no agreed-upon definition of humanitarian worker. Nevertheless, there is, since the 1990s, a notion or concept of humanitarian worker, which made it possible to talk about "the security of humanitarian workers." I trace this development in this chapter.

The chapter is divided into nine parts. First, I give an overview of how the humanitarian sphere developed between the end of the First World War and the end of the Cold War. I do not provide a comprehensive account of humanitarian activity over these seven decades, as this has been more than adequately completed elsewhere.[105] Rather, I examine the evolution of the humanitarian sphere as means to understand the genesis of two post-Cold War developments supporting the norm of humanitarian security: (1) the perception of the humanitarian worker as a category of actor; (2) the prominence of the norm of humanitarian assistance.[106] Second, I illustrate the growing prominence of the norm of humanitarian security in the 1990s. Third, I discuss alternative explanations accounting for the norm development. Fourth, I provide a detailed presentation of this chapter's argument. Fifth, I provide a historical overview of the defining moment

[105] Interested readers should consult Ryfman's (2008), Barnett's (2011) and Barnett and Weiss's (2011) remarkable historical studies of humanitarianism. I also provide references to other relevant authors and work throughout this section.
[106] I examine the growing number of security incidents involving humanitarian workers in section 3.3.

examined in this chapter: the conflict in Bosnia and Herzegovina. Sixth, I perform a discourse analysis of this defining moment with regard to the norm of humanitarian security. Seventh, I examine the treatment of the security of media professionals during the war in Bosnia. Eight, I briefly examine the Rome Statute of the International Criminal Court and what it reveals about the norm of humanitarian security. I provide a short conclusion in the ninth section.

## 3.1. The humanitarian sphere from the end of WWI to the end of the Cold War

### *3.1.1. The Interwar and Second World War*

Vitality and development characterized the humanitarian enterprise during the Interwar period and Second World War. Although these decades did not witness the emergence of the humanitarian worker as a category of actor nor a strong norm of humanitarian assistance, they are worth briefly exploring in order to understand how each of these developments coalesced during the Cold War and clearly emerged in the post-Cold War era (thus supporting the growth of the norm of humanitarian security). Specifically, I examine the growth of the humanitarian sphere – both in terms of actors and domains of intervention –, the centrality of the Red Cross and the further development of international humanitarian law.

The growth of humanitarian activity during the Interwar period is not surprising considering the scale of the destruction and suffering brought by the war, and the long road to recovery (Lumsdaine 1993, 183-191; Chabbott 1999, 227).[107] Yet, this increase in humanitarian activity was not simply a response to the war's destruction and the outbreak of epidemics, it was also a result of humanitarian organizations expanding their mandates and domains of intervention.[108] For example, crossing a line it had hesitated to cross at

[107] For instance, the repatriation of POWs was not completed until 1922, interventions in combating epidemics in Eastern Europe took place until 1923 and reconstruction took place well into the 1920s.
[108] Humanitarian organizations' involvement in new areas of concern once their initial purpose or mandate has been achieved constitutes a natural organizational dynamic, which has been documented and theorized by Barnett and Finnemore (2004, 43). Hoffman and Weiss also discussed this phenomenon with regards to humanitarian organization (2006).

the 1912 International Conference, the ICRC added internal wars to its areas of concern. Its first intervention was in 1919 in Hungary. Building on their successful work on behalf of POWs, the ICRC also became engaged with the plight of prison detainees, whom it first visited in 1918 in the Soviet Union. It also conducted interviews with detainees for the first time in August 1926 in Poland and Lithuania (Durand 1984, 104, 123-138, 234).[109] New humanitarian organizations also emerged during the Interwar period,[110] such as Save the Children[111] and the High Commissioner for Refugee (HCR).[112] States also contributed to this trend by supporting the development of new organizations. For instance, the United States government created the American Relief Administration in 1919 to provide relief supplies to war-torn Europe and Soviet Union (Patenaude 2002;

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[109] These new areas of concern were perceived and presented as "natural extensions" of existing areas of concern because of similarities in terms of protection needs, suffering and ICRC's expertise. Forsythe nicely expresses this perception by writing: "If prisoners of war morally mattered in international armed conflict, why not detained combatants in internal wars; and why not other "political enemies" when detained? Were not all of these detainees in potential danger and thus in need of a humanitarian intermediary when in the hands of an adversary?" (2005, 34) Given that these expansions were subject to the host state's agreement, the ICRC attributed its success to its growing prestige and moral authority (ICRC 1925). For a comprehensive presentation of the activities undertaken by the ICRC during the Interwar period, see Durand 1984, 195-246.

[110] The League of Red Cross Societies created in 1919, later renamed the Federation of Red Cross and Red Crescent Societies, illustrates both dynamics of organizational formation and expansion. Building on its members' (National Societies) experience in providing medical services to wounded and sick combatants, the League turned toward improving the health of populations affected by the war (American Red Cross 2012; IFRC 2012). For a comprehensive history of the League see Durand 1984, 139-194; IFRC 2012.

[111] While the author is aware that this organization's designation changed over the year (i.e. Save the Children Fund, later became the Save the Children Fund International Union), for ease of reading I only refer to the organization as Save the Children. Save the Children was created in 1919 by Eglantyne Jebb and her sister Dorothy Frances Burton to provide relief to children suffering as a result of the war. Save the Children played a prominent role in making children an area of concern, raising awareness about the situation of children, and advocating for the improvement of their well-being and protection. Jebb's tireless lobbying efforts, highly reminiscent of Dunant in the 19th century, contributed to the success of the organization. Save the Children's efficiency and legitimacy as a humanitarian organization was also heightened by its collaboration with the ICRC. The relationship between the organizations started as a patronage, requested by Jebb, and soon turned into a close collaboration. Jebb saw the support of the ICRC as central to the success of her enterprise. She exclaimed during a meeting with a member of the ICRC "[b]ut to be able to act effectively I need the Red Cross. Yes, the support of the Red Cross, the International Red Cross, is essential to me" (Durand 1984, 164). The ICRC notably supported Save the Children by acting as program implementer for Save the Children (ICRC 1925). Save the Children paved the way for similar organizations such as the International Association for Child Welfare. A notable accomplishment was the drafting of the Declaration of the Rights of the Child, which was broadcasted from the Eiffel Tower in 1923 and adopted by the 5th Assembly of the League of Nations in 1924 (Durand 1984, 164-6).[111] Save the Children was the focal organization on children's rights and needs until the creation of UNICEF in 1946. Barnett provides a concise but clear presentation of the organization, see Barnett 2011, 83-86.

[112] The High Commissioner for Refugees developed during the interwar period and became the first focal institution on refugee matters. This organization provided the blueprint for the creation of the United Nations High Commissioner for Refugees in 1950 (Durand 1984, 205-212; Barnett 2011, 88-89).

Barnett 2011, 87; PBS 2011). An organization with a humanitarian mandate was also created under the auspices of the League of Nations: the International Relief Union (IRU). [113] The Interwar period's organizational proliferation was such that the League of Nations' International Bureaux Section started publishing a directory of international organizations to keep track of these developments (ICRC 1921; ICRC 1923).

Notwithstanding this multiplication of humanitarian actors, the Red Cross preserved and furthered its focal position, which is important because this focus contributed to its leading role in future decades. During the Interwar years, the Red Cross' work was notably sanctioned in the League of Nations' Covenant.[114] The Red Cross is the only humanitarian organization whose work is mentioned in the Covenant. The ICRC was also very active in the legal sphere. It played a central role in the further development of international humanitarian law which bore fruit in 1929 with the adoption of two new conventions: one pertaining to the wounded and sick, and one to prisoners of war.[115] However, despite tremendous efforts by the ICRC, no convention on the protection of civilians was adopted.[116] This episode of legal codification is important when considering

[113] The International Relief Union was established in 1927 and came into force in 1932. It aimed to improve the quality and speed of response in the event of natural disasters. Although the IRU failed to distinguish itself in responding to natural disasters, it nonetheless encouraged studies on disasters and their frequency in order to improve preparedness. The resistance of the ICRC, which saw the new organization as encroaching on its territory, was instrumental in the Union's failure (Forsythe 2005, 38).

[114] Article 25 reads as follows: "The Members of the League agree to encourage and promote the establishment and co-operation of duly authorised voluntary national Red Cross organisations having as purposes the improvement of health, the prevention of disease and the mitigation of suffering throughout the world." (League of Nations 1919) Forsythe also suggests that the mention of the Red Cross in the Covenant may be the result of the close relationship existing between Henry P. Davison, President of the American Red Cross, and US President Woodrow Wilson (Forsythe 2005, 33).

[115] The deep involvement of the ICRC in international law has been the object of courses in law schools since 1925 (Durand 1984, 162).

[116] Over a 14-year period starting in 1921, the Red Cross formulated principles relating to deported, evacuated or refugee civilians, consulted the National Societies, set up a commission for preparing a draft convention, and asked the Swiss Political Department to convene an international conference. The conference that was intended to study the draft convention never took place (Durand 1984, 288-292). A number of obstacles stood in the way of this convention. First, contrary to protection for prisoners of war and sick and wounded soldiers, the protection of civilians did not rest on extensive prior codification and practice. The limited numbers of provisions pertaining to civilians in prior international documents made the preparation and acceptance of a draft convention a more controversial issue than was the case for the two 1929 Conventions. Second, the number of questions examined in relation to a convention on civilians (e.g. establishment of localities or zones of security; protection from aerial warfare) slowed down the process of drafting and led to more controversies and disagreements (ICRC 1973, 76). Third, the proposed convention suffered from a problem of timing: the commission responsible for drafting the convention was set up in 1930 at the time of the economic crisis, which brought about mistrust and feelings of self-reliance.

the evolution of the laws of war and its protection framework over the longue durée.[117] For our purpose, the 1929 Conventions are also important because they illuminate states' commitment to and perception of the scope and meaning of humanitarian action. I mainly focus on the Convention on the Treatment of POWs because, in regards to relief societies, relief is mainly discussed in that legal document.[118]

The Convention on the Treatment of Prisoners of War, often referred to as the Code of Prisoners of War, provided a detailed collection of rules to improve the plight of POWs from the moment of their capture to their repatriation. The Convention contained four articles (Article 78, 79, 88 and 89) addressing relief and protection work (ICRC 1929). Article 78 repeated the authorization given to recognized relief societies to provide relief in prisoner of war camps, thereby endorsing the precedent of the 1899 Hague Convention and experience of the Great War. Article 79 sanctions the ICRC's WWI Central Information Agency and endorsed other humanitarian initiatives of the Committee. The last sentence of Article 79 reads: "These provisions shall not be interpreted as restricting the humanitarian work of the International Red Cross Committee" (ICRC 1929). Article

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The commission's draft report was ready for states to study in the mid 1930s, when peace on the continent was already compromised (Durand 1984, 397).

[117] This episode is both illuminative of and part of a process of atonement, which individuals and communities undertake as a means to expatiate sin and wrong doings. Barnett explains that "atonement encapsulates the process of regeneration, purification and restoration of unity with humankind. Although the concept of atonement is typically reserved for individuals, a comparable process occurs in the community. Communities also tell stories about themselves, how they define material and moral progress and how they are loving, compassionate, and good. There are, though, events, that violently disrupt such self-conceptions, moments that compel the recognition of a breach between who they say they are and what they do" (Barnett 2011, 27). The content of the 1929 Conventions also clearly responds to the brutality of the Great War. Furthermore, these conventions are exemplary of institutions created following major systemic conflagrations in which notions of legitimate identity are enshrined. Albeit not of the scale or type of institutions such as the San Francisco Conference or the Congress of Vienna, the 1929 Geneva Conventions nevertheless clearly constitute institutions with what Reus-Smit calls an idiographic dimension. These documents rehearsed the civilized identity of signatories and notably, consecrated the legitimate and special status of ICRC in humanitarian affairs (Reus-Smit 2004c, 39-40).

[118] The 1929 Convention for the Amelioration of the Condition of the Wounded and Sick in Armies in the Field generally reiterated the provisions of the 1906 Convention for the Amelioration of the Wounded and Sick in Armies in the Field, and added six new articles. One article clarified the conditions of the repatriation of medical personnel (as these rules had been abused during the Great War), whereas the others extended protection to auxiliary nurses and stretcher-bearers and, of cardinal importance, removed the si omnes clause present in previous conventions. This clause provided that in the event of a conflict in which one belligerent was not party to the instrument, no parties were bound to abide by the treaty's rules. Eliminating the si omnes clause from the 1929 Convention is noteworthy as it highlighted growing awareness about the tenuous nature of international treaties in the event of world wars and a more profound inclination by states to abide by the agreed rules (ICRC 1973, 19; Durand 1984, 252-254; Meron 2009).

88 also recognized the possibility of humanitarian initiatives by the ICRC, this time in matters related to the protection of prisoners of war.[119] Finally, Article 87 identified the ICRC as a potential neutral intermediary in cases of dispute. These articles are significant because they provided a means for addressing potential gaps in international law that might arise in the event of war. They also constitute the first time that a private institution was expressly named in a humanitarian convention, which speaks volumes to the prestige and authority of the ICRC as a recognized actor in the system (ICRC 1973, 20). It is, however, worth mentioning that the Convention made only two passing references to delegates, similar to the ones included in the 1899 and 1907 Hague Conventions.[120] Thus, despite being the ones actually providing relief to POWs, delegates of relief societies were granted little attention.

The scale of the devastation generated by the Second World War supported the further expansion of the humanitarian sphere during the conflict.[121] A number of major humanitarian organizations still operating today, such as the Oxford Committee for Famine Relief (OXFAM) and World Relief, emerged during the Second World War in

[119] Article 88 reads: "The foregoing provisions do not constitute any obstacle to the humanitarian work which the International Red Cross Committee may perform for the protection of prisoners of war with the consent of the belligerents concerned."(ICRC 1929) The right of humanitarian organizations to provide relief to POWs was used extensively by the ICRC and National Societies during World War II to inquire into and act on the fate and treatment of sick and wounded soldiers, prisoners of war, civilian and military internees, populations in occupied territories, and civilians separated by war (ICRC 1947). In times of peace, the ICRC used this right to further develop international humanitarian law. While the domain of action of the ICRC in humanitarian affairs appears limitless, it is worth reiterating that the organization nevertheless had to obtain the consent of belligerents before undertaking any initiative (ICRC 1946a).

[120] Article 78 reads: "Societies for the relief of prisoners of war, regularly constituted in accordance with the laws of their country, and having for their object to serve as intermediaries for charitable purposes, shall receive from the belligerents, for themselves and their duly accredited agents, all facilities for the efficacious performance of their humane task within the limits imposed by military exigencies. Representatives of these societies shall be permitted to distribute relief in the camps and at the halting places of repatriated prisoners under a personal permit issued by the military authority, and on giving an undertaking in writing to comply with all routine and police orders which the said authority shall prescribe."(ICRC 1929)

[121] Looking at the summary of ICRC's activities can help capture the scale of the humanitarian footprint during the war. Over the course of conflict, the ICRC alone conducted 11,000 detention visits; delivered 445,702 tons of relief valued at 3,400 million Swiss francs; registered and aided 30 million people; transported and distributed 36 million parcels to camps; forwarded 24 million civil messages and 120 million items of news from and to POWs; and made 39 million index cards (ICRC 1973, 7-27; Forsythe 2005, 42).

response to particular situations or to address specific needs.[122] In addition to the emergence of new organizations, existing entities also stepped up their intervention. For instance, the ICRC's staff members grew from 50 in 1939 to 3921 by the end of April 1945 (ICRC 1973, 27). Moreover, states pursued their involvement in humanitarian affairs through funding or providing resources to existing organizations (e.g. the Canadian government providing wheat during the Greek famine), or contributing to the creation of new organizations to attend to specific needs (e.g. Switzerland creating le Don Suisse in 1944).[123] Furthermore, the ICRC retained its preeminent position in the humanitarian sphere[124] and undertook once again its information role and action in favour of POWs in Europe.[125]

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[122] For instance, the Oxford Committee for Famine Relief (Oxfam) emerged as a response to the Greek famine in 1942; the Catholic Relief Services, to assist in the resettlement of refugees; World Relief, to provide food and clothing to Europe; and CARE (Cooperative for American Remittances in Europe), to provide a way for Americans to send relief packages to their relatives and friends in Europe, as the ARA had done decades before (ICRC 1973, 77-78; Barnett 2011, 112-115; Catholic Relief Services 2012; Oxfam 2012; World Relief 2012).

[123] Having been mostly spared the destruction of the war, the United States was unsurprisingly in a position to spearhead such efforts. Unsatisfied with taking up a simple supporting role in the European relief effort, the US government looked to control and coordinate the American relief effort. To that end, it established the Committee on War Relief Agencies in 1941 and the War Relief Control Board in 1942, both endowed with absolute power over American organizations (Barnett 2011, 108-9). The coordination of relief was also pursued at the interstate level with the creation of the United Nations Relief and Rehabilitation Administration (UNRRA) in 1943, oftentimes considered as the first relief intergovernmental organization (IGO). Although led by the United States, the UNRRA embodied and signalled "the ambition to build a true world community with new social systems and international relations" (Reinisch 2011, 258). Also, the collective nature of this undertaking was not solely ideational but also economic, as each country that had not been invaded during the war had to contribute the value of a one-percent assessment of national income (Chabbott 1999, 232). Although dismantled in 1947 as a result of Cold War politics, the UNRRA nevertheless signalled states' commitment to humanitarian affairs.

[124] In light of its mandate, the ICRC was active in World War II's many theaters of war. It was the main and sometimes only foreign organization intervening during the Spanish civil war and in the war in the Far East (Junod 1951, 108-130; Durand 1984, 268-270; ICRC 1973, 101).

[125] As soon as the war broke out, the ICRC set up the Central Agency and offered its services as a neutral intermediary to belligerents (ICRC 1973, 40). Its ability to carry out its work in favour of prisoners of war hinged upon the belligerents being party to the 1929 Geneva Convention. While the Committee was able to carry out visits to POW camps on the Western front – visiting both Axis and Western Allies POWs – its assistance was refused on the Eastern front by the opposing Soviet and German forces. The Soviet Union was not a party to the 1929 Geneva Convention and declared its intention to abide by humanitarian conventions in its relations with Nazi Germany only on the basis of reciprocity (Durant 1984, 506). The enmity and distrust between the former allies made promises of reciprocity unsustainable. As the ICRC was only sporadically granted access to Soviet and German POW camps, these prisoners were submitted to the absolute will of camp commanders, which often resulted in a level of physical and moral degradation that frequently caused death. The effect of the ICRC's work in POW camps is illustrated by the lower proportion of missing, sick and deceased persons recorded in POW camps benefitting from ICRC's visits compared to camps not receiving such aid (Durand 1984, 470-521). This is not to say that the provisions of the Convention were always respected in POW camps on the Western front and that these POWs did not suffer hardship during their internment. Many breaches occurred as a result of the prevailing economic and

Also, as it had done during the Great War in favour of civilian internees, the ICRC extended its scope of operation to categories of actors whose protection was not recognized in legal treaties. For instance, ICRC intervened in favour of partisans, whom, when captured, were left at the mercy of their captors, which usually resulted in torture and death. The ICRC had little success in having them granted POW status after capture but was sporadically able to visit camps and provide these prisoners with relief (ICRC 1973, 44-45).[126]

Even though delegates of relief societies and employees of other humanitarian organizations carried out tremendous work during the Interwar period and Second World War, these actors were still not perceived as forming a coherent category of actor. Looking at terminological use is illustrative in that regard. For instance, during the Interwar years, the term "relief worker" came to be used to refer to a growing array of actor involved in social welfare, such as social workers (e.g. The Rotarian Open Forum 1919; Family Service Association of America 1932; Swift 1932; Virginia Emergency Relief Administration 1934). This expansive use of the term is not surprising considering the diversity of domains of action served by private organizations during that period. As for the expression "aid worker," it was primarily used as part of phrases such as "first-aid-worker" or "legal-aid-worker" (e.g. Calghorn 1923; Smith and Bradway 1926; Life Magazine 1943). With regard to the term "humanitarian worker," it started being used in

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political situation, the state of public opinion and the personal attitude of camp commanders. Nevertheless, visits and interventions from ICRC delegates did serve to limit POWs' hunger and isolation and allowed the appeal of disciplinary decisions taken by camp commanders. The same support could not be provided to POWs on the Eastern front (Durand 1984, 470).

[126] The ICRC also intervened with Allied authorities to attend to the needs of "disarmed military personnel" and "surrendered enemy personnel," who were Japanese and German combatants captured after the armistice. The ICRC generally managed to visit these camps and provide relief (ICRC 1973, 46). During WWII, work in favour of POWs was largely the domain of the ICRC. This dominance stems from several factors including: recognition of its role with POWs in the 1929 Convention on POWs, which the Committee cited when seeking cooperation from belligerents; its extensive experience which allowed the ICRC to move quickly and secure its domain of activity; the desire of the ICRC to retain control of that domain of activity; and some states predicating the partial lifting of blockades or the provision of relief on the Committee overseeing the distribution of aid in camps (ICRC 1973, 115; Durand 1984, 493). Still, it is worth noting that YMCA continued to address the intellectual and spiritual needs of prisoners as it had during the First World War. During the course of the war, it had sent almost half a million of books. Although extremely valuable, the scope and scale of the YMCA's work was nowhere near that of the ICRC (ICRC 1973, 63).

the late 1930s but generally applied to religious individuals such as missionaries (e.g. Gandhi 1941; Hawley 1941). This association is not surprising considering that the term "humanitarian" was first used to refer to the humanity of Christ (Davies 2012, 3). The absence of labels specific to what are now known as humanitarian workers illustrates and prevented the perception of these actors as forming a category of actor.

Considering the ICRC's role as architect of the protection of medical personnel, it seems the most likely locale for reflection and action regarding the security of humanitarian workers. Yet, the ICRC dedicated little attention and resources to the security of its delegates. As an illustration, in a letter to the International Labour Organization's administration section head in 1925, the ICRC's head of treasury (*Chef de la Trésorerie*) explained that the organization's delegates were only insured against accidents and epidemic infectious disease (ICRC 1925b). The notion that delegates could be the object of security incidents does not seem to have been considered at that time. Reflections on the security of delegates slowly emerged during the Second World War but did not translate into decisive actions. In a meeting in 1942, members of the ICRC's Coordination Commission recognized that ICRC delegates did not benefit from the protection endowed to medical personnel. As a closing remark on this issue, ICRC President Max Hubert is reported to have said: "it could be interesting to examine, at the occasion of a future International Conference of the Red Cross, the situation of the members of Red Cross organizations not falling under Article 9 [pertaining to medical personnel] of the Convention [1929 Convention on the Condition of the Wounded and Sick in Armies in the Field]" (ICRC 1942, 147).[127] While signalling an awareness of the protection gap existing for ICRC non-medical staff, the words "could be interesting" suggest curiosity rather than the perception of this issue as pressing or concerning. This nonchalance is surprising considering that ICRC delegates were victims of harassment throughout the Spanish civil war (Junod 1951, 102-130).

[127] The translation was made by the author. The original reads: "il pourrait être intéressant d'examiner lors d'une prochaine conférence internationale de CR la situation des membres d'un organisme CR qui ne tombent pas sous l'art. 9 de la Convention" (ICRC 1942, 147).

The treatment of the death of an ICRC delegate during WWII further attests to the absence of the norm of humanitarian security in that period. Matthaeus Vischer, ICRC delegate in Borneo, and his wife were accused of being part of an anti-Japanese plot, were tried by Japanese naval court and executed in 1943 (Durand 1984, 525). The court's prosecutor justified the sentence on the grounds that Vischer possessed a revolver, transmitted information via wireless about prisoners of war and interned civilians, possessed foreign money and tried to get in touch with the internees (Junod 1951, 302-304). The ICRC was only informed of the execution of Vischer and his wife in August 1945, almost two years after the fact, and, once notified, it did not demonstrate much eagerness to be provided with information on that case. Rather, it was the Swiss government, and not the ICRC, that took charge of this affair. This suggests that the "Vischer case" was perceived by the Swiss government to be first and foremost a matter of the death of Swiss nationals abroad rather than the death of ICRC delegates (ICRC 1946b).[128] Also, when revealed, this case spurred little reaction from governments or media.[129] This case significantly contrasts with the situation prevailing in the 1990s and 2000s where attacks produce much reaction and condemnation by the public and governments.[130]

### *3.1.2. The Cold War: development of the humanitarian sphere*

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[128] The author thanks Mr. Daniel Palmieri for providing this piece of information and analysis.

[129] This limited reaction may stem from the timing of this announcement, which took place soon after the discovery of the Nazi concentration camps and of the Japanese atrocities towards civilians and POWs.

[130] It is certain that security incidents involving humanitarian workers are more thoroughly reported in the 1990s and 2000s than during the first half of the century considering that most humanitarian organizations only adopted reporting mechanism, if at all, in the late 1990s and 2000s However, it is worth clarifying that the case of the security of humanitarian workers is not analogous to that of the phenomenon of wartime rape that has been plaguing conflicts since centuries but only emerged as "an issue" in the 1990s. Security incidents involving humanitarian workers have not been a constant in armed conflicts throughout the 20th century. Rather, the number of security incidents significantly increased in the 1990s as a result of the stark growth in the number of humanitarian workers and their involvement in more dangerous environments (in opposition to visit to internment camps during WWI). Considering that to this day, numerous humanitarian organizations lack reporting mechanisms, it is possible that some security incidents that occurred in the first half of the twentieth century went unreported. Still, the ICRC, that has been documenting the deaths of its delegates, reports that ten delegates died during World War II, half of which, of natural causes (e.g. disease) (ICRC 1948, 64-65). Although the ICRC did not report the number of local collaborators who lost their lives during the conflict, the death of five expatriate delegates during the war remains small in comparison with the 1990s where, for instance, nine expatriate ICRC delegates died in Somalia and six in Ethiopia in 1998 alone (Humanitarian Outcomes 2013).

The utter desecration of the idea of humanity witnessed during World War II did not sound the death knell of humanitarian ideas and interest (Barnett and Weiss 2011, 45). Rather, the Cold War was a period of much development and action in the realm of humanitarianism.[131] The suffering and destruction brought by World War II as well as the decolonization and numerous wars that populated the Cold War were ideal ground for the growth of humanitarian action. The Cold War also witnessed the emergence of the humanitarian system's modern-day structure – comprised of both legal and operational institutions. Major legal institutions, such as the 1949 Geneva Conventions and their Additional Protocols, developed during these decades. The current organizational landscape also took form. Notably, the United Nations rose as a central player in the humanitarian sphere through the establishment of numerous vocational institutions (e.g. UNICEF, WFP, WHO). On the background of and supported by this development of the humanitarian sphere, the humanitarian enterprise became an increasingly distinct domain of action and the provision of humanitarian assistance became a growing issue of concern.

Considering that a comprehensive presentation of the 1949 Geneva Conventions lies outside of this project, I focus instead on the Conventions' treatment of three entities: (1) delegates of relief societies; (2) humanitarian assistance; and (3) the ICRC.[132] First, the

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[131] Some authors such as Barnett and Weiss consider the period spanning from 1945 to 1989 as heralding a distinct period in humanitarian history (Barnett 2011, 30-31; Barnett and Weiss 2011, 47-69).

[132] In addition to reading the conventions, interested readers should consult Jean Pictet's 1952 four-volume work entitled "Les Conventions de Genève du 12 août 1949: Commentaire" which is considered to be the main reference on this topic. Here is a brief overview of the Conventions. Even prior to the end of the war, the ICRC expressed to governments and National Red Cross Societies its intention to revise existing conventions and further develop the laws of war (Rey-Schyrr 1999a). The four years between the end of the hostilities and the diplomatic conference in Geneva witnessed numerous meetings and consultations with National Red Cross Societies and state representatives as well as numerous iterations of what became the 1949 Geneva Conventions. The Conventions were adopted on August 12th 1949 and entered into force on October 21st 1950 (Rey-Schyrr 1999a). Each convention delineates the rules of war pertaining to the treatment of one category of protected person: wounded and sick in armed forces in the field (Convention I), wounded, sick and shipwrecked of armed forces at sea (Convention II), prisoners of war (Convention III) and civilians (Convention IV). In addition to the array of new and detailed provisions provided in each Convention, some general developments are also worth mentioning. First, the 1949 Geneva Conventions traded the technical term of "war" for "international armed conflict" to allow for their applicability in situations where war has not been declared, some parties fail to recognize the existence of a state of war or in the event of an occupation, even if it was not met with resistance (Green 2000, 43-44). Second, the Conventions rejected the "all participation clause" and rather provided "for their application as between the parties, even though one of the belligerents is not a party to the particular Convention. If the latter abides by

1949 Geneva Conventions eliminated the legal distinction existing between legally sanctioned delegates of relief societies for POWs and delegates intervening in favour of civilians. The Conventions referred to "relief societies" without specifying in their designation the protected persons who should benefit from their work (i.e. civilians or POWs). This had the effect of conveying the likeness of all delegates of relief societies. Also, Article 142 of the Fourth Geneva Convention recognized the role that relief societies may play in favour of civilian populations.[133] Significantly, it repeated verbatim Article 125 of the Third Geneva Convention pertaining to relief in favour of POWs. Moreover, the convergence of the legally-sanctioned relief societies for POWs with the unsanctioned relief societies for civilians is evidenced by the Commentary to the Fourth Geneva Convention which presents work in favour of POWs as a precedent to Article 142 (pertaining to civilians) and refers to the 1929 Geneva Convention on POWs and interventions in favour of POWs during the two World Wars as guides to understand the scope and meaning of the article (ICRC 1958).

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the Convention, belligerents are parties are obliged to observe the provisions of the Convention with regard to such a belligerent" (Green 2000, 44). Third, common Article 3 provides the first legal provisions on the basic rules applicable in situations of conflicts not of an international character (ICRC 1949c). It is often dubbed "convention in miniature" because it aims to provide a baseline for respect of human rights and human dignity (Pejic 2011). Fourth, reflecting the widespread violations of international agreements during WWII, a common article dealing with the repression of infractions was included in each Convention (art. 49/50/129/146). Notably, High Contracting Parties agree to adopt a more proactive stance with regards to prosecution as they "undertake to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the present Convention defined in the following Article. Each High Contracting Party shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts. It may also, if it prefers, and in accordance with the provisions of its own legislation, hand such persons over for trial to another High Contracting Party concerned, provided such High Contracting Party has made out a *prima facie* case. Each High Contracting Party shall take measures necessary for the suppression of all acts contrary to the provisions of the present Convention other than the grave breaches defined in the following Article" (ICRC 1949e).

[133] Article 142 reads: "Subject to the measures which the Detaining Powers may consider essential to ensure their security or to meet any other reasonable need, the representatives of religious organizations, relief societies, or any other organizations assisting the protected persons, shall receive from these Powers, for themselves or their duly accredited agents, all facilities for visiting the protected persons, for distributing relief supplies and material from any source, intended for educational, recreational or religious purposes, or for assisting them in organizing their leisure time within the places of internment. Such societies or organizations may be constituted in the territory of the Detaining Power, or in any other country, or they may have an international character. The Detaining Power may limit the number of societies and organizations whose delegates are allowed to carry out their activities in its territory and under its supervision, on condition, however, that such limitation shall not hinder the supply of effective and adequate relief to all protected persons. The special position of the International Committee of the Red Cross in this field shall be recognized and respected at all times" (ICRC 1949e).

Despite the consolidation of these legally distinct delegates of relief societies into one category of actor, the Geneva Conventions, as per prior conventions, paid little attention to the delegates themselves. Rather, the Conventions focused on relief societies' work and parameters of action and treated their delegates as the means through which relief societies accomplish their work. Delegates of relief societies are often not mentioned in articles dealing with relief work and relief societies. Their intervention and role are assumed.[134] In addition, the 1949 Geneva Conventions did not consider delegates of relief societies as forming a distinct category of protected persons. Rather, these actors benefitted from the "nationality-based" protection endowed to civilians. Article 4 of Geneva Convention IV defines the protected persons covered by the Convention as:

> those who, at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals. Nationals of a State which is not bound by the Convention are not protected by it. Nationals of a neutral State who find themselves in the territory of a belligerent State, and nationals of a co-belligerent State, shall not be regarded as protected persons while the State of which they are nationals has normal diplomatic representation in the State in whose hands they are (ICRC 1949e).

Mackintosh explains the state of legal protection provided to humanitarian workers by the Fourth 1949 Convention by writing:

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[134] For example, article 72 of the Third Geneva Convention reads: "Prisoners of war shall be allowed to receive by post or by any other means individual parcels or collective shipments containing, in particular, foodstuffs, clothing, medical supplies and articles of a religious, educational or recreational character which may meet their needs, including books, devotional articles, scientific equipment, examination papers, musical instruments, sports outfits and materials allowing prisoners of war to pursue their studies or their cultural activities. Such shipments shall in no way free the Detaining Power from the obligations imposed upon it by virtue of the present Convention. The only limits which may be placed on these shipments shall be those proposed by the Protecting Power in the interest of the prisoners themselves, or by the International Committee of the Red Cross or any other organization giving assistance to the prisoners, in respect of their own shipments only, on account of exceptional strain on transport or communications. The conditions for the sending of individual parcels and collective relief shall, if necessary, be the subject of special agreements between the Powers concerned, which may in no case delay the receipt by the prisoners of relief supplies. Books may not be included in parcels of clothing and foodstuffs. Medical supplies shall, as a rule, be sent in collective parcels" (ICRC 1949d).

> The logic of the Convention is that only nationals of the enemy states, or those whose state has no diplomatic representation on the territory, need supplementary international protection. Others can be protected through the usual interstate channels.
> A similar understanding of those most at risk in a conflict area leads many international humanitarian organizations not to send those staff who are nationals of one of the belligerent parties in the field. Not only are these people potentially more at risk, but their presence in the field mission may undermine the neutral image of the organization they work for. It is easier to appear neutral when your staffs come from outside the conflict areas. But the nationals of neutral states set out as humanitarian workers are then only protected in the exceptional cases where their state of nationality has no diplomatic representation in the country of the mission. The majority of these people will not be covered by Geneva Convention IV. Ironically, then, if humanitarian organizations did send staff to the field with the same nationality as the parties to the conflict, they might find that they were better protected (2007, 119).

Considering that the content of IHL documents are reflective of the *air du temps* and of past conflicts' experiences – the Second World War significantly shaped the content of the 1949 Geneva Conventions – the limited attention granted to delegates of relief societies in the 1949 Geneva Conventions lends further credence to the claim that these actors were not perceived as a category of actor during the first half of the 20th century.

Second, provisions on assistance to civilians were included for the first time in IHL in the 1949 Fourth Geneva Convention.[135] The main clauses on assistance to civilians were shaped by the ICRC' work in favour of civilian populations, as well as its limitations, during the Second World War. Three main articles pertaining to assistance to civilians were adopted at this occasion, namely: (1) Article 23, which made mandatory the free passage of some medical, nutritional and clothing goods intended for civilians in the context of blockade; (2) Article 55, which imposed a duty on the Occupying Power to ensure that the civilian population is properly supplied; and (3) Article 59, which required the Occupying Power to agree to relief schemes if the population is inadequately supplied (Plattner 1992, 253-255).[136]

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[135] The right of civilian populations to receive assistance in situations of armed conflict can be traced back to the 1868 Declaration of St. Petersburg, which states: "the only legitimate object which State should endeavour to accomplish during war is to weaken the military forces of the enemy" (quoted in Plattner 1992, 251). As the right to assistance is linked to and part of the legal framework of protection of civilians, it is not surprising that it first explicit treatment was in the Fourth Geneva Convention – the first international convention specifically dealing with civilians.

[136] Article 23 reads: "Each High Contracting Party shall allow the free passage of all consignments of medical and hospital stores and objects necessary for religious worship intended only for civilians of another
High Contracting Party, even if the latter is its adversary. It shall likewise permit the free passage of all consignments of essential foodstuffs, clothing and tonics intended for children under fifteen, expectant mothers and maternity cases. The obligation of a High Contracting Party to allow the free passage of the

Third, the four Conventions' treatment of the ICRC is also worth briefly outlining as it maintained the organization's preeminent role in humanitarian affairs. The Conventions reiterated the ICRC's right of humanitarian initiative (art. 9/9/9/10). The Conventions went further than their 1929 precedent by also recognizing the ICRC's right of

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consignments indicated in the preceding paragraph is subject to the condition that this Party is satisfied that
there are no serious reasons for fearing:
(a) that the consignments may be diverted from their destination,
(b) that the control may not be effective, or
(c) that a definite advantage may accrue to the military efforts or economy of the enemy through the substitution of the above-mentioned consignments for goods which would otherwise be provided or produced by the enemy or through the release of such material, services or facilities as would otherwise be
required for the production of such goods.
The Power which allows the passage of the consignments indicated in the first paragraph of this Article may
make such permission conditional on the distribution to the persons benefited thereby being made under the local supervision of the Protecting Powers. Such consignments shall be forwarded as rapidly as possible,
and the Power which permits their free passage shall have the right to prescribe the technical arrangements
under which such passage is allowed."
Article 55 reads: "To the fullest extent of the means available to it, the Occupying Power has the duty of ensuring the food and medical supplies of the population; it should, in particular, bring in the necessary foodstuffs, medical stores and other articles if the resources of the occupied territory are inadequate.
The Occupying Power may not requisition foodstuffs, articles or medical supplies available in the occupied
territory, except for use by the occupation forces and administration personnel, and then only if the requirements of the civilian population have been taken into account. Subject to the provisions of other international Conventions, the Occupying Power shall make arrangements to ensure that fair value is paid
for any requisitioned goods. The Protecting Power shall, at any time, be at liberty to verify the state of the
food and medical supplies in occupied territories, except where temporary restrictions are made necessary
by imperative military requirements."
Article 59 reads: "If the whole or part of the population of an occupied territory is inadequately supplied, the Occupying Power shall agree to relief schemes on behalf of the said population, and shall facilitate them
by all the means at its disposal. Such schemes, which may be undertaken either by States or by impartial humanitarian organizations such as the International Committee of the Red Cross, shall consist, in particular, of the provision of consignments of foodstuffs, medical supplies and clothing. All Contracting Parties shall permit the free passage of these consignments and shall guarantee their protection. A Power granting free passage to consignments on their way to territory occupied by an adverse Party to the conflict
shall, however, have the right to search the consignments, to regulate their passage according to prescribed
times and routes, and to be reasonably satisfied through the Protecting Power that these consignments are
to be used for the relief of the needy population and are not to be used for the benefit of the Occupying Power." (ICRC 1949e)

humanitarian initiative in situations of non-international armed conflict. This latitude of action was very welcome given the limited number of provisions dealing with non-international armed conflicts. The 1949 Conventions further endorsed two precedents: the creation of a Central Information Agency[137] and the right of ICRC delegates to visit detained persons (thereby endowing ICRC delegates with the same prerogatives as representatives of the Protecting Power).[138] The ICRC is also mentioned with regards to provision of relief to POWs, interned civilians and civilians in occupied territories; as a possible substitute for the Protecting Power; organization of hospital and safety zones (Rey-Schyrr 1999b).

In addition to clarifications on the meaning and scope of humanitarian action provided by the 1949 Geneva Conventions, humanitarian organizations themselves and the media

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[137] For instance, Article 140 of the Fourth Geneva Convention reads: "A Central Information Agency for protected persons, in particular for internees, shall be created in a neutral country. The International Committee of the Red Cross shall, if it deems necessary, propose to the Powers concerned the organization of such an Agency, which may be the same as that provided for in Article 123 of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949. The function of the Agency shall be to collect all information of the type set forth in Article 136 which it may obtain through official or private channels and to transmit it as rapidly as possible to the countries of origin or of residence of the persons concerned, except in cases where such transmissions might be detrimental to the persons whom the said information concerns, or to their relatives. It shall receive from the Parties to the conflict all reasonable facilities for effecting such transmissions. The High Contracting Parties, and in particular those whose nationals benefit by the services of the Central Agency, are requested to give the said Agency the financial aid it may require. The foregoing provisions shall in no way be interpreted as restricting the humanitarian activities of the International Committee of the Red Cross and of the relief Societies described in Article 142" (ICRC 1949e).

[138] For instance, Article 143 of the Fourth Geneva Convention reads: "Representatives or delegates of the Protecting Powers shall have permission to go to all places where protected persons are, particularly to places of internment, detention and work. They shall have access to all premises occupied by protected persons and shall be able to interview the latter without witnesses, personally or through an interpreter. Such visits may not be prohibited except for reasons of imperative military necessity, and then only as an exceptional and temporary measure. Their duration and frequency shall not be restricted.
Such representatives and delegates shall have full liberty to select the places they wish to visit. The Detaining or Occupying Power, the Protecting Power and when occasion arises the Power of origin of the persons to be visited, may agree that compatriots of the internees shall be permitted to participate in the visits. The delegates of the International Committee of the Red Cross shall also enjoy the above prerogatives. The appointment of such delegates shall be submitted to the approval of the Power governing the territories where they will carry out their duties" (ICRC 1949e).

contributed to conveying the distinctiveness of the humanitarian enterprise. The sheer growth in number and diversity of organizations during the Cold War prompted organizations to engage in reflection and discussion on the meaning and boundaries of humanitarianism. Also, the growing media coverage of conflicts and crises communicated the distinctiveness of the humanitarian sphere and familiarized publics with humanitarian workers. It is worth noting that humanitarian organizations were not only featured in media stories but they also started actively using this platform to bring attention to their work and brand.

The Cold War's organizational growth differed from previous decades' in that in addition to existing organizations' expanding their field of operation and new organizations emerging, a new type or "generation" of organization came to be (Barnett and Weiss 2011, 55). This new breed differed from its predecessor by siding with the victims of humanitarian disasters and claiming not being limited by state boundaries and concerns of *raison d'état* (which they use to justify their vocality) (Terry 2002, 20-21). Emblematic of this new generation of organization is *Médecins Sans Frontières* (MSF), created in 1971 by a group of doctors and journalists.[139] The experience of the Nigeria-Biafran war (1968-1970) was the catalyst behind the emergence of this new breed of organization. In brief, in 1967, Nigeria's Ibo region declared independence and the creation of the state of Biafra. In response, the Nigerian government massacred scores of civilians and attempted to starve Biafra into submission by cutting off Biafra's oil revenues and land supply routes (Barnett and Weiss 2011, 56). Mass starvation ensued. Limited humanitarian assistance was allowed to enter Biafra; because notably the Nigerian government insisted on inspecting relief flights and only allowed day-time flights whereas the Biafran authorities refused day-time flights (Terry 2002, 43; Walker and Maxwell 2009, 47). Some observers and humanitarian workers perceived the situation in Biafra to be a case of genocide (of the Ibo people by the Nigerian government) (Rieff 2002, 82-83). This belief made some humanitarian workers uneasy

[139] Anne Vallaeys's *Médecins sans frontières: la biographie*, provides a comprehensive presentation of the history of MSF. Also, these commitments were shared by numerous other "*sans frontières*" organizations that emerged over the years (e.g. pharmacists, architects) as well as by many new NGOs, such as *Solidarités* and *Action Contre la Faim* (Ryfman 2008, 54-55).

with and critical of the ICRC policy of discretion, which they compared to the ICRC's stance during the Holocaust.[140] ICRC doctor Bernard Kouchner was one of those critiques. Kouchner, one of the future co-founder of MSF, is quoted to have claimed: "By keeping silent, we doctors were accomplices in the systematic massacre of a population." (quoted in Rieff 2002, 83) The Biafra-Nigerian war spurred discussions and reflection on

[140] For a comprehensive presentation of the activities of the ICRC during the Holocaust, see Favez, 1988. His landmark book, based on the ICRC archives, was the first to thoroughly address this sensitive question. I here present a brief summary so as to situate the discussions that took place in the context of the Biafra-Nigerian War. The ICRC started contacting the German Red Cross regarding the matter of concentration camps as early as 1933. Unfortunately, the German Red Cross did not prove to be the ally the ICRC expected and needed as, alongside the rest of the German state, it had become "Nazified." The German Red Cross adopted new statutes in November 1933, with the *fürherprinzip* (meaning the Führer's word is above all written law) at its core. Notwithstanding these changes, throughout the war, the ICRC kept on relying on the German Red Cross as the preferred interlocutor on matters of political detainees (Favez 1988, 42-43). In the early years of the Nazi regime, the ICRC was able to visit camps in Germany, camps of compulsory civilian labour (*arbeitsdienst*) in Bavaria, and various detention institutions, such as rest homes and asylums. Prior to the Anschluss, the Committee also visited political detainees in Austria. Regardless of these early "successes", the ICRC did not actively attempt to visit camps in any systematic way (Durand 1984, 286-287; Forsythe 2005, 45). The ICRC seriously turned its attention to the fate of Jews in Germany following the *Kristallnach*t of November 1938. While the Committee had been made aware of the treatment of Jews years earlier, the situation posed a particular challenge for the Committee as it was a new and difficult one: "that of a group of citizens persecuted by their own government, which refused them the rights enjoyed by its nationals but, paradoxically, would allow no foreign intervention in their favour because it then considered them as nationals." (Durand 1984, 554). With the outbreak of the war and the expansion of the Reich, the so-called "Jewish question" expanded in scope, as the Jews from all Nazi-occupied territories became victims of persecution. In 1942, the ICRC considered making an appeal denunciating violations of the laws of war, which would have included a denunciation of the persecution against Jews by Germany. Although the majority of the members of the ICRC were in favour, under pressures from the Swiss government, the idea was traded for a generic appeal to humanity (Favez 1988, 155-166). This episode highlights an important facet of the influence of states in humanitarian affairs – that of shaping positions, a trend that became more and more apparent in the decades following (Forsythe 2005, 184-5). It was this silence, kept throughout the course of the war, that became a source of powerful critique levelled against the ICRC after the end of the war. Despite its silence, the ICRC did remain concerned with the fate of Jewish populations and took a number of actions throughout the war. Given the German government's attitude and positions towards Jewish populations, the ICRC concluded that the best way to assist Jews was to avoid mentioning the "racial question" and undertake general actions for all deportees and civilians. Although their work might seem small in comparison to the scale of the tragedy, the ICRC nevertheless succeeded in sending 750,000 relief parcels to Jews in concentration camps, temporary delaying some massive deportations from Hungary to Germany, distributing 30,000 letters of protection in Budapest, and organizing soup kitchens in Hungary, Romania and Slovakia. The Committee's delivery of relief parcels to concentration camps was remarkable in its ingenuity, as it required the recipient to send back a receipt to the ICRC, thus allowing the ICRC to draft lists of detainees (ICRC 1973, 71-74). These initiatives were made possible by the cooperation of the World Jewish Congress, Save the Children and the American Joint Distribution Committee. Numerous other initiatives were independently undertaken by delegates in favour of Jews (Durand 1984, 567-572). In February 1945, with the end of the war looming, the ICRC was able to gain some concessions from Nazi officials. Notably, a number of ICRC delegates were granted access to concentration camps under the condition that they would not leave until the end of hostilities. Albeit de facto hostages, these delegates were able to supervise the distribution of relief and solely by their presence, prevented the mass killing of tens of thousands of inmates (Durand 1984, 558-588; Forsythe 2005, 46).

the principles of humanitarian action, such as the value of neutrality versus public denunciation in the face of atrocities.

The Biafra-Nigerian war not only spurred important debates and organizational growth, it also drew attention to NGOs as humanitarian actors. Because the United Nations did not participate in the relief effort nor did donor governments (only through donations to private organizations), NGOs were front and center actors during this crisis. This was significant because it showcased the distinctiveness of humanitarian action as a sphere of action. Also, the media played a central role in drawing attention to the famine and providing real-time coverage, and in so doing broadcasted the work carried out by humanitarian organizations (Barnett and Weiss 2011, 56). This media presence was made possible by the rise of new information and communication technologies during the Cold War (Frohardt et al. 1999, 8-12). It is worth noting that humanitarian workers not only figured in crisis narratives presented by the news media but also became active contributors to reporting by taking on the role of witnesses to the realities of crises and conflicts.[141] MSF's ethical imperative of *témoignage* (bearing witness) clearly embodies and exemplifies this role. Furthermore, the increasing media visibility of humanitarian workers also resulted from humanitarian organizations', NGOs in particular, increasingly becoming aware of the power of the news media and developing a desire to bring visibility to their "brand" (Ryfman 2007, 22-25).[142] Weiss refers to this logic as "marketization" and writes:

> NGOs need contributions from donors who wish to have their heartstrings pulled with a story of one suffering (indeed, two is often too many for the most effective image) who is caught in the crosshairs of war and can only be saved by their donations. Thereafter the donors want to be assured that their contributions are directly helping to improve lives, which then requires the production of brochures depicting relief workers wearing NGOS T-shirts posing beside seemingly happy and well-nourished kids. Unsurprisingly a key lesson NGOs teach relief workers is how to pose with children. (2013, 2-3)

Humanitarian organizations also used the media to convey a romanticized and essentialized picture of their staff as "selfless, efficient, courageous, humble, idealistic,

[141] Fassin explains that the "witness has become a key political figure of our time [and is part of] the burgeoning importance of testimony in the portrayal of violence in the contemporary public arenas" (2012, 220).

[142] Aengus Finucane, founder of the Irish organization Concern, wrote: "In Biafra, the many NGOs involved learned the usefulness of the media, a lesson that stood them in good stead in winning support for their work ever since." (quoted in Rieff 2002, 84-85)

ethically committed, and pragmatically oriented" (DeChaine 2005, 72-88). Humanitarian organizations' involvement in most Cold War crises provided much visibility to these "volunteer-heroes." Humanitarian organizations' framing of their staff seem to have been successful as attested to by Hancock's perception of humanitarian workers at the end of the Cold War:

> Western relief workers in Third World disasters have become potent symbols of the fundamental decency and rightness of international aid. […] The personification of faith and hope, delivered to developing countries by our charity, she's to be found wherever and whenever disaster strikes. She's the one the camera focuses on briefly ministering to cholera victims in a field-hospital, the one the reporter gets a quote from in front of the feeding station, the one whose weary eyes tell you that she's seen it all before and that she expects to go on seeing it again and again and again (1989, 3).

By acting as witnesses, as well as through their depiction as volunteer-heroes, humanitarian workers came to occupy a particular, visible and valued position in the international sphere; that of bridge between suffering populations and the Western public. Reflecting on that topic, Slaughter penned: "This humanitarian figure is an intermediary between ourselves and the ones who suffer, acting as a conduit for our emotional investments in the scene of suffering and establishing, [in Rony Brauman's words], "both distance and a link between the spectator and the victim" (2009, 102).

The dynamism of humanitarianism witnessed during the Cold War spurred a need to clarify the meaning and boundaries of humanitarianism. For instance, at the revision of its Statute in 1952, the ICRC traded the vague phrase "humanitarian activities" present in its 1928 Statute for the more specific terms "assistance" and "protection" (Blondel 1987, 452).[143] Moreover, in response to the proliferation of humanitarian organizations and actors and a desire to bring coherence and clarity to its actions, the Red Cross adopted its Fundamental Principles at the 20th International Conference of the Red Cross in 1965

[143] The meaning of these domains of activity is often misunderstood because as explained by ICRC Director-General Angelo Gnaedinger: "[p]rotection and assistance are two interlocking aspects of our operational approach" (ICRC 2007a). Forsythe explains the distinction while steering clear of the terms "protection" and "assistance" by using the terms "traditional protection" and "relief protection": "In traditional protection, the ICRC observes the behavior of public authorities according to international humanitarian norms, either legal or moral, and then makes representations to the authorities for the benefit of persons of concern to it – namely victims of war and of other conflict situations. The objective is to see that victims are not abused or otherwise treated inappropriately. In relief protection, there can be an element of supervision and representation, along with the central effort to provide the goods and services necessary for minimal human dignity in conflict situations" (2005, 268). The ICRC provides a comprehensive discussion of the meaning of protection in ICRC 2008.

(Barnett 2011, 31). The Fundamental Principles of the Red Cross and Red Crescent are humanity, impartiality, neutrality, independence, voluntary service, unity and universality.[144] While the three latter are mainly relevant for the Red Cross and Red Crescent Movement, the principles of humanity, impartiality, neutrality and independence have been widely adopted by humanitarian actors, and are commonly referenced. Although only formally adopted in 1965, these principles guided the action of the Red Cross in previous decades and were recognized in legal document such as the 1949 Geneva Conventions.[145] Now, they became commonly accepted as part of the *lingua franca* of humanitarianism (Renouf 2011, 51).

With the growing number of organizations presenting themselves as "humanitarian" during the Cold War, organizations widely used the Red Cross' humanitarian principles to express and demonstrate they were truly "humanitarian." The prominence of the Red Cross in the humanitarian sphere certainly contributed to the appeal of its principles, which is further illustrated by organizations adopting their own interpretation of these principles. In this way, organizations were able to make rhetorical use of humanitarian principles without having to abide by their requirements (Slim 1997; Ryfman 2007, 25; Wortel 2009, 795).[146] For instance, MSF developed its own concept of neutrality, which it distinguishes from the Red Cross' "*silent* neutrality" (Tanguy and Terry 1999).[147] Furthermore, the International Court of Justice's ruling in the Nicaragua case, which notably aimed to define the meaning and scope of humanitarian action, referred to the Red Cross' work and principles, instead of presenting a clear definition of humanitarianism. This further highlights how the Red Cross humanitarian principles can be seen as amounting to the constitutive norms of the humanitarian identity (Abdelal et al. 2006).

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[144] For a comprehensive discussion of these principles, see ICRC 1996.
[145] The impartiality of the ICRC was notably mentioned in common Article 3 while the spirit of the principle of neutrality was captured in Article 23 of the Fourth Convention, which stated that relief may be provided unless there are serious reasons for fearing that "a definite advantage may accrue to the military efforts or economy of the enemy" (ICRC 1949d; Davies 2012, 7).
[146] This trend became particularly marked after the end of the Cold War with the proliferation of organizations. Both Slim (1997) and Wortel (2009) discuss this phenomenon.
[147] In a fascinating article, Tanguy and Terry explains MSF's own definition and understanding of the humanitarian principles. See Tanguy and Terry 1999.

In addition to these principles, which helped clarify the meaning and legitimacy of humanitarian action, "politics" became a marker commonly used to highlight the distinctiveness of the humanitarian enterprise.[148] This also contributed to the association of the humanitarian sphere with characteristics of purity, engagement and altruism; fitting counterparts to those typically associated with politics, such as corruption and self-interest (DeChaine 2005, 82).[149] Surveys conducted by the World Bank and European and US governments in the early 1980s showing widespread support for aid agencies indicate how humanitarian organizations were successful in presenting their work as both positive and distinct from governments (Hancock 1989, 4). This increasingly distinct positioning of the humanitarian sphere contrasts with the nationalist character of humanitarian action earlier in the 20th century (Weiss 2013, 1).

The distinctiveness of humanitarian workers as a category of actor was also conveyed in legal documents. Following years of study, consultation and drafting, two Additional Protocols to the Geneva Conventions were adopted in 1977.[150] Former ICRC legal advisor Jean De Preux explains the Protocols' *raison d'être*:

> it was not the need to amend the 1949 Conventions which gave rise to the Protocols, but the need to supplement them, owing to the gradual emergence of two major factors: first, the new forces appearing in the conduct of hostilities tend to extend the battlefield *ad infinitum*, which engenders tremendous risks for the civilian population; secondly, armed conflicts take on new forms which it is impossible to ignore or to pass over in silence (1997).

Additional Protocol I (API) deals with situations of conflict of an international character while Additional Protocol II (APII) is concerned with conflicts not of an international character.[151] APII was the first international legal treaty dealing with situations of

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[148] Still, the proliferation of organizations using these principles and presenting themselves as "humanitarian" obscured the meaning of these principles (Slim 1997, 343-344).

[149] As an illustration, Brian Walker, former head of Oxfam wrote that "articulating humanitarianism as a kind of conscience to governments, multinationals and the general public" was one of the key roles played by NGOs during the Cold War (quoted in Walker and Maxwell 2009, 51).

[150] A presentation of the process that culminated in the adoption of the Additional Protocols is provided in the general introduction of the Commentary on the Additional Protocols (Sandoz et al. 1987, xxix-xxxv). This volume is also the key document for studying and understanding the Additional Protocols

[151] In addition to their provision on the protection of civilians that will be addressed in the next section, the Additional Protocols' value rests on their providing rules reflecting and responding to the realities of guerrilla warfare. Article 44 of API relaxed the rules for belligerents to be entitled to combatant and POW status. Significantly, the requirement to wear a distinctive sign at all time was modified to read: "combatants are obliged to distinguish themselves from the civilian population while they are engaged in

conflicts not of an international character. It complemented the provisions of Common Article 3.

For our purpose, Additional Protocol I is significant first because it recognized relief personnel as a category of actors deserving respect and protection.[152] The significance and *raison d'être* of this provision is well expressed in the Commentary on the Protocols which reads:

> Apart from the personnel involved in actions under the responsibility of the ICRC, who consequently enjoy the protection of the red cross emblem, personnel participating in relief actions are only protected, outside the régime of the Protocol, by general rules applicable to civilians of States which are not Parties to the conflict. Such persons certainly enjoy the general protection of populations against certain consequences of war, and, as civilians, may not be attacked, but not all of them are covered by the Fourth Convention which excluded certain categories from its field of application. They do not have a *right* to carry out particular task, and the reason for granting them a status in international humanitarian law is to allow them to *act* effectively for the benefit of a civilian population lacking essential supplies (Sandoz et al. 1987, 832).

Thus, relief personnel's right to respect and protection was aimed at allowing them to carry out work in favour of civilian populations. This is noteworthy as it highlights how the relief sphere evolved since the first recognition of delegates of relief societies in the 1899 Hague Convention. Also, the rationale behind this protected status is *consequentialist* – to allow them to perform their work. As will be delineated below, this

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an attack or in a military operation preparatory to an attack. Recognizing, however, that there are situations in armed conflicts where, owing to the nature of the hostilities an armed combatant cannot so distinguish himself, he shall retain his status as a combatant, provided that, in such situations, he carries his arms openly:
(a) during each military engagement, and
(b) during such time as he is visible to the adversary while he is engaged in a military deployment preceding the launching of an attack in which he is to participate" (ICRC 1977).

[152] Article 71 reads: "1. Where necessary, relief personnel may form part of the assistance provided in any relief action, in particular for the transportation and distribution of relief consignments; the participation of such personnel shall be subject to the approval of the Party in whose territory they will carry out their duties.
2. Such personnel shall be respected and protected.
3. Each Party in receipt of relief consignments shall, to the fullest extent practicable, assist the relief personnel referred to in paragraph 1 in carrying out their relief mission. Only in case of imperative military necessity may the activities of the relief personnel be limited or their movements temporarily restricted.
4. Under no circumstances may relief personnel exceed the terms of their mission under this Protocol. In particular they shall take account of the security requirements of the Party in whose territory they are carrying out their duties. The mission of any of the personnel who do not respect these conditions may be terminated" (ICRC 1977).

rationale was central in supporting the norm of humanitarian security in the post-Cold War years.

The 1977 Additional Protocols are also important because they include numerous provisions on humanitarian action and humanitarian assistance.[153] This attention to humanitarian affairs was not surprising in light of the concern about and commitment to the protection of civilians embodied in these documents.[154] Additional Protocol I marked a significant improvement on the Fourth Geneva Convention with regards to specificity of rules pertaining to assistance and humanitarian action. The experience of the Biafran famine shaped API and notably spurred the inclusion of the prohibition of starvation as a method of warfare in the Protocol.[155] Also, Article 69 and 70 clarified the conditions

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[153] Concern for the provision of assistance did not end with the Geneva Conventions. Rather, throughout the following decades, the United Nations and the Red Cross Conferences adopted numerous resolutions on the treatment of civilian populations in situations of armed conflict. For example, see GA resolution 2444 (XXIII) and the resolutions adopted at the XXth International Conference of the Red Cross (1965).

[154] With regard to the protection of civilians, API provides, in Article 50, the first definition of civilian. It reads "A civilian is any person who does no belong to one of the categories of persons referred to in Article 4 A (1), (2), (3), and (6) of the Third Convention and in Article 43 of this Protocol" (ICRC 1977). In other words, a civilian is defined as someone who is not a combatant. By eliminating the nationality constraint present in the Fourth Geneva Convention, the scope of civilians protected by the Protocol is thus broader. Also, API clearly delineates basic principles of conduct, considered customary international law. In particular, it clearly articulates the principle of distinction, the principle of proportionality and the prohibition of indiscriminate attacks. Among other notable provisions, Additional Protocol I prohibits the use of reprisal on civilian populations and civilian objects and recognizes that "care shall be taken in warfare to protect the natural environment against widespread, long-term and severe damage" (ICRC 1977, De Preux 1997).

[155] Article 54 reads: "1. Starvation of civilians as a method of warfare is prohibited.
2. It is prohibited to attack, destroy, remove or render useless objects indispensable to the survival of the civilian population, such as foodstuffs, agricultural areas for the production of foodstuffs, crops, livestock,
drinking water installations and supplies and irrigation works, for the specific purpose of denying them for
their sustenance value to the civilian population or to the adverse Party, whatever the motive, whether in order to starve out civilians, to cause them to
move away, or for any other motive.
3. The prohibitions in paragraph 2 shall not apply to such of the objects covered by it as are used by an adverse Party:
(a) as sustenance solely for the members of its armed forces; or
(b) if not as sustenance, then in direct support of military action, provided, however, that in no event shall
actions against these objects be taken which may be expected to leave the civilian population with such inadequate food or water as to cause its starvation or force its movement.
4. These objects shall not be made the object of reprisals.
5. In recognition of the vital requirements of any Party to the conflict in the defence of its national territory
against invasion, derogation from the prohibitions contained in paragraph 2 may be made by a Party to

under which relief could be provided and specified that assistance be intended to all civilians, rather than only to vulnerable groups.[156] Additional Protocol II also broached the question of provision of relief (Article 18) in which it reiterates general principles of relief action (Blondel 1987, 455-458).

The provisions on assistance enshrined in the 1949 Geneva Conventions and Additional Protocols have been much discussed among legal scholars and are considered to have established a right to humanitarian assistance in situation of armed conflict (Jakovljević 1987, 476; Plattner 1992, 260-261).[157] This right is usually seen to be subject to two requirements, found in Article 70 of Additional Protocol I: "the civilian population must be inadequately supplied, and […] relief actions must be humanitarian and impartial and conducted without any adverse distinction" (Macalister-Smith 1991, 447). Although relief actions are subject to the "consent of the Parties concerned," Torrelli explains that this consent is subject to the principle of good faith and thus is not unlimited (1992, 232).

Despite the recognition of the right to humanitarian assistance, discussions on assistance have been ongoing since the adoption of the Additional Protocols. Macalister-Smith identified a "wide gulf between 'should' and 'must'" with regards to the provision of assistance (1991, 449).[158] Over the years, numerous initiatives have been proposed to fill this gulf, with the notion of "duty to intervene" being one the most famous. This concept, promoted by French academics and humanitarian practitioners, such as Mario Bettati and Dr. Bernard Kouchner, was embraced by the French government in the late 1980s and

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the conflict within such territory under its own control where required by imperative military necessity" (ICRC 1977).

[156] Specifically, the first section of Article 70 states that "If the civilian population of any territory under the control of a Party to the conflict, other than occupied territory, is not adequately provided with the supplies mentioned in Article 69, relief actions which are humanitarian and impartial in character and conducted without any adverse distinction shall be undertaken, subject to the agreement of the Parties concerned in such relief actions." (ICRC 1977)

[157] Interview with employee of a humanitarian organization, Geneva, 2012.

[158] The estimated £150 million raised at the occasion of the Live Aid concerts in 1985 for famine relief are further testament of a growing commitment to assistance to civilian populations during the Cold War. Also, even if not illuminating the temporality of the norm's prominence, it is worth noting that its development was supported by one of the international society's foundational metanorms: "individual dignity", which means that "the inherent dignity of each person undergirds a broad range of norms against behaviors that would be degrading to the individual" (Sandholtz and Stiles 2009, 17).

shaped its work within the United Nations.[159] For instance, in December 1988, on French initiative, the General Assembly adopted resolution 43/131 on "Humanitarian assistance to victims of natural disasters and similar emergency situations." While reaffirming the primary role of states in providing assistance, this resolution also recognized the subsidiary role of humanitarian organizations should the state fail to fulfill its responsibility (Torrelli 1992, 239).[160]

Examining media reporting during and after the Cold War lends further credence to the claims of increasing distinctiveness of the humanitarian worker as a category of actor, centrality of her role as witness during the Cold War and of concern for humanitarian workers' security in the 1990s. Using the LexisNexis Academic database, I analyzed a randomly selected representative sample of newspaper articles containing the terms "aid," "relief," "humanitarian" worker published by major world publications.[161] Examining articles published throughout the world and using these different terms was aimed at capturing and providing the most comprehensive overview of these terms' use. I

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[159] For instance, Foreign French Minister Roland Dumas wrote France "believes that the law of humanity takes precedence over the law of nations and should always serve as a basis for the latter; and that the duty to provide humanitarian assistance, ever more an integral part of today's universal conscience, should be embodied in international legislation in the form of a 'right to intervene on humanitarian grounds" (quoted in Torrelli 1992, 229).

[160] On the place and role of state of states in humanitarian assistance, Terry wrote: "the "duty" to provide humanitarian assistance occurs only once the duty to avoid depriving and to protect from deprivation have failed to be performed. Governments hold the primary responsibility for the safety and well-being of their citizens, and combatants are obliged by the Geneva Conventions to respect civilian immunity in times of conflict. Humanitarian assistance is necessary only once governments or combatants have been unwilling or unable to shoulder their respective responsibilities." (2002, 17) While the relationship between humanitarian action and the institution of sovereignty is often presented as adversarial, Minear identifies four areas of interaction that contribution to "an evolution in the understanding of sovereignty itself: 1) "higher expectations of sovereign political authorities"; 2) "the exercise of sovereignty by political authorities was shown to be capable of either facilitating or frustrating humanitarian action"; 3) "aid agencies may also be viewed as having interposed themselves between the authorities and their citizens, usurping political functions in settings where the host government is unable or unwilling to provide the necessary services"; 4) "relief and rights work has made modest but significant inroads into the requirement that humanitarian action receive the advance consent of the political authorities" (2002, 89-93).

[161] Based on Bartlett, Kotrlick and Higgins' article on sample size, I selected a random sample from the population of newspaper articles to get a distribution of 1.96 (2001, 48). Out of the 1383 newspaper articles containing 'aid workers' published prior to 1990, I selected 306 articles. 793 newspaper articles contained 'aid workers' between January 1st 1990 and September 10th 2001, of which I randomly selected 260. 'Relief workers' appeared in 1651 newspaper articles before 1990 and I randomly selected 323 articles. Between January 1st 1990 and September 10th 2001, 'relief workers' was mentioned in 830 articles and the sample size was 270. 'Humanitarian workers' appeared in only 15 newspaper articles prior to 1990 so I looked at them all. Finally, 'humanitarian workers' was mentioned in 882 newspaper articles between January 1st 1990 and September 10th 2001, of which, I selected 270.

conducted the search and analysis for two periods: prior to 1990 and between January 1st 1990 and September 10th 2001. The former captures how these terms were used and how humanitarian workers were framed during the Cold War, while the latter captures these elements in the post-Cold War years prior to the start of the so-called War on Terror. A caveat of this brief exercise is that the LexisNexis Academic Database currently only goes back to the late 1960s. While this suggests that the following analysis does not capture the Cold War in its entirety, this limitation does not prevent identifying terminological trends over time.

Following a preliminary examination of newspaper articles mentioning the words "humanitarian", "aid", and "relief" workers, I identified six main recurring categories or frames: compound, description, fiction, national, violence and witness.[162] I used these labels to categorize the sampled articles. Tables 1 and 2 below show the result of this search. Table 1 presents the detailed results of each search while table 2 shows the merged results.

[162] Some articles were associated with two frames when no single category could capture the way humanitarian workers were depicted. The letter C was used to refer to compound words such as "legal aid worker" or "first aid worker." Articles categorized under C were not referring to the actor of interest. The letter F was used to indicate that the article was referring to a work of fiction starring humanitarian workers. These articles generally took the form of book reviews. The letter D was used to identify articles in which humanitarian workers were part of a description (e.g. where their presence in a terrain of operation was mentioned). The letter N was used to capture articles in which the term "humanitarian worker" (or "aid" or "relief") referred to national or local actors such as social workers. The letter "V" was used to identify articles referring to violence, which I defined as security incidents and insecurity experienced by humanitarian workers. Thus, the label V was not limited to articles mentioning "new" security incidents; it also included articles monitoring past incidents (e.g. hostages, imprisonment cases) and their consequences (e.g. killing, freeing). This broad use of the label violence aimed to capture the number of newspaper articles conveying the danger incurred by aid workers. Finally, the letter W was used to capture articles portraying humanitarian workers as witnesses – that is as testifying or commenting on the situation at hand.

**Table 1: News Media Analysis – Complete**

| | Frame | 'Aid worker': before 1990 | 'Aid worker': 1990-09/2001 | 'Relief worker': before 1990 | 'Relief worker': 1990-09/2001 | 'Humanitarian worker': before 1990 | 'Humanitarian worker': 1990-09/2001 |
|---|---|---|---|---|---|---|---|
| **Number of articles** | **Compound** | 57 | 2 | 5 | 0 | 0 | 0 |
| | **Description** | 88 | 82 | 85 | 45 | 4 | 117 |
| | **Fiction** | 3 | 0 | 2 | 0 | 0 | 1 |
| | **National** | 16 | 0 | 26 | 10 | 2 | 1 |
| | **Violence** | 46 | 138 | 42 | 80 | 8 | 107 |
| | **Witness** | 101 | 47 | 146 | 145 | 1 | 44 |
| **Percentage of coverage** | **Compound** | 18.6% | 0.8% | 1.6% | 0% | 0% | 0% |
| | **Description** | 28.8% | 31.5% | 26.3% | 16.7% | 26.7% | 43.3% |
| | **Fiction** | 1% | 0% | 0.6% | 0% | 0% | 0.4% |
| | **National** | 5.2% | 0% | 8.1% | 3.7% | 13.3% | 0.4% |
| | **Violence** | 15% | 53% | 13% | 29.6% | 53.3% | 39.6% |
| | **Witness** | 33% | 18.1% | 45.2% | 53.7% | 6.7% | 16.3% |

**Table 2: News Media Analysis – Merged Results**

| Frame | Aid/Relief/Humanitarian worker: before 1990 | Aid/Relief/Humanitarian worker: 1990-09/2001 |
|---|---|---|
| **Compound** | 62 articles – 9.6% | 2 articles – 0.3% |
| **Description** | 177 articles - 27.5% | 244 articles - 30.5% |
| **Fiction** | 5 articles - 0.8% | 1 article - 0.1% |
| **National** | 44 articles - 6.8% | 11 articles - 1.4% |
| **Violence** | 96 articles - 14.9% | 325 articles - 40.6% |
| **Witness** | 248 articles - 38.5% | 236 articles - 29.5% |

In capturing and including variations between the terms, Table 2 is more useful for analyzing trends over the two periods. For our purpose, Table 2 indicates three important elements. First, the percentage of articles using the words "humanitarian worker" (or "aid" or "relief") in a compound form or to refer to national actors (e.g. social worker) greatly declined; from 9.6% to 0.3%, and from 6.8% to 1.4%, respectively. This shows how the terms "aid," "relief" and "humanitarian" workers were progressively used in a

less varied way and increasingly to refer to a specific category of actors. Second, with 38.5% of articles, the main frame used during the Cold War was the humanitarian worker as witness. Third, violence became the main frame for humanitarian workers in the post-Cold War period with 40.6% of the articles referring to violence. Even if it is unclear whether this increasing attention to the security of humanitarian workers (from 14.9% to 40.6% of articles) closely follows a growing number of security incidents, it does convey that humanitarian workers were increasingly depicted and perceived as vulnerable to violence, regardless of whether or not there was an actual spike in security incidents involving humanitarian workers or not. Also, when taken together, the first and third trends increase confidence that the 1990s witnessed more attention to the security of humanitarian workers. Had the number of articles categorized as "compound" and "national" increased from the Cold War years to the post-Cold War years, the increase in articles classified under "violence" would have revealed a broader attention to security concerns more generally, rather than being specific to humanitarian workers.

### *3.1.3. Post-Cold War period*

The growing distinctiveness of the humanitarian enterprise and development of the norm of humanitarian assistance witnessed during the Cold War did not disappear with the end of the East-West confrontation.[163] Rather, the 1990s were a period of further development. First, regarding the former, the end of the Cold War heralded a period of "unusually high visibility for humanitarian issues," which allowed the humanitarian enterprise to retain and foster the distinctiveness it had started developing during the Cold War (Minear 2002, 1). The humanitarian sphere continued to expand in the 1990s. The number of US-based humanitarian NGOs increased almost fivefold in less than 50 years; going from 103 in 1946, to 506 in 1994. Orbinski also captures this growth when writing: "There has been about 1,600 large and small international NGOs in the 1980s; by the mid-1990s there were at least 4,600. MSF itself had grown from a two-room Paris office to nineteen sections, or branches, around the world with a budget of $350 million and

[163] I present these two dimensions separately for analytical and clarity purposes. The growing distinctiveness of the humanitarian enterprise and prominence of the norm of humanitarian assistance are linked and are in a mutually-supportive relationship.

programs in seventy countries with 2,000 international and 15,000 national staff" (2009, 302). Funding also swelled with official assistance increasing from $US 2.1 billion to 5.9 billion from 1990 to 2000; and official aid to NGOs specifically expanding from $US 32 million to 1 billion during the 1984-1994 period (West 1998, 6; Hoffman and Weiss 2006, 84; Barnett and Weiss 2008, 31-34; Barnett and Weiss 2011, 27).[164] The domains of humanitarian action also enlarged. For instance, humanitarian NGOs expanded their operations by 150 percent from 1985 to 1995 (Hoffman and Weiss 2006, 120). Also, a greater variety of activities come to be qualified as "humanitarian" in the post-Cold War years, from punitive action through international tribunals to peace-building.[165] This diversification of activities responded to the needs of both donors and beneficiaries.[166] Instances of state weakness or collapse also spurred humanitarian organizations to trade their subsidiary role for one of serving as a primary lifeline for populations (Hoffman and Weiss 2006, 84). Humanitarian actors also gained a more prominent and visible position in the international system through their presence in most conflicts, the increasing number of humanitarian organizations receiving consultative status in the United Nations, and the awarding of an additional Nobel Peace Prize to a humanitarian organization, this time to *Médecins Sans Frontières* in 1999 (Smillie and Minear 2004, 14).

The growth of the humanitarian sphere also stimulated the creation of overarching bodies, such as the Inter-Agency Standing Committee and the European Community

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[164] The growth of the humanitarian sphere has made it harder to get accurate numbers on funding. Walker and Maxwell explain: "it is more difficult to obtain accurate information about the combined annual budgets of major international non-governmental organizations (INGOs) as they all have many national branches/members/sections and not all consolidate their accounts in a publicly accessible form. Equally, most agencies do not report separate figures for their development spending and humanitarian spending" (2009, 119).

[165] West nicely presents the growing scope of activities presented as "humanitarian" in the post-Cold War years by identifying five different categories of humanitarian action that emerged in that period (1998, 2-6). Only actions by humanitarian organizations and not all actions characterized as "humanitarian" are of interest for this study given that organizations' workers or representatives are perceived and labeled as humanitarian workers. Donini attributes the expansion of the humanitarian agenda to the "demise of development as a mobilising force in the conduct of North-South relations and the Byzantine vagaries of donor bureaucracies" with the effect of projects that more neatly fit under the development label, being presented as "humanitarian" (2004, 40).

[166] It is worth noting that this expansion of the scope of activities that humanitarian organizations engage in does not necessarily indicate an increase in need, but is most likely a function of increased access – notably eased by the improvements in travel – and better information on populations' suffering (Minear 2002, 3; Vaux 2006, 240).

Humanitarian Office (ECHO), to promote efficient and coordinated provision of humanitarian aid (Terry 2002, 236). Early in the decade, the position of UN Under-Secretary for Humanitarian Affairs and the Department of Humanitarian Affairs were created and the Central Emergency Revolving Fund was set up.[167] The quickly evolving nature of the humanitarian sphere also prompted the development of codes of conduct for humanitarian organizations and workers such as the Providence Principles in 1991 and the Red Cross Code of Conduct in 1994 (Minear and Weiss 1995, 146-148). Finally, owing to its growing footprint, the field of humanitarian action became the object of study and scrutiny by humanitarian players and academics. This increasing attention is well captured by the case of the Active Learning Network for Accountability and Performance in Humanitarian Action (ALNAP), often considered to be the best-established international repository of evaluations, which contained only four evaluations published between 1986 and 1990 and had 49 evaluations published in 2000 alone (Minear 2002, 8). Humanitarian studies also became an increasingly recognized field of scholarly study, as evidenced by the creation of research centers devoted to this issue such as the Humanitarianism and War Project at Brown University.

Second, the norm of humanitarian assistance secured a central place in the post-Cold War landscape owing to its decades of development and its "fit" with the international normative environment (Roberts 1993, 444-448; Florini 1996, 374; Finnemore 2008, 198-199; Sandholtz and Stiles 2009, 20; Wood, Nuttall and Stiles 2009, 270-288).[168] Concern for the well-being of civilian populations formed a central dimension of the

[167] It is worth noting that these concerns and responses were not new. "Frustrated by the lack of official and official information on the extent of these disasters and relief needs, the UN General Assembly in December 1971 called upon the Secretary-General to appoint a Disaster Relief Coordinator, who would report directly to him with a mandate to solicit funds, coordinate relief efforts, and provide timely information, but without a mandate to be operational. The Office of the Disaster Relief Coordinator – the UN Disaster Relief Organization (UNDRO) – was set up in Geneva in March 1972. Its mandate was always around coordination and information, but it never controlled substantial funding so in many ways, during the big crises of the 1970s and 1980s (notably the Sahel and the Horn of Africa famines) it was relegated to a minor role. It did, however, work with the General Assembly to get the 1990s declared the International Decade for Natural Disaster Reduction. […] In 1992, UNDRO was disbanded as part of reforms by the incoming UN Secretary-General Boutros Boutros-Ghali and replaced by the Department of Humanitarian Affairs. It had wider, more political brief than UNDRO, reflecting the prevailing focus on complex emergencies."(Walker and Maxwell 2009, 41-42)

[168] Readers interested in the norm of humantiarian assistance should consult Blondel 1987; Jakovljević 1987; Macalister-Smith 1991; Plattner 1992; Torrelli 1992.

post-Cold War normative environment (Minear and Weiss 1995, 5; Barnett and Weiss 2011, 72; Bellamy 2012, 300-348). Its essence was well captured by former U.N. Secretary-General de Cuéllar's 1991 address in which he stated: "We are clearly witnessing what is probably an irresistible shift in public attitudes towards the belief that the defence of the oppressed in the name of morality should prevail over frontiers and legal documents" (quoted in Roberts 1993, 437). It was also expressed in former President George H. W. Bush's concept of "new world order" where "diverse nations are drawn together in common cause to achieve the universal aspiration of mankind" (Bush 1991). This normative environment translated into action in many spheres. This decade saw a growing internationalization and institutionalization of human rights. For instance, the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families was drafted in 1990, the Convention on the Rights of the Child was adopted in 1991, and the Beijing Declaration and Platform for Action was adopted in 1995.[169] The decade also witnessed the resurgence of a commitment to justice and reparation for victims of violence, as evidenced by the establishment of two *ad hoc* tribunals (ICTY and ICTR) and one permanent criminal court for prosecuting individuals suspected of having committed war crimes, crimes against humanity, and/or genocide (Wood, Nuttall and Stiles 2009, 270; Bellamy 2012, 300-301). Changes also took place at the conceptual level with the emergence of the concept of human security – which argued for consideration of the individual as security referent – and the establishment of an increasingly sophisticated body of work on the nature and causes of crises (Minear and Weiss 1995, 15; Annan 1999). Major changes also occurred within the Security Council. It started to adopt regularly resolutions on the protection of civilians in times of armed conflict and expanded the meaning of "threat to peace and security" to include humanitarian crises (Barnett and Weiss 2008, 24-29). The Security Council's commitment to end or minimize human suffering notably led to interventions to protect vulnerable populations in Iraq, Somalia and the former Yugoslavia. These interventions constituted a sea change from the first twenty-two years of its existence, when the Security Council "passed no resolution on the humanitarian aspects of any given armed

[169] This commitment to human rights also prompted the creation of the position of representative of internally displaced persons (IDPs) within the United Nations in 1992 (Minear 2002, 87).

conflict" (van Baarda, quoted in Minear 2002, 81). Yet, it is worth noting that humanitarian concerns did not come to trump political interests, as the tragedies in Rwanda and Haiti well illustrate (Minear 2002, 82).[170] Peacebuilding and peacekeeping operations also markedly increased.[171] As an illustration, of the 53 peacekeeping missions that took place between 1948 and 2000, 40 of them – or over 75% – were created between 1988 and 2000 (United Nations n.d.a).[172]

This stand-alone presentation of the international normative environment does not imply that I treat it as existing in a vacuum or as a variable disconnected from historical developments. Rather, I do contend that the growth of the humanitarian sphere documented in the previous pages supported its post-Cold War focus. Yet, it is also worth noting that the post-Cold War international normative environment could have displayed a different focus. I simply highlight how the further development of the norm of humanitarian assistance in the post-Cold War years was *eased* by the congruence of its spirit with the post-Cold War normative environment's.

The norm of humanitarian assistance also received much attention owing to its active and extensive use by states as substitute for decisive political action (Hendrickson 1998; Kent 2004, 855-856; Smillie and Minear 2004, 21, 135). While the international normative environment constituted a propitious context to act on the suffering of civilian populations, it was also a source of constraint for states. Increased attention by international media and the resulting widespread awareness of suffering in distant places made inaction a hard position to justify (De Waal 1994, 6; Weiss 2013, 5).[173] The concept

[170] It is worth noting that a number of valuable humanitarian initiatives took place during the Cold War, such as the Independent Commission on International Humanitarian Issues (Minear and Weiss 1995, 96).
[171] Donini attributes part of this growth to the "diminished inhibitions on waging war and the privatisation of social services that accompanied the end of the Cold War" (2010, 221).
[172] The number of peacekeeping personnel also increased more than sixfold within five years – from 11,000 in 1989 to 75,000 in 1994 (United Nations n.d.b). The period between 1990 and 2002 also witnessed a sixfold increase in the number of UN preventive diplomacy missions, while the years 1990-2003, saw a sevenfold increase in the number of initiatives (e.g. "Friends of the Secretary General") to support peacekeeping and peacebuilding efforts (Human Security Report 2005, 9,153-155). For a comprehensive presentation of the changes in UN peacekeeping after the end of the Cold War, see United Nations n.d.b.
[173] Writing on the role and impact of the media with reference to Somalia, Walker and Maxwell wrote: "it is very difficult to ignore the role of live, round-the-clock, television coverage of the Somalia conflict. The so-called "CNN effect" was first widely noted during the Gulf War in 1991, but was in full force during the

of the "CNN effect" emerged in the early 1990s to illustrate and explain this power of the media. Former UN Secretary-General Boutros Boutros-Ghali is reported to have claimed that CNN was the sixteenth member of the Security Council, while the chairman of a US congressional committee argued that "pictures of starving children, not policy objectives, got us into Somalia in 1992" (quoted in Minear Scott and Weiss 1996, 4, 53).[174] Yet, it is worth qualifying the novelty of this development (Terry 2002, 231). As argued by Minear, Scott and Weiss:

> Media-linked international action responding to humanitarian crises is not just a post-Cold War phenomenon. Television pictures of starving children in Biafra in 1968 are credited with provoking a major response, primarily NGO-led, and with sparking the creation of *Médecins Sans Frontières*.(1996, 47)

What changed in the 1990s is the multiplication of images and speed of coverage. Additionally the fall of the Iron Curtain meant that all suffering had the potential to become an object of concern and intervention, regardless of its geographic location.

In this context, providing humanitarian assistance, or funding for it, provided states with an appearance of action, while stopping short of genuine or committed involvement (Minear 2002, 2).[175] As discussed in the context of the conflict in Bosnia below, the provision of assistance was also often presented as an appropriate response to suffering (Kastberg 2002, 73; Human Security Report 2005, 29-33,103; Harbom and Wallenstein

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Somalia crisis – depictions of famine-ravaged communities raised the profile of the crisis in the first place. Subsequent images of starving people, juxtaposed with clips of gun-wielding teenagers chewing *khat* (a plant whose leaves are chewed as a stimulant) and thumbing their noses at UN peacekeeping troops, led to the massive build-up of Operation Restore Hope. […] Live cable television news as an instrument of policy-making had clearly arrived)" (2009, 67).

[174] Former reporter Martin Bell offers a more nuanced assessment of the effect of the media: "It depends on different cases. Sometimes the effect is no more than cosmetic, that some action will be taken or apparently decisive action like the establishment of the UN safe areas in Bosnia, with everyone saying we're doing something when in fact actually it didn't mean very much because they weren't willing to go to the wall to defend those areas, notably in Srebrenica. But I think…if a government has no fixed or settled policy on something and really doesn't know what to do then that vacuum will be filled by public opinion because we will clamour for action of a certain sort and that in turn will be triggered usually by television pictures."(quoted in McLaughlin 2002, 193)

[175] Minear and Weiss also captured this urge to display a façade of action in their discussion of the European Community's involvement in Croatia. They wrote: "In 1991, following recognition of Croatia first by Germany and then by the entire European Community, ECHO provided bulk food aid directly to the Croatian government. The EC seemed largely unconcerned whether food deliveries supported the broader international effort (they did not) or even whether they reached those who needed them (EC food aid was alleged to have been diverted to support the Croatian government's war effort). The overriding concern at the time was that the EC be perceived as "doing something."" (1995, 151).

2010, 502).[176] This provision of humanitarian assistance as substitute for decisive political action constitutes the main paradigm of states' engagement in humanitarian affairs in the post-Cold War period. An UN Official in eastern DRC is reported to have claimed: "Humanitarian assistance has become the paradigm for North-South relations in the post-Cold War period." (quoted in Rieff 2002, 87) This dynamic was witnessed throughout the decade. For instance, the report of the Joint Evaluation of Emergency Assistance to Rwanda, which scrutinized and analyzed the humanitarian involvement in Rwanda, concluded: "The international community had in effect used humanitarian aid as a form of substitute for effective political action" (quoted in Hoffman and Weiss 2006, 192).[177] One senior United Nations High Commissioner for Refugees (UNHCR) official in Bosnia also captured this dynamic by saying: "every time the question of settling the conflict came up, the donors responded by saying that they were going to give more money to the humanitarian effort" (quoted in Young 2001, 788). Donini also sees the provision of humanitarian assistance as a substitute for decisive political action as part of a strategy of containment that aims to "ensure that crises do not spin out of control (and threaten the citadels of the North)" (2010, 223). This focus on humanitarian assistance also illustrates a broader phenomenon, that of conceptualization and provision of "humanitarian solutions" to political problems. Examples of which are the "security zones" in Kurdistan and the "humanitarian corridors" in Bosnia (Brunel 2001, 96).

[176] The term "complex emergency" is often misunderstood. Mark Duffield explains that "[f]or the UN, a complex emergency is a major humanitarian crisis of a multi-causal nature that requires a system-wide response. Commonly, a long-term combination of political, conflict and peacekeeping forces is also involved."(1994, 3) The IFRC identifies the following as the typical characteristics of complex emergencies: extensive violence and loss of life; displacement of populations; widespread damage to societies and economies; the need for large scale, multi-faceted humanitarian assistance; the hindrance of prevention of humanitarian assistance by political and military constraints; and significant security risks for humanitarian workers in some areas (IFRC n.d.a). The number of countries recognized as "formal complex emergencies" by the United Nations "increased from six in 1989, to nine in 1991, to 11 in 1993, and then to 13 in 1995. They have risen on average by one per year over 11 years" (Kastberg 2002, 73).

[177] The situation in Rwanda has often been used to illustrate this dynamics of provision of humanitarian assistance as substitute for political action. For instance, US undersecretary of defence Frank Wisner rejected in a memo the option of blocking the diffusion of hate programs on RTLM and instead recommended: "I believe it would be wiser to use [the airwaves] to assist in Rwanda in the [food] relief effort." (quoted in Kenyon Lischer 2007, 112-113). See also Walker and Maxwell 2009, 69-70.

## 3.2. The norm of humanitarian security in the 1990s

The norm of humanitarian security clearly emerged on the international stage after the end of the Cold War. While the humanitarian sphere significantly developed between the end of the First World War and the 1990s, the security of humanitarian workers garnered scant attention during that period. I highlight this development by contrasting attention to the norm between the Cold War and the post-Cold War periods. First, in the legal sphere, while the United Nations adopted no resolution condemning attacks against humanitarian workers during the Cold War, many were adopted in the 1990s.[178] Many United Nations resolutions dealing with conflict situations included clauses condemning attacks against humanitarian workers, serving to emphasize the reprehensible nature of such incidents alongside other war crimes.[179] The General Assembly also noted its grave concern "at the increasing number of attacks on United Nations and associated personnel that have caused death or serious injury" (quoted in Bouvier 1995). As a result, the United Nations drafted and adopted the Convention on the Safety of UN and Associated Personnel in 1994, with humanitarian workers being included in the latter grouping. The Convention aimed at extending the privileges and immunities endowed to UN officials to other civilian actors taking part in UN work. The Rome Statute of the International Criminal Court, adopted in 1998, also expressed a strong commitment to the norm of humanitarian security by singling out and highlighting the prohibition of attacks on humanitarian workers. Both of these legal documents will be examined below.[180]

Second, up until the 1990s, limited attention and resources were devoted to the security of humanitarian workers in the humanitarian sphere. As an illustration, there is a lack of

[178] For instance, see Security Council resolutions 819 (1993), 913 (1994) and 1019 (1995) as well as General Assembly resolutions 46/242 (1992) and 49/196 (1995). Also, a list of all the UN resolutions addressing the security of humanitarian workers can be found in OCHA 2009.

[179] Illustrations will be provided in the analysis of the norm of humanitarian security during the conflict in Bosnia below.

[180] Also states' commitment to the security of humanitarian workers in the 1990s was not limited to the legal sphere but also took the form of financial contributions to improve the security of humanitarian personnel. For instance, Japan financed a $1,855,000 Trust Fund to address the security provisions of United Nations Volunteers between 1994 and 2000 (Capeling-Alakija 2002, 153).

data on security incidents involving humanitarian workers prior to the mid-1990s.[181] This situation stems from humanitarian organizations not documenting and reporting security incidents involving their staff. There was also no research project (akin to the existing Aid Worker Security Database and Insecurity Insight) recording such incidents during the Cold War era. This highlights a lack of analytical interest from both the policy and research communities, as well as from donors. Moreover, for most humanitarian organizations, the security of humanitarian workers did not become an issue of concern before the 1990s. As an illustration, reflecting on his experience during the 1980s, former UNHCR official Pierre-Michel Fontaine wrote:

> the organizations were probably slow in taking the problem of staff seriously, at least before the current stage was reached. I personally recall being surprised in the 1980s by a personnel administration colleague when she mistakenly thought that my comments about protection were applying to staff protection ("Yes, our field colleagues really need protection," she exclaimed), rather than to refugee protection, my real concern at the time. Yet, she was more right that I could imagine then. (2004, 168)

Humanitarian organizations' limited attention to the security of their staff during the Cold War is also evidenced by a lack of security training, standard procedures to follow in the event of an incident and involvement of security experts.[182] These mechanisms and programs only started being implemented in the 1990s.[183] Humanitarian organizations' increased attention and allocation of resources to the security of their deployed personnel was not unique to a single humanitarian organization. Organizations as diverse as the UNHCR, the World Food Programme (WFP), MSF Holland, Handicap International, the International Federation of Red Cross and Red Crescent Societies and World Vision all developed and implemented security-related programs and initiatives.[184] This concern

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[181] The exception to this trend is the ICRC, which has been documenting the deaths of its staff for decades (e.g. ICRC 1948, 64-65).

[182] On the limitations of the UN security system in the 1990s, the European Commissioner for Humanitarian Affairs Emma Bonino is attributed to have said: "I think we have to be honest and admit that there is room for improvement amongst NGOs and even the UN when it comes to security. Of course, there are always going to be threats which are very hard to avoid. However, there have also been many incidents which could have been mitigated if some relatively simple measures were in place." (Bonino 1998) Anecdotal evidence from aid workers who were active during the Cold War and little concerned about security lends further credence to this trend. (Interview with humanitarian expert Christina Wille, Geneva, 2012.)

[183] Interview with security expert, Geneva, 2012. Renouf also noticed that "until the mid to late 1990s, most aid agencies' approaches to security were unsystematic and consisted essentially of post-incident tactical responses at field level." (2011, 14)

[184] While an exhaustive presentation of these organizations' changes with regard to security lies outside of this research, interested readers should refer to the following authors for information on each organization.

translated into support prior to deployment, in the form of pre-mission training and preparation, during a mission and after a mission or a security incident. Also, the psychological effects of security incidents were increasingly recognized and prompted the involvement of mental health care professionals to provide support following incidents, during post-mission debriefings as well as in cases of post-traumatic stress disorder (PTSD) and acute stress disorder (ASD) (Barron 1999).[185] However, the extent to which these programs were implemented greatly varied from one organization to the next.

### 3.3. Alternative explanations

Although no study has so far accounted for the development of the norm of humanitarian security, two possible alternative explanations may be derived from the IR literature. First, the policy and academic literatures on the security of humanitarian workers suggest that concern for the security of humanitarian workers derives from the increasing occurrence of security incidents.[186] To date there has been no in-depth study or standardized record-keeping of incidents prior to the mid-1990s, though available information and trends suggest that the 1990s experienced an absolute increase in the number of security incidents involving humanitarian workers.[187] Beginning in 1997, the Aid Worker Security Database recorded a slow increase in the number of security

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For UNHCR, see Jessen-Persten 2002, 53-60; for the WFP, see Bertini 2002, 64-71; for MSF Holland, see van Gelder and van den Berkhof 2002, 179-185; for Handicap International, see Olivier 2002, 211-220; for the International Federation of Red Cross and Red Crescent Societies, see Hulburt 2002, 161-169; for World Vision, see Fawcett 2002, 223-232.

[185] The following initiatives developed by humanitarian organizations highlight the timing and variety of programs undertaken in the 1990s. For instance, the UNHCR held its first workshop on stress management in 1991 (Jessen-Petersen 2002, 55). The WFP developed a Security Awareness Training (SAT) Program in 1998 (Bertini 2002, 64). The International Federation of Red Cross and Crescent Societies started contracting psychological support in 1993 and created the position of Security Officer in 1996 (Hulburt 2002, 163-164). MSF Holland created the Psychosocial Care Unit in 1993 to provide support for international and national staff in the field (van Gelder and van den Berkhof 2002, 180). The UN adopted its first field security handbook in 1994, which has since been revised to account for changes in the operating environment (UN 2006).

[186] This perception notably prompted the drafting and adoption of the UN Convention on the Safety of UN and Associated Personnel in 1994 (Bouvier 1995).

[187] As an illustration, in a speech at the Forum on "Humanitarian Action: Perception and Security" in 1998, European Commissioner for Humanitarian Affairs Emma Bonino allegedly said: "If in 1992, it was almost unheard of for a UN staff member to be killed, since that date there have been over 150 deaths on duty of UN staff excluding military" (Bonino 1998).

incidents from 73 in 1997 to 68 in 1998, 68 in 1999, 91 in 2000 and 90 in 2001 (Humanitarian Outcomes 2012a). Complementing these findings, Sheik et al. also recorded an absolute increase in the number of security incidents for relief workers for the 1985-1998 period (Sheik et al. 2000, 166-168).[188] As such, there is a lack of data on security incidents prior to end of the 1980s. This prevents ascertaining with absolute certainty the extent to which the 1990s witnessed more incidents than previous decades. However, this hypothesized upward trend appears highly plausible considering the exponential growth in the number of humanitarian workers acting worldwide and changes in humanitarian workers' operating environment.[189]

Regardless of the lack of data available on the humanitarian sphere and the challenge of having no agreed-upon definition for "humanitarian worker," the remarkable growth in the number of humanitarian organizations after the end of the Cold War suggests an increasing number of humanitarian workers (Barnett and Weiss 2008, 31-34). For instance, the humanitarian NGO sector alone underwent a 150% growth between 1985 and 1995 (Hoffman and Weiss 2006, 120). With the growing number of humanitarian workers, it follows that their increased involvement in security incidents is likely. This is notably because new organizations and staff cannot rely on the two most important and effective means of safety and security: experience and acceptance.[190] Also, humanitarian organizations are working in increasingly dangerous environments.[191] Reflecting on this change, the UNHCR wrote:

> Until [the 1990s], UNHCR field staff had normally worked on the fringes of war, assisting refugees once they had reached safety in a second country. But in northern Iraq, the Balkans, and Africa, agency personnel for the first time went to, rather than waited for, people in need of help, often at the very center of conflicts. (2005, 10)

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[188] Sheik et al. also established that the majority of such fatalities derived from intentional violence While valuable in highlighting trends of security incidents, this study has two limitations worth mentioning. First, the authors adopted a very expansive definition of "humanitarian workers" that notably included peacekeeping personnel. Second, data on security incidents were only provided by 32 organizations. Thus, the overall security situation is not fully captured by the data provided in this study.
[189] For a comprehensive presentation of the changing operating environment in the post-Cold War years, see Rufin 1993, 112-114; De Waal 1994, 6; Minear and Weiss 1995, 2.
[190] Interview with security expert, Geneva, 2012.
[191] Interview with historian Daniel Palmieri, Geneva, 2012.

Moreover, without entering the debate on "old vs. new wars," the end of the Cold War affected humanitarian workers' operating environment.[192] Armed actors increasingly saw the strategic value in the targeting of humanitarian staff,[193] and dynamics such as the increase in failed and failing states and the splintering and increased fractionalization of rebellion[194] contributed to a growing inability of belligerents to ensure the protection of humanitarian workers.[195]

The absolute increase in the number of security incidents involving humanitarian workers importantly contributed to the norm's prominence in the 1990s. Yet, standing alone, this trend only provides a superficial account of the growing concern for the security of humanitarian workers. Notably, this line of reasoning cannot precisely explain the temporality of the norm's development. Bearing in mind that humanitarian workers have always been at risk of suffering security incidents, crediting the growing prominence of the norm to the occurrence of incidents leaves one wondering: "How is it that the norm did not develop in response to security incidents in prior decades?"[196] Additionally, this line of reasoning fails to specify the catalyst that prompted concern for the norm in the 1990s. For instance, was it was induced by a succession of deadly years for humanitarian workers? Or by the simultaneous attacks on humanitarian workers in different crises? Alternatively, was it caused by the occurrence of especially violent or brutal incidents? Also, questions remain about why and how concern for the norm was driven by an

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[192] Interested readers should consult Kaldor's 1999 "New v. Old Wars: Organized Violence in a Global Era" and Kalyvas' 2001 " "New" and "Old" Civil Wars: A Valid Distinction?".

[193] For instance, Law professor Marco Sassòli explains that killing humanitarian workers may be used to prompt outside intervention in the context of a civil war because it highlights the need for a political and military solution (Interview with the author, Geneva, 2012).

[194] On this situation, Terry wrote: "As reliance on external support has given way to the exploitation of local resources, many rebel movements have fragmented and compete for control of resources. This fragmentation of structures of authority has left aid organizations with fewer reliable interlocutors in the field to ensure their safety. Acceptable conditions and security guarantees may be successfully negotiated with faction leaders, traditional elders, and local government representatives, but their control may not extend to all armed elements. These changes legitimately cause new concerns for aid agencies in the field." (2002, 14) Orbinski provides a vivid illustration of this dynamic in Somalia. See Orbinski 2009, 67-133.

[195] For instance, almost half of the non-accidental UN staff deaths between 1992 and 1999 occurred in areas without a *de facto* government (Frohardt et al 1999, 17). Also, the growing number of organizations makes it increasingly difficult for the affected state to distinguish between the professional organizations and those working in an unprofessional manner. (Interview with security expert, Geneva, 2012)

[196] For instance, during the Nigeria-Biafran war alone (1967-70), fourteen ICRC delegates were killed (Forsythe 2005, 64). In his article on new threats against humanitarian workers, Fontaine also refers to numerous security incidents involving humanitarian workers that occurred in the 1980s (2004, 169).

absolute increases rather than (or in addition to) an increasing vulnerability (i.e. relative increase). The lack of data on the number of humanitarian workers deployed, which varies between 30,000 and 200,000, currently prevents making claims about relative increase in security incidents (Barnett and Weiss 2011, 27). It thus remains unclear whether humanitarian workers were more vulnerable to attacks in the 1990s than in previous decades.[197] Even leaving this latter point aside, this account's inability to make detailed claims regarding the norm's trajectory precludes it standing alone as *explanans*. Moreover, if concern for the security of humanitarian workers was simply responsive to levels of victimization, we would see expressions of similar concern for the security of media professionals as these actors experience similar number of security incidents.[198] However, as the analysis of the discourse on the war in Bosnia shows below, this is not the case. Finally, this narrative is unable to explain changes in reaction to security incidents: from the understanding that such acts are reprehensible because of their programmatic impacts in the 1990s to the understanding that they are reprehensible in themselves and of themselves in the 2000s.

Second, concern for the security of humanitarian workers can be seen as part of a broader trend of increasing attention to the many actors (e.g. peacekeepers) and mechanisms (e.g. criminal tribunals) intervening in order to protect civilian populations (Florini 1996, 374; Finnemore 2008, 198-199). This normative environment-based account does not treat the development of the norm of humanitarian security as a peculiar case but rather as one manifestation of this normative environment.

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[197] Interview with Dr. Robin Coupland, Geneva, 2012. Donini et al. also point to data issues. They write: "Conventional wisdom has it that the last decade has seen a significant deterioration of the working environment for humanitarian agencies and a corresponding increase in attacks against humanitarian and human rights workers. High-profile attacks and targeted killings in Afghanistan, Iraq, Chechnya, Sudan, the DRC, Sri Lanka, and elsewhere have reinforced the impression that the humanitarian profession is more dangerous and more reviled by militant groups that deliberately attack aid workers. There is little hard data to back up that impression. Are there more attacks relative to the numbers of aid workers, or fewer? Are we simply recording them more accurately?" (2006, 27)

[198] Between 1982 and 1987, 273 media professionals were killed, while over 700 died between 1987 and 2001 (MacLaughlin 2002, 9). These numbers are akin those on humanitarian workers. The Aid Worker Security Database recorded the killing of 164 humanitarian workers between 1997 and 2000 (Humanitarian Outcomes 2012).

While the growing concern for the plight of civilian populations certainly contributed to the increased attention to humanitarian workers and their security in the 1990s, this normative environment-based account remains indefinite. Notably, it is unable to illuminate how and why the security of humanitarian workers gained more attention than the security of other external civilian actors, such as media professionals. It also fails to explicate the particular degree of concern displayed with regards to the security of humanitarian workers in legal documents such as the Rome Statute. Furthermore, as with the first alternative explanation, it is unable to account for the change in the norm's framing over time.

### 3.4. Argument

The international community's commitment to humanitarian assistance in the post-Cold War years centrally contributed to the development of the norm of humanitarian security in the 1990s. The experience of security incidents in the early 1990s that resulted in assistance being halted drew attention to the importance of the security of humanitarian workers for the realization of the norm of humanitarian assistance.[199] Thus, the norm of humanitarian security gained prominence as a result of its grafting to the norm of humanitarian assistance. The increasing recognition of humanitarian workers as a category of actors also contributed to this successful grafting case.[200] In sum, the development of the norm of humanitarian security in the post-Cold War years resulted from the convergence and interaction of three developments, namely: (1) the increasing recognition of humanitarian workers as a distinct category of actor; (2) the growing number of security incidents involving humanitarian workers; and (3) the international community's strong commitment to humanitarian assistance.

[199] One such instance was the killing of the ICRC head of delegation in Bosnia in May 1992, which prompted the organization to withdraw from Bosnia for six weeks and from Sarajevo for seven months (Mercier 1994, 114; Forsythe 2005, 112). The situation in Somalia in the early 1990s also drew attention to this connection between security and assistance and led to the involvement of the United States with the operation Restore Hope.

[200] It is worth noting that the prominence of the norm of humanitarian security further contributed to the solidification of the category of humanitarian workers.

This instance of grafting is more complex than other grafting cases, such as the AP landmines ban to the norms of civilian discrimination and unnecessary suffering (Price 1998, 627-631), because the norm of humanitarian security not only resonated with the norm of humanitarian assistance, but also constituted the condition for its realization. As a result, commitment to the norm of humanitarian security in the 1990s was expressed through a consequentialist discourse. This grafting case is significant as it indicates how it is humanitarian workers' role in assistance and the international community's commitment to humanitarian assistance that drove the concern for these actors' security. This helps account for the particular degree of attention the security of humanitarian workers benefits from, compared to other civilian actors, such as media professionals. Also, this grafting suggests that had the role of humanitarian actors not evolved from its provision of relief to POWs, the norm may not have undergone such development in the 1990s. Furthermore, through this grafting, humanitarian workers came to be increasingly associated with the delivery of assistance, with the effect of obscuring the diversity of the work performed by these actors.

Although the norm of humanitarian security was principally expressed through a consequentialist discourse in the 1990s, a virtue ethics discourse was also sporadically visible in supporting the norm. While playing an auxiliary role in the 1990s, the virtue ethics discourse became the dominant discourse in which the norm of humanitarian security was expressed in the post-2001 period. Drawing attention to this situation is important because it highlights how discourses are not static and are shaped by the environment. It also further highlights the value of the present approach of examining the evolution of this norm over time as means to understand "how we got here." A study focussing on the post-2001 period would be unable to account for the timing of the development of the norm of humanitarian security in the 1990s. I use the term "consequentialist" and "virtue ethics" in reference to two ethical traditions.[201] Consequentialism focuses on the consequences of actions and judges an act as right or wrong depending on its effect. Virtue ethics attends to the moral character or virtue of the

[201] For comprehensive discussions of these traditions, see the Stanford Encyclopedia of Philosophy, http://plato.stanford.edu.

agent. In other words, while the former examines the action and its impact, the latter examines the actor performing the action. The transition from a consequentialist rationale for the norm to a virtue ethics one thus indicates an important constitutive development from an act-centred norm to an agent-centred one.

To understand the development of the norm of humanitarian security in the 1990s, I examine one defining moment: the war in Bosnia and Herzegovina. This conflict was selected because it constituted an extremely dangerous environment for humanitarian workers, as they were regular targets of deliberate attacks.[202] Numerous studies on norms have demonstrated how instances of norm violations and their attendant reactions constitute valuable sites for examining norms' understandings and influence (Price 2004; Percy 2007a, 373-391; Percy 2007b, 35-37). The conflict in Bosnia also marked the end of an era of relative insouciance with regards to security for many organizations, such as for the ICRC. Urs Boegli, ICRC operational coordinator in Bosnia, expressed this change when saying:

> Sarajevo marked the end of the era of adventure. We lost some virginity. Everyone became very cautious. The concern for security is much more present. Our eyes were opened to the real dangers, that we are not only targeted, like anyone else, but that, perhaps, we are a pawn in this war (Mercier 1994, 117).[203]

Veteran aid worker Leanne Olson captures the novelty of this concern for security when writing in 1994: "I can't believe I now have my own BP (bullet-proof vest) and a helmet with my blood type neatly printed across the top. It seems too bizarre!" (1999, 85) Moreover, because the war occurred in the 1990s, it nicely highlights the forces supporting the development of the norm. Furthermore, the conflict in Bosnia and Herzegovina is a valuable case study because it embodies states' main relationship to humanitarian action: provision of humanitarian assistance as substitute for political action. Attending to the norm of humanitarian security in the context of a conflict

[202] The seriousness of the security situation notably prompted the ICRC to put together an information campaign saying "Don't shoot the Red Cross!" accompanied with images describing the work of the Red Cross. This strategy was unusual for the organization, which commonly simply relied on publicizing humanitarian principles with civilian populations and belligerents (Mercier 1994, 192)

[203] The translation was made by the present author. The original reads: "Après Sarajevo, le temps de l'aventure est terminé. Nous avons perdu une certaine virginité. Tout le monde est devenu très prudent. Le souci de sécurité est beaucoup plus présent. Nos yeux se sont ouverts sur les dangers réels, à savoir que non seulement nous sommes visés, comme n'importe qui d'autre, mais que, peut-être, nous sommes un enjeu de cette guerre." (Mercier 1994, 117)

embodying the post-Cold War humanitarian dynamic is useful for better understanding the interplay between the development in the norm of humanitarian security and the humanitarian sphere. I complement this study of the war in Bosnia and Herzegovina by briefly examining the Rome Statute of the International Criminal Court. The Rome Statute was selected because it enshrines the particular concern for the security of humanitarian workers and differs from the conflict in Bosnia in its temporality (i.e. early and end of the decade) and nature (i.e. conflict and legal document). This allows for capturing continuities and divergences in the discourse on the norm of humanitarian security throughout the 1990s.

## 3.5. Overview of the humanitarian activities in Bosnia

Despite the intensity and brutality characterizing the fighting in Bosnia and Herzegovina, the international community's main response to the war and violence was humanitarian.[204] Not only was the provision of humanitarian assistance the principal dimension of the international community's involvement, but it also was depicted as constituting a central element in restoring peace and security in the region in a number of *fora*, such as the United Nations and the London Conference.[205] An UN official described the international engagement in Bosnia as "containment through charity." (quoted in Rieff 2002, 131) The war started with the Bosnian Declaration of Independence from Yugoslavia in February 1992 and ended with the signing of the Dayton Agreement in December 1995. The multi-ethnic composition of Bosnia led populations to seek safety in ethnic exclusivity and spurred an "us vs. them" mentality, conducive to the worst

[204] As an illustration of the attention devoted to humanitarian affairs during the war in Bosnia, Rieff reports that "A poll taken in Catalonia at the height of the humanitarian intervention in Bosnia in the mid-1990s showed relief work to be the activity most admired by people between eighteen and twenty-five years old." (2002, 94)

[205] For instance, Security Council resolution 770 (1992) stated: "the provision of humanitarian assistance in Bosnia and Herzegovina is an important element in the Council's efforts to restore international peace and security in the area" (UNSC 1992g). The Programme of Action on Humanitarian Issues agreed upon at the London Conference (1992) conveyed a similar notion in "recognising that an effective humanitarian response with the full collaboration of the parties to the conflict would greatly contribute to efforts to find an overall political solution and bring an end to hostilities" (Programme of Action on Humanitarian Issues 1992). This portrayal is not surprising considering that the conflict itself was defined as a "humanitarian disaster" (Report of the International Commission on the Balkans, quoted in Morris 2007 370).

exactions (Jones 2011, 319-321).[206] During these three years, ethnic cleansing, acts of genocide, sex-selective massacres and a widespread use of rape and sexual violence were perpetrated in the territory of Bosnia and Herzegovina.[207] An estimated 102,000 people died, between 900,000 to 1.2 million sought refuge in another country, and 1.5 million were internally displaced (Burg and Shoup 2000, 171; Jones 2011, 328).[208]

Notwithstanding the size of the humanitarian disaster playing out in Bosnia, the international community responded to these atrocities by focusing on the provision of humanitarian assistance. French intellectual Bernard-Henri Lévy vividly expressed the disconnect between the urgency and complexity of the situation and its response by saying it was akin to "passing out sandwiches at the gates of Auschwitz" (quoted in Power 2008, 5). This focus stemmed in part from states' desire to appear to be doing something in the face of suffering, without actually getting caught up in the conflict.[209] While reluctant to address the roots of the conflict, reducing suffering was particularly important for European states, as inaction would have meant a flow of refugees and asylum seekers crossing their borders. More generally, the need to appear to be doing something stemmed from the awareness of the type and scale of violations committed. The media played a central role in bringing attention to and documenting the crimes taking place. The "wake up call" on the seriousness of the situation in Bosnia was brought by Roy Gutman's images of the Omarska Serb-run concentration camp, published in Newsday on August 2nd 1992.[210] Gutman's Pullitzer images showing

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[206] At the beginning of the war, there was no overwhelming dominant ethnic group: 44% of the population was Muslim, 31% Serb and 17% Croat (Rohde 1998, 57)

[207] For an account of one sex-selective massacre, the massacre of Srebrenica, see Rohde 1998.

[208] A comprehensive presentation of the conflict lies outside the scope of this project. Interested readers should consult the following superb works: Marko Attila Hoare's *How Bosnia Armed*, Misha Glenny's *Fall of Yugoslavia*, Roy Gutman's *A Witness to Genocide*, and Allan Little's *Death of Yugoslavia*. Also, Morris (2007) provides a useful time line of key events.

[209] Much has been written on this use of humanitarian action as substitute for political action in the context of the war in Bosnia. For instance, see Cutts 1999, 22; Young 2001, 788; Walker and Maxwell 2009, 62.

[210] Further footage of the "death camps" were broadcasted by the British channel ITN on August 6th. Despite the strength and impact of these images, their power should not be overstated. On the situation in Bosnia, Minear, Scott and Weiss wrote: "As former British Foreign Secretary Douglas Hurd said, "We have not been [willing], and are not willing to begin some form of military intervention, which we judge useless or worse, simply because of day-to-day pressures form the media." International resolve to contain rather than confront conflict in the former Yugoslavia survived relentless pressure that at times was led by the media. Neither the European Union nor the United States has been drawn into a ground war to halt atrocities, ensure humanitarian access, or enforce peace, despite graphic and comprehensive news

emaciated men behind barbed wire produced a strong emotional reaction owing to their great likeness to pictures of Nazi concentration camps (Mercier 1994, 84; Forsythe 2005, 113).[211] By conveying the possibility of another Holocaust on the European continent, images from the conflict limited the possibility of inaction and disinterest.[212]

Mutually reinforcing arguments were put forward to justify the provision of assistance rather than direct military intervention. On the one hand, the conflict in Bosnia was depicted as protracted with no apparent end, and as a conflict about which, outsiders could do little. Acting Secretary of State Lawrence Eagleburger expressed this perception in an interview in December 1992 when he compared the situations of Somalia and Bosnia in the following terms:

> the fact of the matter is that a thousand people are starving to death every day [in Somalia], and that is not going to get better if we don't do something about it, and it is in an area where we can affect events. There are other parts of the world where things are equally tragic, but where the cost of trying to change things would be monumental. In my view, Bosnia is one of those (quoted in Roberts 1993, 442).

In such context, the provision of humanitarian assistance appeared as the only viable and most rational means of involvement. On the other hand, the humanitarian effort became a pretext for avoiding forceful intervention in the conflict under the notion that such action "would compromise the humanitarian effort" (Rieff 1995, 14-15).

The conflict in Bosnia and Herzegovina constituted a particularly challenging operational context for humanitarian work. First, the conflict was complex and resisted easy

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coverage. Short-term palliatives have represented the limit of response, addressing individual problems and not root causes."(1996, 58)

[211] These images did not only spur international attention to the situation in Bosnia, it also prompted 25 governments to offer 27,710 spaces for temporary protection or resettlement principally for former inmates of detention centers and their dependents. Given the general reluctance of governments to accept refugees, this is noteworthy (Minear et al. 1994, 23)

[212] While Gutman's images of the Serb-run concentration camps suggested the need for forceful action, they also put human suffering deriving from a lack of food, water, clothing and shelter front and centre. The importance of providing humanitarian assistance, even if not sufficient to qualm such suffering, appeared important. Whereas Gutman's images played a central role in spurring attention to the violence and suffering taking place on the territory of the ex-Yugoslavia, the media played a central role in keeping the international community "connected" throughout the conflict. However, Gutman was well aware of the limits of the media. He wrote in 1993: "The Balkan crisis is a reminder of the limits of the craft of journalism. […] European and American leaders wasted time and distracted public attention as they searched for a negotiated solution where none was available. To dampen public concerns, they denied the visible facts as amply reported in the news media. Imputing moral equivalency to aggressor and victim, they revised history to cover up their indecision." (1993, 180)

categorization. It also involved many interlocutors, which made agreements harder to reach and implement. Second, the scale of needs to be addressed was remarkable because belligerents regularly violated humanitarian principles and basic norms of war. Moreover, they had population displacement as a war aim. Third, the focus on a humanitarian response and the lack of political will to deal with the root of the suffering and made humanitarian organizations and programs more vulnerable to manipulation by belligerents as the latter quickly realized that the international public opinion would keep these activities going at almost any price (Minear et al. 1994, 1-6). Fourth, humanitarian workers were often deliberate targets of attacks, which impeded their ability to carry out their work.[213] Over the course of the war, over 50 humanitarian workers lost their lives and hundreds were injured (Cutts 1999, 2; Young 2001, 792-3).

Despite these challenges, much was accomplished by humanitarian organizations. The centrality of the humanitarian response to the conflict in Bosnia created a propitious environment for humanitarian organizations in terms of funding and the scale of civilians' needs to be addressed. In addition to the involvement of many vocational and "mom-and-pop" organizations, the main humanitarian players during the conflict were the ICRC, the UNHCR – which was the UN lead agency – and the United Nations Protection Force (UNPROFOR).

The ICRC had been involved in the Balkans since 1988 through its detention activities. It was thus well positioned to provide assistance and protection when conflicts erupted in the early 1990s (Mercier 1994, 25; Forsythe 2005, 110). Throughout the war in Bosnia, it delivered food, helped provide access to potable water, provided medical services, visited detained persons and worked to restore and sustain contact between family members. Young nicely captures the ICRC's accomplishments in writing: "[b]y the war's end, the ICRC had visited over 54,000 detainees in 520 places, exchanged 18 million Red Cross

[213] This climate of particular insecurity notably encouraged collaboration between organizations. For instance, when the ICRC withdrew from Bosnia in 1992, the UNHCR filled the assistance and protection gaps left by the Genevan agency (Young 2001, 783). The division of labour between the agencies was however never formalized. Morris captures these organizations' relationship during the conflict by writing: "For much of the period the organizations were headed in the field by staff who already knew each other and understood both the sensitivities of each organization and the importance of informal cooperation in the face of such a daunting task" (2007, 355-356).

messages, reunited over 4,500 families, distributed over 100,000 metric tons of food, and spent over 47 million Swiss francs on medical and surgical assistance" (2001, 784). In addition to this valuable work, the ICRC's intervention in Bosnia was further characterized by increased vocality. Breaking with its usual discreet position, the ICRC publicly denounced the atrocities committed in Bosnia. As early as July 29th 1992, it spoke in front of the United Nations in Geneva to draw attention to the dynamic of ethnic cleansing (Mercier 1994, 81-2). While this action did not spur the hoped-for political action, the ICRC kept on taking a more public stance on the violations of international humanitarian law.

As for the UNHCR, in addition to attending to the plight of refugees and displaced persons, it acted as lead agency in the UN's humanitarian response (Minear et al. 1994, 26). As a result, the refugee agency coordinated the bulk of the humanitarian operations in Bosnia, with the exceptions of the ICRC, CARITAS and Dobrotvor (Morris 2007, 360). By the end of the war, over 250 international humanitarian organizations were operating under the UNHCR umbrella.[214] Unsurprisingly in light of the international community's focus on the delivery of humanitarian assistance as a response to the conflict, the bulk of the actions organized and coordinated by the UNHCR were related to assistance, rather than protection. Anthony Land, head of UNHCR's Sarajevo office, nicely captured this focus in saying "The reason we've had 70 personnel killed and 700 wounded is because we're trying to get food in"(quoted in Minear et al. 1994, 67). Also, throughout the war, the UNHCR and its agencies succeeded in delivering 950,000 tons of humanitarian relief supplies to 2.7 million individuals (Cutts 1999, 2,6,9; Young 2001, 784).[215] While these numbers suggest a certain success of UN assistance activities, the picture of its protection work was not as positive (Morris 2007, 365).[216]

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[214] As lead agency, the UNHCR had the prerogative to issue identity cards and number plates to humanitarian organizations, which were necessary to operate in the Balkans (Olson 1999, 81; Morris 2007, 377)

[215] Rieff presents how the UNHCR's success was a double-edge sword: "For the Bosnians, UNHCR's success in carrying out the role the great powers had assigned it represented both a triumph and a tragedy. Fundamentally, the better job the UNHCR and NGOs that worked with it in Bosnia – and, given the appalling, impossible circumstances, the job they did was magnificent – the more cover they provided for the great powers to avoid doing anything to stop the slaughter. Had the operation been perceived as a failure, a Mitterrand or a John Major could not have hidden behind the excuse that a military intervention would harm the humanitarian effort. But since Sarajevo airlift *was* successful, and relief convoys were able

The perceived failure of the protection work resulted from belligerents hindering protection initiatives as well as from a lack of political will on the part of the international community. Protection activities were given fewer resources and attention. For instance, despite the widespread population displacement, the Security Council failed to address the issue of movement and rather focused on the delivery of humanitarian assistance and the creation of safe areas (Cutts 1999, 18). To capture this disconnected focus on assistance that Roberta Cohen and Francis Deng coined the expression "well-fed dead" (Hoffman and Weiss 2006, 49). Also, aside from its controversial nature, UNHCR's strategy of "preventive protection" (providing protection to civilians in their country of origins rather than in their country of asylum) was not given the resources and experienced officers necessary to succeed (Minear et al. 1994, 20-21).[217]

Finally, despite not being a humanitarian organization, the United Nations Protection Force (UNPROFOR) also played a role in the humanitarian sphere during the conflict in Bosnia and Herzegovina.[218] While initially mandated as an "interim arrangement to create the conditions of peace and security required for the negotiation of an overall settlement of the Yugoslav crisis" (UNSC 1992a), UNPROFOR's mandate became increasingly focused on supporting the delivery of humanitarian assistance (UNSC 1992g; UNSC 1992h). It did so in many ways, such as securing the Sarajevo airport, ensuring the security of humanitarian organizations, providing security briefings and training to organizations and sometimes itself delivering humanitarian supplies to

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to reach large areas of Bosnia, the humanitarian alibi could be employed again and again and again by officials in London, Paris, and Washington." (2002, 137)

[216] One such initiative that drew much criticism was the creation of the "safe areas" in the cities of Sarajevo, Tuzla, Zepa, Goradze and Bihac.

[217] Throughout the conflict, the UNHCR was criticized for its lack of independence. The adoption of this strategy of preventive protection constitutes one such illustration. Aware of European countries' reluctance to accept Balkan refugees, the UNHCR decided to provide protection to civilians still in their home countries (as an illustration, see Cowell, Alan. 1992. "Italy Cautious on Bosnia Refugees." *The New York Times*, May 24). In so doing, it prioritized civilians' right to remain over the right to leave. The refugee agency was chastised for responding to and serving the will of states rather the best interests of its intended beneficiaries (Minear et al. 1994, 18-20; Young 2001, 798-799; Rieff 2002, 141-142; Walker and Maxwell 2009, 61-62). Another example of the UNHCR's lack of independence was UN Secretary-General Boutros-Ghali overturning the High Commissioner Ogata's decision to suspend UNHCR operation in February 1993 in response to Serb forces' prohibition of access (Young 2001, 789).

[218] For a detailed presentation of UNPROFOR and its evolution throughout the territory of the ex-Yugoslavia, see Higgins 1993 and UN 1996.

populations (Minear and Weiss 1995, 175; UN 1996). UNPROFOR's mandate and actions (centered on ensuring the delivery of humanitarian assistance) revealed the international community's lack of political will in dealing with the conflict in Bosnia. The suffering of Bosnian civilians was seen through the prism of a lack of access to assistance. As a result, efforts were made to ensure the delivery of assistance but not to ensure the protection of civilians (Walker and Maxwell 2009, 62).[219]

### 3.6. The security of humanitarian workers during the war in Bosnia and Herzegovina

I examine the norm of humanitarian security in the context of the conflict in Bosnia and Herzegovina by analyzing UN documents, newspapers articles and personal accounts of the war. My analysis focuses on UN documents and is corroborated by the latter two. Using one body of documents as the starting point and foundation of the analysis allowed for identifying logics without incurring the dangers of misinterpretations, which may arise when studying documents with different authors, formats and *foci*. I used UN documents to carry out the bulk of the analysis because I consider the UN to be a good proxy for the international community as the organization has near universal membership. While the documents adopted by the Security Council may lack this representative quality, they embody and shape the state of discussions on matters of security. Attending to these documents is also important considering that it is where most of the discussions on the conflict in Bosnia took place. I also analyzed discussions from other bodies, reports from the Secretary General and resolutions adopted by the General Assembly. Taken together, these many UN documents provide a robust picture of how the security of humanitarian workers was perceived and discussed on the international stage during the conflict in Bosnia. I supplemented this analysis by examining newspaper

[219] Numerous authors criticized the role of UNPROFOR during the conflict. For instance, Terry wrote: "While insecurity or belligerent actions can prevent aid reaching vulnerable populations, the deployment of military forces to protect the means in isolation of the ends is a dangerous travesty. A full belly does not provide civilians with protection. What is the point of securing humanitarian access to people if it deters us from recognizing that they are in danger of losing their lives to violence?" (2002, 234) MSF-Belgium's Eric Dachy wrote: "the scandal is not that the humanitarian movement is unable to prevent atrocities committed against communities. The scandal is in seeing some of the world's most powerful governments and armies playing the role of aid workers, implying their acceptance of a whole string of massacres, which they are unable to consider from a different perspective." (quoted in Rieff 2002, 136)

articles on the conflict. I used the World Major Publications search of the LexisNexis Academic database to gain access to news publications from around the world. Studying newspaper articles allows for capturing a more varied and less institutionalized discourse on the security of humanitarian workers. Finally, even though they exist in limited numbers, I examined personal accounts of the war. As much as possible, I included illustrations from each body of work to capture and express the coherent nature of the discourse on the norm.

I start this study by showing the centrality of the norm of humanitarian assistance in the discourse on the war in Bosnia and Herzegovina. I then present how the norm of humanitarian security acquired prominence through its grafting to the norm of humanitarian assistance, which was expressed through a consequentialist discourse. This instance of grafting was not the product of an active norm entrepreneur but rather developed organically from the international community's commitment to the norm of humanitarian assistance. Subsequently, I highlight how the norm of humanitarian security was further supported by a virtue ethics discourse. I also briefly discuss how humanitarian workers' constant association with the delivery of humanitarian assistance had the effect of streamlining the perception of the role of these actors. I end this section by discussing justifications of the norm's violation.

Given that the international community's response to the conflict in Bosnia and Herzegovina centered on humanitarian action, the prominence of the norm of humanitarian assistance in the discourse on the war is not surprising. This commitment to assistance pervaded the news coverage of the war. Of the 945 articles containing the words "Bosnia and Herzegovina" published by major news publications during the war, more than a third (34.9%) of the sampled articles discussed the delivery of assistance.[220] And of these articles, almost half (43.3%) presented the provision of humanitarian assistance as urgent and of vital importance for civilian populations.[221] UN documents

[220] Based on Bartlett, Kotrlick and Higgins' article on sample size (2001, 48), I selected a random sample of articles (278) articles to get a distribution of 1.96.

[221] Considering that many articles only contained the brief description of a photography or took the form of "news digests", having over a third of the articles addressing humanitarian assistance is significant.

also expressed the international community's commitment to the norm of humanitarian assistance. Security Council and General Assembly resolutions recurrently drew attention to the "urgent need" of civilian populations and to the role of humanitarian assistance in bringing peace and stability to the region (e.g. UNGA 1992; UNSC 1992b). Also, the United Nations conveyed its commitment to the norm of humanitarian assistance by strongly condemning its violation, presenting its breach as akin to horrendous crimes and a violation of international law. Security Council resolution 787 articulated these mechanisms:

> [The Security Council] Condemns all violations of international humanitarian law, including in particular the practice of "ethnic cleansing" and the deliberate impeding of the delivery of food and medical supplies to the civilian population of the Republic of Bosnia and Herzegovina, and reaffirms that those that commit or order the commission of such acts will be held individually responsible in respect of such acts (UNSC 1992i).

Such wording is more than constative, it is also actively performative. As Fassin explains, "utterances may be "constative" or "performative" – that is, they may say something about the way things are or produce things by saying them. However, words uttered in the public arena may be both constative and performative at the same time, being presented as pure observation of facts while contributing to bringing these facts into existence" (Fassin 2012, 33). Presenting the blocking of humanitarian assistance alongside the practice of ethnic cleansing was not an innocent act. It was aimed at, and had the effect of, positioning these two practices in a similar category of egregious crime. Also, numerous other resolutions from the Security Council and General Assembly went further than the cited resolution and qualified hindering the delivery of humanitarian assistance as a *serious* violation of international humanitarian law and human rights law (e.g. UNSC 1993b; UNGA 1994b). Again, presenting the impeding of delivery of humanitarian assistance in the language of "law" was not only a report of "facts" but also a way of "conscript[ing] the power of social opinion to one's cause" (Reus-Smit 2004c, 38). It constituted a highly political act to express that the issue of hindering humanitarian delivery had already been settled by the norms of the international society. Using the language of law also allowed the speaker to present her claims as "outside of politics." This is because one of the key features of modern international law is its language of institutional autonomy, which Reus-Smit succinctly explains in saying that "international political actors behave as though the legal realm is separate from the political" (Reus-

Smit 2004c, 36-37). Furthermore, by using the vocabulary of the modern law of force, "people often have the simultaneous experience of presenting what they know is simply an argument and of expressing a deeper and larger commitment – to humanitarian values, to victory, to one or another political objective" (Kennedy 2004, 266-7). As is the case with constative and performative utterances, while any actor can make claims using the language of international law, only discourse performed by actors with a recognized authority and through a recognized procedure will produce significant effect (Fassin 2012, 33). Both the Security Council and General Assembly possess this ability.

Concern for the security of humanitarian workers also permeated the discourse on Bosnia. It was expressed through a consequentialist discourse connecting the security of humanitarian workers to the norm of humanitarian assistance. Three main discursive tools conveyed this grafting. First, the security of humanitarian workers was presented as a *prerequisite* for the delivery of assistance. For instance, reflecting on the situation in Bosnia, Nicholas Morris, head of UNHCR, explained to William Perry, the US Defence Secretary, that "the two key determinants in the humanitarian programme, on which over a million people depended for their daily survival, were consent of the warring parties and the security of UN personnel" (reported in Rose 1999, 269).[222] Second, *sequencing* – presenting the need of ensuring the security of humanitarian workers right before or after drawing attention to humanitarian needs – conveyed the relationship between the two norms. This format is notably visible in Security Council resolution 752, which states:

> 7. *Emphasizes* the urgent need for humanitarian assistance, material and financial, taking into account the large number of refugees and displaced persons and fully supports the current efforts to deliver humanitarian aid to all the victims of the conflict and to assist in the voluntary return of displaced persons to their homes;
> 8. *Calls on* all parties and others concerned to ensure that conditions are established for the effective and unhindered delivery of humanitarian assistance, including safe and secure access to airports in Bosnia and Herzegovina;
> *9. Requests* the Secretary-General to keep under active review the feasibility of protecting international humanitarian relief programmes, […] (UNSC 1992b).[223]

The use of such a discursive tool clearly positioned the security of humanitarian workers as a necessary condition of humanitarian delivery, the importance of which was conveyed

[222] This statement was uttered during a meeting between UN and US representatives in Bosnia on October 3rd 1994.
[223] The same arrangement is also notably visible in Security Council Resolutions 819 (1993) and 1019 (1995) and General Assembly Resolution 49/196 (1995).

by mentioning the scale of needs to be addressed – "the large number of refugees and displaced persons" –, and by depicting the people in need of assistance as "victims of the conflict."[224] Third, the *impact of breaches* of the norm of humanitarian security on the norm of humanitarian assistance also expressed the relation between the norms. David Briquemont, UNPROFOR's Commander in Bosnia and Herzegovina, expressed this notion when saying that he "hoped that aid deliveries would not be stopped as a result of each UN death" (reported in Owen 1995, 233). This consequentialist discourse is also commonplace in newspaper articles reporting on aid convoys and deliveries withdrawing, or resuming after a withdrawal, owing to security incidents.[225] For instance, in November 1993, Alan Ferguson wrote: "The fate of an estimated 4.2 million people in Bosnia, where the first snow has already fallen, are said to depend this winter on humanitarian aid. The United Nations suspended aid convoys to central Bosnia on Oct. 25 after a civilian driver was killed" (*Toronto Star*). Humanitarian organizations themselves also resorted to this discursive tool. For instance, at one of its briefings with donors in Geneva in January 1994, the UNHCR is reported to have communicated the following:

> The security situation for UNHCR aid workers was deteriorating, particularly as it was now clear that aid workers were definite targets. In Banja Luka on January 17 a bomb had been planted under an ICRC vehicle, destroying it and seriously damaging the ICRC residence. Only an average of 800 metric tonnes of aid per day was reaching its destination, less than half the requirement. There was no widespread starvation yet, but there was serious malnourishment in Maglaj which was solely dependent on air drops as convoys had not reached this enclave of 16,000 people for five months. All in all it was a very depressing picture and augured badly for the remaining winter months (Owen 1995, 248-9).

Moreover, the portrayal of blocking the delivery of humanitarian assistance as a serious violation of international humanitarian law on a level similar to ethnic cleansing positioned attacks against humanitarian workers as equally serious because such attacks impeded efforts aimed at providing the all-important assistance.

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[224] The concept of victim expresses the notion of innocence (i.e. the victim is a worthy beneficiary of aid) and of urgency as it exists in relation with a perpetrator. Much has been written on the concept of victim, for instance, see Riches 1986; Rieff 2002, 31-56; DeChaine 2005, 85; Wilson and Brown 2009, 24; Fassin 2012.

[225] For illustrations, see 1992. "UN Plea Seeks Aid for Bosnia: Humanitarian crisis in 'collapsing' republic." *Financial Post*, June 1.; 1994. "Bosnia Gunmen Kill U.K. Aid Worker." *Moscow Times*, January 29. 1994. "ICRC resumes aid deliveries to Banja Luka." *BBC*, February 2.; 1995. "International mediation; Red Cross suspends flights to Sarajevo." *BBC*, March 16.

The mandate of UNPROFOR also clearly highlighted the grafting of the norm of humanitarian security to the norm of humanitarian assistance. The expansion of the mandate and the strength of UNPROFOR in August and September 1992 was notably spurred on by the Security Council being "[d]ismayed by the continuation of conditions that impede the delivery of humanitarian supplies to destination within Bosnia and Herzegovina and the consequent suffering of the people of that country" (UNSC 1992g). Previous resolutions adopted by the Security Council clearly presented the problem of safety of humanitarian staff as one such crucial condition hindering the delivery of humanitarian assistance (e.g. UNSC 1992d; UNSC 1992f). As a result of being mandated "to take all measures necessary to facilitate in coordination with the United Nations the delivery by relevant United Nations humanitarian organizations and others of humanitarian assistance to Sarajevo and wherever needed in other parts of Bosnia and Herzegovina," UNPROFOR became highly involved in ensuring the security of humanitarian convoys (UNSC 1992g).

The General Assembly adopted the Convention on the Safety of United Nations and Associated Personnel in December 1994. Even if not specific to the Balkans, this Convention helps to further illuminate the understanding and commitment to the norm of humanitarian security during that period. This Convention aimed to fill a legal gap left by the 1946 UN Convention on the Privileges and Immunities of the United Nations to cover actors not mentioned in the first Convention and to impose an obligation on the host state to ensure the protection of staff and property (Bouvier 1995). As the title of the 1994 Convention indicates, it aims to extend protection to "United Nations and Associated Personnel" who are defined as follows:

> (a) "United Nations personnel" means:
> (i) Persons engaged or deployed by the Secretary-General of the United Nations as members of the military, police or civilian components of a United Nations operation;
> (ii) Other officials and experts on mission of the United Nations or its specialized agencies or the International Atomic Energy Agency who are present in an official capacity in the area where a United Nations operation is being conducted;
> (b) "Associated personnel" means:
> (i) Persons assigned by a Government or an intergovernmental organization with the agreement of the competent organ of the United Nations;
> (ii) Persons engaged by the Secretary-General of the United Nations or by a specialized agency or by the International Atomic Energy Agency;
> (iii) Persons deployed by a humanitarian non-governmental organization or agency under an agreement with the Secretary-General of the United Nations or with a specialized agency or with

> the International Atomic Energy Agency, to carry out activities in support of the fulfilment of the mandate of a United Nations operation (UN 1994).

Hence, humanitarian personnel from UN agencies or from NGOs under an agreement with the Secretary General or another UN organ are covered by this Convention.[226] This Convention illustrates how the growing concern for the security of humanitarian workers in the 1990s was widespread rather than specific to the conflict in Bosnia and Herzegovina. Also, its relatively quick drafting and adoption – less than two years – pointed to a sense of urgency in dealing with this issue (Arsanjani 2008). The impetus behind this convention was a perception that there had been an "escalation of attacks" against UN and associated personnel (Arsanjani 2008). This perception of increasing vulnerability was expressed in numerous UN documents and notably in Boutros Boutros-Ghali's 1992 *Agenda for Peace* (UN 1992). Significantly, these attacks and accompanying sense of vulnerability were seen as requiring attention and redress because they were perceived as serious enough to "be considered an obstacle to the performance of the function of the Organization" (Arsanjani 2008). As such, Article 7 states "United Nations and associated personnel, their equipment and premises shall not be made the object of attack or of any action that *prevents them from discharging their mandate*" (UN 1994, emphasis added). The Convention thus clearly portrays these personnel as the means by which the organization carries out its mandate and attacks against them as problematic owing to their effects. This consequentialist discourse is not surprising considering that the Convention complements the UN Convention on the Privileges and Immunities of the United Nations, which grants privileges and immunities "to *officials in the interests of the United Nations and not for the personal benefit of the individuals themselves*" (UNGA 1946, emphasis added; Reinisch n.d.).[227]

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[226] It is worth highlighting that the fully independent organizations are excluded from the scope of application of the Convention. Mackintosh wrote the following with regard to the ICRC: "In the negotiations over the original treaty, the ICRC indicated that it did not wish to be protected under the Convention ''because application of the Convention to the ICRC would necessarily imply a fairly close association between it and the United Nations". The final formulation, relying on a very close contractual link with the UN, reportedly satisfied this ICRC concern, as they were then excluded." (2007, 124)

[227] The adoption of the Convention had a significant impact on the United Nations. Mackintosh explains: "In 1998, partly inspired by the adoption of the Convention, the General Assembly adopted two separate resolutions, one on protection of United Nations personnel and the other on the safety and security of humanitarian personnel. This began a regular series of annual resolutions calling for better respect for existing law and requiring the Secretary-General to report on progress or the lack thereof." (2007, 124) For example see GA resolutions 52/167 (1997) and 53/87 (1998) and Secretary General reports 53/501 (1998)

Aside from the portrayal of humanitarian workers as means of delivery of humanitarian assistance, the discourse on Bosnia also presented humanitarian workers as brave, selfless and committed individuals. This representation had the effect of casting attacks against humanitarian workers as reprehensible in and of themselves in addition to their impact on humanitarian work. While not as central as the consequentialist discourse in supporting the norm of humanitarian security, a virtue ethics discourse was also visible in discussions of the norm. This construction of humanitarian workers as commendable actors was notably visible in Security Council resolution 764 "*Commending* the *determination and courage* of all those who are participating in the humanitarian effort," in General Assembly Resolution 48/88, which "notes with the utmost appreciation those individuals who have shown *exemplary bravery and courage* and those who have made the ultimate sacrifice while *carrying out their duties*" as well as this statement from President of the Security Council: "The Council has the highest regard for the efforts of the *brave people* who have undertaken to deliver urgently needed humanitarian assistance *under extremely trying conditions* to the civilian population in Bosnia and Herzegovina" (UNSC 1992f; UNGA 1993b; UNSC 1993a, emphasis added).[228] Such portrayals of humanitarian workers were also present in the news media. For instance, in her 1995 Christmas message, Queen Elizabeth II "praised the soldiers [of World War II] whose wartime sacrifice ushered in 50 years of "relative peace," and compared them to modern humanitarian workers who labor in trouble spots like Bosnia and Rwanda, Chechnya and Cambodia." She said: "They go quietly about their business, in harrowing and dangerous circumstances, giving help to the suffering and the hungry. Like the people who fought and won the last war, they make no claim to be anything out of the ordinary, but their commitment is very far from ordinary" (*Toronto Star*, December 26). The regular use of metaphors such as "soldiering on" or descriptors such as "risk their lives daily" for humanitarian workers also conveyed the image of humanitarian workers as commendable

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and 55/494 (2000).

[228] Similar wording can be found in the 20th Plenary meeting of the 48th Session of the General Assembly (Thursday October 7th 1993), General Assembly resolution 49/10 (1994) and Security Council resolution 913 (1994).

actors.[229] Such a portrayal had the effect of "humanizing" these actors, making them more than the means of delivery of humanitarian assistance. The constant mention of "concern about the safety" of humanitarian personnel in Security Council and General Assembly resolutions were also expressions of this virtue ethics discourse as this level of attention was neither afforded to civilian populations or other civilian actors (e.g. UNGA 1992; UNSC 1992b; UNSC 1992c). This widespread concern indicated the seriousness of attacks against humanitarian workers. While impossible to empirically ascertain, it is likely that this positive perception of humanitarian workers derives from the valuable work they perform.

The significance of the commitment to humanitarian assistance in the development of the norm of humanitarian security can be further captured by comparing the death of two humanitarian workers, similar in most respects except for their occurrence in conflicts benefitting from low and high levels of attention to humanitarian assistance. The killing of MSF logistician Frédéric Gallant in April 1990 in Afghanistan is comparable to the killing of ICRC delegate Frédéric Maurice in May 1992 in Bosnia. Both incidents took place in a situation of armed conflict, involved foreigners and led to humanitarian organizations withdrawing from the conflict (MSF 2013). The main difference between these events lies in the extent to which the international community' was committed to and involved in providing humanitarian assistance to the respective conflicts. The killing of Gallant occurred a month following the end of the United Nations Good Offices Mission in Afghanistan and Pakistan that lasted from May 1988 to March 1990. This mission's budget was $14 million (UN 2002). In contrast, the death of Maurice in Bosnia occurred in an environment benefitting from sustained attention to humanitarian assistance. As an illustration, to respond to humanitarian needs, the "joint appeal launched by the Secretary-General on behalf of UNHCR, UNICEF and WHO in April 1992, was revised on 20 May 1992 from an initial amount of $24.3 million to $171 million" (UNHCR 1992). The difference in treatment of these two killings is striking. While the death of Frédéric Gallant was reported in one newspaper article from the

[229] For instance, see 1992. "Bosnia's best hope." *The Independent*, December 20; Pick, Ella. 1994. "Siege of Goradze: Red Cross Chief Says United Nations Policy Hinders Aid." *The Guardian*, April 18.

LexisNexis Academic database, the death of the ICRC delegate Frédéric Maurice was the object of 13 articles and one obituary. The death of the latter was also deplored in Security Council resolution 757 (1992). This instance highlights how reactions to violation of the norm of humanitarian security were not uniform for all humanitarian workers and were contingent on the violation's perceived impact on the provision of humanitarian assistance.

The centrality of the norm of humanitarian assistance in the post-Cold War years did more than create the conditions for the emergence of the norm of humanitarian security. It also had the effect of shaping the understanding of the nature of humanitarian work. While humanitarian workers have been involved in protection and assistance work since the First World War, the focus on the provision of humanitarian assistance in the 1990s had the effect of reifying the understanding of humanitarian workers' intervention to the provision of assistance. Although a few resolutions mention ICRC's access to detention centers and UNHCR's work in favor of displaced persons (e.g. UNSC 1995a; UNSC 1995c), the bulk of the documents focused on humanitarian assistance, especially in the first years of the war. Furthermore, many UN documents clearly associated humanitarian work with humanitarian assistance. For instance, Security Council resolution 819 reads:

> 8. Demands the unimpeded delivery of humanitarian assistance to all parts of the Republic of Bosnia and Herzegovina, in particular to the civilian population of Srebrenica and its surrounding areas and recalls that such impediments to the delivery of humanitarian assistance constitute a serious violation of international humanitarian law;
> 9. Urges the Secretary-General and the United Nations High Commissioner for Refugees to use all the resources at their disposal within the scope of the relevant resolutions of the Council to reinforce the existing humanitarian operations in the Republic of Bosnia and Herzegovina in particular Srebrenica and its surroundings (UNSC 1993b).[230]

By referring to interventions taking place in Srebrenica and its surroundings as "delivery of humanitarian assistance" and "humanitarian operations", an understanding develops that these expressions are interchangeable. Newspapers and personal accounts of the war in Bosnia also focused on the delivery of humanitarian assistance, with the effect of obscuring the protection dimension of humanitarian action. This general focus on humanitarian assistance, as opposed to protection work, is not surprising considering that most funding and actions performed were related to assistance. Yet, presenting

[230] Similar associations can be found in Security Council resolution 761 (1992) and 764 (1992).

humanitarian assistance as synonymous with humanitarian action is noteworthy considering the expanding scope of activities presented as "humanitarian" in the 1990s.

### *3.6.1. Justifications of violation*

Throughout the conflict in Bosnia belligerents – Serbs, Croats and Muslims – did not claim responsibility for or justify their violations of the norm of humanitarian security. Drawing on Bellamy's argument on civilian immunity, belligerents' reluctance to rationalize violating the norm of humanitarian security may have stemmed from their knowledge that they would fail in gaining sufficient legitimacy (Bellamy 2012). The case of Frédéric Maurice illustrates this reluctance of belligerents to associate themselves with security incidents involving humanitarian workers. Although the ICRC requested the belligerents to investigate and identify the actors responsible for the May 18th attack on its convoys, belligerents never did follow through on this request (Mercier 1996, 110-114; Forsythe 2005, 112).[231] This may have stemmed from a desire to avoid punishment as they were certainly well aware of the UN's commitment to humanitarian assistance, as evidenced by its deployment of UN troops to protect aid convoys. Yet, it does not explain why the side not responsible for the attack did not follow through on the request for investigation. Furthermore, belligerents' hostility toward humanitarian actors was not overt as they attended Frédéric Maurice's funeral service in Geneva (Mercier 1994, 153). Belligerents' cautious behaviour points to their awareness of the presence of a strong norm. It is also interesting to highlight because it contrasts with the situation prevailing in the post-2001 years where belligerents often claim responsibility for security incidents involving humanitarian workers.[232]

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[231] The ICRC notably broached this issue at the occasion of a conference with the parties to the conflict in Geneva in May 1992. The participants were: Mr. K. Trnka, Representative of Mr. Alija Izetbegovic President of the Republic of Bosnia-Herzegovina; Mr. D. Kalinic, Representative of Mr. Radovan Karadzic President of the Serbian Democratic Party; Mr. J. Djogo, Representative of Mr. Radovan Karadzic President of the Serbian Democratic Party; Mr. A. Kurjak, Representative of Mr. Alija Izetbegovic the Party of Democratic Action; and Mr. S. Sito Coric Representative of Mr. Miljenko Brkic President of the Croatian Democratic Community (Mercier 1996, 286).

[232] For example, see 2007. "Iraq: Feeling relief workers leave gap in aid delivery." *IRIN*, April 2; Motlagh, Jason. 2010. "Ten Foreign Aid Workers Killed by Taliban in Afghanistan." *Time*, August 9; Norland, Rod. 2013. "Attacks Rise on Aid Workers in Afghanistan." *The New York Times*, December 2. The Taliban

## 3.7. The security of media professionals during the war in Bosnia and Herzegovina

To give further credence to the argument presented in this chapter, I attend here to the treatment of the security of another civilian actor who carried out tremendous work during the war in Bosnia and Herzegovina: media professionals. I examine the discourse on the war in Bosnia in UN documents as well as in newspapers, using the World Major Publications search from the LexisNexis Academic database. This brief analysis reveals that the security of humanitarian workers garnered significantly more attention and concern than the security of media professionals despite similar degrees of vulnerability. Estimates for media professionals' casualties during the conflict vary between 25 and 62, which is not out of scale with the reported estimate of over 50 humanitarian workers' deaths.[233] The discrepancy in concern for the security of these two categories of actors further disproves the alternative explanations discussed at the outset of this chapter, namely attributing concern for the security of humanitarian workers to (1) the occurrence of security incidents; and (2) the growing concern for the well-being of civilian populations.

Media professionals provide a useful comparison with humanitarian workers because throughout the conflicts in the Balkans, these categories of actors had a close relationship, often sharing living quarters and trading coverage for information.[234] Owing to this proximity, a similarity in the treatment of their security would be expected. Also, the state of legal protection granted to media professionals is similar to that of humanitarian workers. Media professionals are protected as civilians and their protection

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website also offers numerous examples of attacks on aid workers for which the Taliban claim responsibility (http://shahamat-english.com.) Also, in response to the killing of five MSF workers in northern Afghanistan in June 2004, a Taliban spokesman explained that "in the rebels' eyes – humanitarian organizations functioned as allies of the US-supported central government" (Kenyon Lischer 2007, 105).

[233] The Committee to Protect Journalists reported 25 deaths (CPJ n.d.), the International Federation of Journalists documented 33 deaths (IFJ 2003, 126-131), and CBS News reported 62 journalists killed (CBS n.d.).

[234] As an illustration, recounting her experience in the Balkans, aid worker Leanne Olson wrote in her journal: "I stayed for awhile at the guesthouse with an Irish journalist who had persuaded MSF to provide him with some information in exchange for giving MSF publicity" (1999, 80).

is also the object of specific provisions in the 1949 Geneva Conventions and 1977 Additional Protocols.[235] Also, both media professionals and humanitarian workers play a valuable role in conflict environments. Taback and Couplan explain that security incidents involving media professionals deserve attention on the grounds that "first, this profession constitutes a distinct vulnerable group in conflict areas and, second, there are wider implications for human security because of the importance of media reports

[235] For instance, the Third Geneva Convention granted war POW status to war correspondents. Article 4 of the Third Geneva Convention reads: "A. Prisoners of war, in the sense of the present Convention, are persons belonging to one of the following categories, who have fallen into the power of the enemy;
(1) Members of the armed forces of a Party to the conflict as well as members of militias or volunteer corps forming part of such armed forces.
(2) Members of other militias and members of other volunteer corps, including those of organized resistance movements, belonging to a Party to the conflict and operating in or outside their own territory, even if this territory is occupied, provided that such militias or volunteer corps, including such organized resistance movements, fulfill the following conditions:
(a) that of being commanded by a person responsible for his subordinates;
(b) that of having a fixed distinctive sign recognizable at a distance;
(c) that of carrying arms openly;
(d) that of conducting their operations in accordance with the laws and customs of war.
(3) Members of regular armed forces who profess allegiance to a government or an authority not recognized by the Detaining Power.
(4) Persons who accompany the armed forces without actually being members thereof, such as civilian members of military aircraft crews, war correspondents, supply contractors, members of labour units or of services responsible for the welfare of the armed forces, provided that they have received authorization from the armed forces which they accompany, who shall provide them for that purpose with an identity card similar to the annexed model […] " (ICRC 1949d). This provision awards to war correspondents a status similar to that of medical personnel. It was based on legal precedents set in the 1907 Hague Convention (article 13) and the 1929 Convention on POWs (article 81) (Mackintosh 2007, 126). The Commentaries to the Geneva Conventions explain thus the need to update these provisions: "The Conference of Government Experts considered that the text of Article 81 of the 1929 Convention had become obsolete (in particular the word "sutlers" is no longer appropriate) and should include a reference to certain other classes of persons who were more or less part of the armed forces and whose position when captured had given rise to difficulties during the Second World War" (1CRC 1949a). War correspondents differ from journalists in being "formally authorize[d] to accompany the armed forces" (ICRC 2010). Their need to be granted POW status stemmed from their proximity to the armed forces. Complementing the provisions of the fourth Geneva Conventions on the protection of civilians and of common Article 3, Article 79 of Additional Protocol I provides that:
"1. Journalists engaged in dangerous professional missions in areas of armed conflict shall be considered as civilians within the meaning of Article 50, paragraph 1.
2. They shall be protected as such under the Conventions and this Protocol, provided that they take no action adversely affecting their status as civilians, and without prejudice to the right of war correspondents accredited to the armed forces to the status provided for in Article 4 A (4) of the Third Convention" (ICRC 1977). Journalists are also protected as civilians in non-international conflicts by virtue of customary international law (ICRC 2010). ICRC legal expert Robin Geiss explains this state of affairs by saying: "Thus, in order to perceive the full scope of protection granted to journalists under humanitarian law one simply has to substitute the word "civilian" as it is used throughout the Geneva Conventions and their Additional Protocols with the word "journalist." (ICRC 2010)

pertaining to armed violence." (2006, 191) They further explain the importance of the role played by these actors by writing:

> The things that are detrimental to human security are the stuff of everyday international news and the everyday observers and reporters of human insecurity are journalist and not health professional or academics. The translation of media reports or individual events into meaningful data has been demonstrated in two independent studies: the first, in relation to Colombia and the second in relation to the number of civilian deaths and injuries in Iraq since March 2003. (2006, 194)

As previously discussed, during the war in Bosnia media professionals played a significant role through provoking and sustaining attention to the violations committed. The media's contribution was notably recognized by Tadeusz Mazowiecki, the special representative of the United Nations Commission on Human Rights in the conflict in ex-Yugoslavia, who claimed: "when there are no images, the war insensibly loses its reality" (quoted in Mercier 1994, 210).[236] Major General Lewis MacKenzie, commander of UNPROFOR in Sarajevo, also explained the impact of media professionals' work during the conflict by saying:

> Wherever the media goes, a lot of serious violations of human rights either move away or stop. The media was the only major weapon system I had. Whenever I went into negotiations with the warring parties, it was a tremendous weapon to be able to say: 'OK, if you don't want to do it the UN's way, I'll nail your butt on CNN in about 20 minutes.' That worked, nine times out of ten. (quoted in Minear, Scott and Weiss 1996, 59)

Despite media professionals' contribution during the war, their civilian status and vulnerability, there is no mention of their work or of attacks against them among the dozens of resolutions adopted by the Security Council and General Assembly during and pertaining to the war in Bosnia and Herzegovina. This silence has the effect of veiling the significant contribution made by these actors as well as the vulnerability and victimization they experienced. Media professionals' independence from the United Nations may help explain this lack of attention in the organization's documents. Yet, the death of ICRC delegate Frédéric Maurice was deplored in a UN resolution, despite the ICRC's independence from the United Nations (UNSC 1992c). This constitutes further evidence of the particular concern the security of humanitarian workers garners and it demonstrates that such concern is based on more than this actor's civilian status.

[236] The translation was made by the present author. The original reads "Et lorsqu'il n'y a pas d'images, la guerre perd insensiblement sa réalité." (Mercier 1994, 210)

The experience of media professionals during the war is more visible in newspapers articles. However, the sample of articles studied reveals that media professionals' deaths are portrayed very differently from those of humanitarian workers.[237] Whereas humanitarian workers' deaths were depicted as appalling owing to their impact on the delivery of humanitarian assistance or to the esteemed identity of humanitarian workers, media professionals' deaths were generally reported in a straightforward descriptive way without emphasising the problematic or tragic nature of the violation.[238] Further, media professionals were often described as idealists who chose to put themselves at risk and whose work was not necessarily consequential. In his piece on war journalism, Nicholas Fraser wrote: "They don't have to put themselves at risk, but they do, for all sorts of reasons, good and bad. Sometimes they try to tell the truth, sometimes not, but the worst is that it doesn't seem to matter much, except to themselves" (*The Sunday Times*, July 24 1994).[239] This depiction of media professionals sharply differs from the perception of humanitarian workers whose deaths are connected to performing crucial work and to their altruism.[240] This distinct perception of media professionals and humanitarian workers is surprising considering that *both* categories of actor are driven by a variety of motivations. Perceiving media professionals as adrenaline junkies exploiting suffering for private ends

[237] 741 newspaper articles corresponded to the search "bosnia" AND "journalist" OR "media" AND "attack" OR "kill". Using Bartlett, Kotrlick and Higgins' article on sample size, I randomly selected 260 articles from the population of articles to get a distribution of 1.96 (2001, 48). I carried out a qualitative analysis of these documents.

[238] For instance, see Moses, Judith. 1992. "The Risks of Truth." *International Herald Tribune*, September 24; Helm, Sarah and Emma Daly. 1995. "Schofield death highlights perils for journalists; Turmoil in the Balkans: How BBC Man Died." *The Independent*, August 11.

[239] Irish journalist Fergal Keane expressed a similar perspective. Following the death of his BBC colleague John Harrison in South Africa, he wrote: "Journalists race around in search of civil war, secretly happiest when they sign off from some hell hole where the bodies are stacking up and the omens of apocalypse are most vivid. I am sick to the teeth of war stories, the flak jackets and all the attendant bullshit. Why did we do it all? Why do people like John and me and countless others race around townships and battle zones? I am still searching for the answer, but I know that pursuit of the truth is only part of the equation" (quoted in Feinstein 2006, 47).

[240] Journalist Anthony Lloyd expresses the likeness of external actors intervening in war by writing: "Men and women who venture to some else's war through choice do so in a variety of guises. UN general, BBC correspondent, aid worker, mercenary: in the final analysis they all want the same thing, a hit off the action, a walk on the dark side. It's just a question of how slick a cover you give yourself, and how far you want to go" (quoted in Tumber and Webster 2006, 64).

follows a common perception of the media as an institution.[241] On this topic, Minear, Scott and Weiss wrote:

> [t]he media are not less complex an institution than government policymaking or humanitarian organizations. The moving parts are equally numerous, the processes equally resistant to reduction to linear models. Yet the media are often dismissed as a monolithic actor, single-mindedly bent on exploiting humanitarian crises as sellable news at the lowest possible newsgathering cost (1996, 31).

While humanitarian workers are perceived to be driven by a higher calling and universal humanitarian values of charity, journalists are seen as "doing a job."[242] This differential treatment is thus linked to both the lack of awareness of humanitarianism as a business and to the narrow view of the media as an institution.

## 3.8. Rome Statute

Building on the precedents of the International Criminal Tribunal for the ex-Yugoslavia (ICTY) and for Rwanda (ICTR), the Rome Statute of the International Criminal Court (ICC) was adopted at Rome in July 1998. The ICC constitutes the first permanent international criminal body and as such, its Statute highlights what the international community considered, at the end of the 20th century, to be the worst atrocities. I start this section by showing how the Rome Statute gives emphasis to the norm of humanitarian security. I then highlight three dynamics related to the norm, namely: (1) the relationship between civilian populations and humanitarian workers; (2) the association of humanitarian workers with the delivery of humanitarian assistance; and (3) the interplay

[241] Media professionals' motivations have been examined by numerous researchers since the 1990s and have been identified as ranging from a need to escape triviality, to a desire to raise consciousness, to excitement, to glamour, to an interest in witnessing "moments of history", to narcissism and to trauma (McLaughlin 2002, 7; Feinstein 2006, 46-71; Tumber and Webster 2006, 61-74). This diversity is also well captured in this exchange that took place in a workhop on the news media and humanitarian action: "One participant, speaking in personal terms of why he worked for years as a journalist and is now an editorial writer, spoke with passion of his interest in the world and its people. "I want to be involved with news that solve problems, that does make a difference." The involvement of reporters in war zones also has produced numerous examples of actions outside the call of journalistic duty. One reporter recounted personally shepherding a youngster across the closed bridge from Rwanda into Zaire, negotiating with the authorities in order to reunite him with his parents. In conflict after conflict, journalists strike up not only working relationships but also friendships with humanitarian personnel. While they must work to preserve their objectivity as reporters, the fact that they fake more than professional interest in the issue is undeniable. Their reporting helps establish, and builds on, a palpable human interest among news consumers" (Minear, Scott and Weiss 1996, 33).

[242] Interview with humanitarian expert, Geneva, 2012

of the consequentialist and virtue ethics discourses supporting the norm. This brief study complements the analysis of the discourse on the war in Bosnia and Herzegovina. It shows the recurrence of some dynamics highlighted in the Bosnian case and highlights how they evolved over the course of these few years.

Article 8, clauses 2 b iii and e iii – the former applying to situations of international armed conflicts and the latter to armed conflicts not of an international character – state the prohibition of attacks against humanitarian personnel. Presented under the category of war crimes, the clauses read as follows:

> Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict (ICC 1998).[243]

The presence of these clauses in the Rome Statute constitutes clear evidence of the international community's attachment to the norm of humanitarian security. First, the presence of these clauses is noteworthy because they are the only clauses singling out some actors from the broader category of civilians. No other civilian actors benefit from such a "personalized" clause.[244] Such particular treatment plainly highlights both the perception of uniqueness and the seriousness of attacks against humanitarian personnel. Second, considering that the International Criminal Court was intended to "deal with *only the most serious crimes* of concern for the international community," the explicit prohibition of attacks against humanitarian personnel had the effect of presenting these violations as particularly grave crimes (UN 1998, emphasis added by the author). Participants at the conference of State Parties expressed this perception on many occasions. For instance, Mr. Ibrahim from Nigeria argued for the inclusion of this prohibition of attacks on the ground that they "were of as much concern to the international community as the four core crimes [genocide, crimes against humanity, war crimes and the crime of aggression]." Mr. Zamir from Bangladesh claimed that "the Conference offered a rare opportunity for the international community to put in place a

[243] Given the focus of this research, even if these clauses refer to both humanitarian and UN personnel, I here only focus on the former.
[244] While clauses 2 b xxvi and e vii focus on children under 15, they do not reiterate the general prohibition of attacks against civilians and civilian objects but rather addresses an issue peculiar to this group, specifically their conscription, enlistment or use in hostilities.

system of justice to redress unspeakable crimes. […] Attacks on humanitarian workers and international peacekeeping personnel should be included within the jurisdiction of the Court" (UN 1998). Third, the positioning of these clauses directly after two clauses on the general prohibition of attacks against civilians and civilian objects further emphasises the prohibition of attacks against this particular category of civilians.[245] Fourth, regard for the norm of humanitarian security is evidenced by the expressive function of clauses 2 b iii and e iii. Given that humanitarian personnel benefit from the protection endowed to civilians, these clauses do not give them additional legal protection. Rather these clauses fulfill one of the functions of international criminal law, which is expressing prohibitions. Thus, clauses 2 b iii and e iii aimed to emphasize the "exceptional seriousness" of the crime (Cottier 2008, 330).[246]

Aside from highlighting its commitment to the norm of humanitarian security, the Rome Statute also sheds light on three features of the norm. First, clauses 2 b iii and e iii illustrate the perception of the equivocal relationship between humanitarian workers and civilians. The clauses' wording is reminiscent of the discourse on the war in Bosnia where the focus lies on humanitarian workers' security as vehicles of delivery of assistance for populations. Civilians' "existence" and experience lies in the background and inferred through mentions of humanitarian assistance needs. The presentation of the prohibition of attacks against humanitarian personnel following the prohibition of attacks against civilian population and individual civilians also conveyed that these constituted two distinct categories of actors.[247] Still, the inclusion, and later adoption, of clauses 2 b iii and e iii in the Rome Statute stem from them being depicted and understood as reflecting a rule of customary international law: the prohibition of attacks against civilians. This resonance of the prohibition of attacks against humanitarian workers with customary IHL distinguished attacks against humanitarian personnel from the other "treaty crimes" discussed at Rome (i.e. terrorism and drug related crimes) and greatly

[245] Interview with Law Professor Marco Sassòli, Geneva, 2012.
[246] Interview with Law Professor and Canadian delegate at the Rome Conference, Darryl Robinson, Skype, 2012.
[247] This distinction also appeared in the discourse on Bosnia. It was notably conveyed through the distinct roles assigned to humanitarian workers and civilian populations, with the former providing relief and the latter, in need of assistance. It was also expressed in UN documents condemning attacks against both civilian populations and humanitarian workers. For example, see UNSC 1994.

contributed to the inclusion of the former in the treaty. Being presented as uncontroversial and relatively routine by proponents allowed for expedited approval.[248] In other words, while the urgency and rationale behind the inclusion of clauses 2 b iii and e iii was derived from the perception of security incidents involving humanitarian workers as being particularly problematic and heinous – i.e. their role and work in favour of civilians –, it is due to humanitarian workers belonging to the broader category of civilians that these clauses were adopted.

Second, the Rome Statute also highlights how the meaning of "humanitarian worker" was increasingly associated with the delivery of humanitarian assistance. While state plenipotentiaries at the Rome Conference made the case for the inclusion of clauses 2 b iii and e iii on the basis of the heinous nature of attacks against humanitarian *workers,* the scope of individuals actually covered by these clauses is more limited. These clauses only pertain to actors engaged in providing humanitarian assistance, thus excluding humanitarian workers engaged in protection work (e.g. ICRC delegates visiting prisoners of war). State plenipotentiaries' constant interchangeable use of "humanitarian workers" and "personnel engaged in humanitarian assistance" suggests that this disconnect stems from a limited understanding of the nature of humanitarian work (UN 1998). Also, a legal expert who participated at the Rome Conference was unaware of this disconnect until it was highlighted by the present author, which gives further credence to the unintended nature of this restrictive wording.[249] Although the very quick approval of these clauses prevented comprehensive discussions on their wording they nonetheless capture the general perception of the humanitarian workers' roles.[250]

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[248] For the most part of the Rome Conference, the inclusion of the prohibition of attacks against humanitarian workers was discussed in relation to other treaty crimes. When it became clear that the crimes of terrorism and involving the illicit traffic in narcotic drugs and psychotropic substances would not be included in the draft, efforts remained devoted to nevertheless include attacks against humanitarian personnel. Discussions on the location of the clauses (e.g. under war crimes) and its wording took place in early July 1998. (Interview with with Law Professor and Canadian delegate at the Rome Conference, Darryl Robinson, Skype, 2012)

[249] Interview with Law Professor and Canadian delegate at the Rome Conference, Darryl Robinson, Skype, 2012.

[250] Interview with John Washburn, Convener, American Non- Governmental Organizations Coalition for the International Criminal Court, Phone, 2012.

Third, the consequentialist and virtue ethics discourses supporting the norm of humanitarian security in the discourse on the war in Bosnia were also apparent and acted as drivers for the inclusion of clauses 2 b iii and e iii in the Rome Statute. While most of the war crime section was taken directly from the Hague and Geneva Conventions, clauses 2 b iii and e iii were added because of recent attacks against humanitarian personnel. An observer at the Rome Conference specified that negotiators were concerned that choking off the delivery of humanitarian assistance, through attacking humanitarian personnel, could contribute to atrocities amounting to war crimes or crimes against humanity. Efforts to include clauses on the protection of humanitarian personnel were thus prompted by their role as "means of delivery" of humanitarian assistance.[251] The Spanish delegate, Mr. García Labajo, also captured this logic by describing how these clauses aimed to expand "the protection of protectors" (UN 1998).

In view of existing IHL documents' bearing on the Rome Statute, notably evidenced by the numerous references to the Geneva Conventions and Additional Protocols, Reporters Beyond Borders' failed attempt to have an clause pertaining to journalists included in the Statute, may be seen as simply reflecting the state of IHL (ICC 1998). While the protection of personnel involved in humanitarian assistance constitutes the corollary to a right recognized in IHL – the right to assistance – the protection of journalists or media professionals does not rest on nor is linked to another recognized right or prohibition set in the Geneva Conventions and Additional Protocols (e.g. access to information) but is provided under the general protection of civilians under IHL, as long and for such time as they do not directly participate in hostilities.[252]

Law Professor and Canadian delegate at the Rome Conference Darryl Robinson expressed how the inclusion of clauses 2 b iii and e iii was not only spurred by this concern for humanitarian delivery but also by the identity of these actors. He explained the inclusion of these clauses on two grounds.

[251] Interview with John Washburn, Convener, American Non- Governmental Organizations Coalition for the International Criminal Court, Phone, 2012.
[252] Interview with humanitarian expert, Geneva, 2012.

> First, because attacks against individual humanitarian workers are aimed at the broader group to which they belong (i.e. humanitarian organization; UN) and serve to force those groups out of the area, thus making the situation worse for civilian populations.[253] So, attacking humanitarian workers may have magnified negative effects for the civilian population. Second, because humanitarian workers are volunteers. They go to conflict zones to help people, and in so doing put themselves in harm's way. This makes it particularly reprehensible to attack them.[254]

Furthermore, the importance of a virtue ethics discourse in the inclusion of clauses 2 b iii and e iii is evident in the frequent qualification of attacks against humanitarian workers as particularly reprehensible without connecting them to their impact on civilian populations. This has the effect of presenting these attacks as grave in and of themselves and not only in relation to their consequences.

## 3.9. Conclusion

This chapter shows how a norm prohibiting the violation of humanitarian workers' security emerged on the international stage after the end of the Cold War. Instrumental to the development of this international norm was the international community's commitment to the norm of humanitarian assistance. This commitment resulted from decades of normative and legal evolution and from states using humanitarian action as substitute for political action. Analyzing the war in Bosnia and Herzegovina and the Rome Statute reveals how this grafting of the norm of humanitarian security to the norm of humanitarian assistance led to the expressions of violations of humanitarian workers' security through a consequentialist discourse. Also, the importance of the norm of humanitarian assistance for development of the norm of humanitarian security led to the meaning of humanitarian work to be increasingly associated with the delivery of assistance and to humanitarian workers to be perceived as a *category* of actors valued for their *role*. On the margins of this mainstream consequentialist discourse in supporting the norm of humanitarian security, a virtue ethics discourse also emerged. It conveyed that violations of the norm were wrong in and of themselves through references to esteemed identity features of humanitarian workers. The weight and importance of each discourse is not static. As the next chapter will show, the balance changed in the post-2001 period

[253] Other authors have identified and discussed this "strategic" targeting of humanitarian workers. For instance, see Majekodunmi 2002, 141-142.
[254] Interview with the author, Skype, 2012.

with the virtue ethics discourse becoming the primary driver behind and means of expressing commitment to the norm of humanitarian security.

## Chapter 4: The humanitarian worker as inviolate actor in the post 9/11 world

> "[Security for U.N. staff] . . . is not only the first consideration—it is the first priority, the second priority and the third priority"
> - Ashraf Qazi, Special Representative of the Secretary-General in Iraq (quoted in Hansen 2007, 49)

Far from sounding the death knell of the norm of humanitarian security, the period of the so-called "War on Terror" saw a redoubling of attention to the security of humanitarian workers.[255] Commitment to the norm, as in the 1990s, was expressed in legal documents and led humanitarian organizations to dedicate increasing attention to the security of their staff. It also appeared in new locales: the security of humanitarian workers notably became a field of research and the object of an increasing number of public commemorations.

This heightened attention to the security of humanitarian workers is consistent with the upward number of security incidents documented between 2001 and 2012. For instance, Insecurity Insight reports 71 deaths between 2001 and 2005, and 4557 between 2006 and 2010 (Wille and Fast 2013b, 4). It also records a five-fold increase in injuries between 2001 and 2011 (Wille and Fast 2013a, 1). Although using a different methodology and database, the Aid Worker Security Database also records a trend of absolute increase in security incidents. Between 2001 and 2012, it documents a five-fold increase in security incidents, from 29 to 167, and a three-fold increase in victims, from 90 to 272 (Humanitarian Outcomes 2013).[256]

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[255] The "War on Terror" refers to the period following the terrorist attacks on the World Trade Center and the Pentagon on September 11, 2001. In reaction to these attacks, the US government declared "war on terror" and launched interventions in Afghanistan and Iraq. In addition to the prolific academic literature examining the many dimensions of this issue (e.g. domestic, international, its impact and implications), Anup Shah provides a comprehensive and clear overview of this period (2013. "War on Terror." Global Issues (http://www.globalissues.org/issue/245/war-on-terror). Using the term does not imply that I agree with the appropriateness of the expression.

[256] While these numbers are undoubtedly dramatic and pain a grim state of affairs, a security expert claimed: "what strikes a lot of people is not that there are these incidents. The surprising thing is that there are not *more* incidents. When you see the stuff that is going on, organizations that are not prepared and the way they are acting, it is astonishing that there are not more. [I am referring to] simple stupidity, inappropriate behavior, unpreparedness, people are wide open to many incidents but they don't occur because of chance, luck, etc. There could be a lot more. There should be a lot more. We are getting away with murder. We are sending people straight from grad school to an environment that is totally alien to them and often, we ask them to start social engineering, which is what advocacy is about, without any sort

Yet, the post-2001 period did not only see growing attention to the norm of humanitarian security – which could be attributed to the upward trend in security incidents – but also changes in the norm's meaning and strength. While in the 1990s security incidents were mainly presented as problematic owing to their impact on the delivery of humanitarian assistance, by the 2000s they came to be portrayed as reprehensible in themselves. Not only do programmatic impacts feature less prominently in reactions to violations but violations of the norm are increasingly presented through the prism of personal tragedy. Between the 1990s and 2000s, reactions to security incidents increasingly include mentions of victims by name and provide biographical information and statements by friends and families. Security incidents are thus portrayed as an assault on a treasured individual rather than on an instrument for the delivery of humanitarian assistance. This focus on victimized humanitarian workers further casts the norm violation as reprehensible in itself.

This development is significant because it signals a strengthening of the norm of humanitarian security. The norm has become self-supporting instead of dependent on the norm of humanitarian assistance (i.e. it does not require its violations to have dramatic programmatic effects to be cast as reprehensible). While the core of the norm remains constant – humanitarian workers' security should not be violated – the evolution of reactions to its violation indicates a change in the substance of the norm. First, the portrayal of humanitarian workers changed from anonymous means of delivery to "knowable" and valuable individuals. Second, the role played by security evolved from being consequentially important to being prized in itself. Third, the gradual disappearance of the consequentialist discourse from the discourse on the norm of humanitarian security and its replacement by a virtue ethics discourse constitutes a remarkable development because it runs counter to the mainstream humanitarian discourse.

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of preparation except theoretical, and we expect these things just to roll. It is astonishing that people are getting away with that. There should be more violent resistance, especially because many of these people are very arrogant."(Interview with the author, Geneva, 2012)

Up until the mid-1990s, the humanitarian sphere was shaped by deontological ethics, where "humanitarian acts are simply good in and of themselves no matter what the consequences" (Weiss 2013, 88). The experience of Rwanda, discussed previously, spurred a change of paradigm (Terry 2002, 15-16, 51). Through highlighting the costs and unintended consequences of humanitarian action, this situation called for humanitarian actions to be fully assessed and designed so as to do more good than harm.[257] Claims of ethical humanitarian action could no longer be solely based on principles and ideals. Terry writes: "Humanitarian action no longer represents the ultimate expression of deontological reasoning, but incurs consequences that, whether intended or not, can undermine the very logic on which such action is based." (2002, 217) Weiss explains this paradigm change by writing: "Instead of the moral absolutes that many humanitarians espouse as part of their worldview, situational ethics are now required, what the late pioneer of forced migration studies Myron Wiener called "instrumental humanitarianism."" (2003, 88) The different discursive trajectories of the norm of humanitarian security and humanitarian action are worth highlighting because they underline how the humanitarian sphere is not monolithic. Also, they draw attention to the displacement of concern about consequences – from the norm of humanitarian security to the mainstream humanitarian narrative.

I start this chapter by presenting the numerous ways in which concern for the security of humanitarian workers was expressed during the 2001-2012 period. Second, I examine one defining moment: the bombing of the Canal Hotel in Baghdad in 2003 and World Humanitarian Day. I analyze these two occasions as one because World Humanitarian Day directly resulted from the Canal Hotel and as such, its discourse constitutes an extension of the discourse on the Canal Hotel. Third, I analyze trends of news media reporting to show how the features identified in the discourse analysis of the Canal Hotel bombing were not unique to this incident. In the fourth and fifth sections, I provide an account of this change in the norm of humanitarian security. In particular, in the fourth section, I attend to the gradual disappearance of the norm of humanitarian assistance from

[257] A comprehensive presentation of the Rwandan case is presented in African Rights (1995). Anderson's *Do No Harm* is a must-read on this paradigm change (1999)

the discourse on the norm of humanitarian security. I argue that this development is a function of states' changing paradigm of engagement in humanitarian affairs. As discussed in Chapter 3, states provided humanitarian assistance as a substitute for decisive political action during the 1990s. In the 2000s, they increasingly incorporate humanitarian action as part of their political strategies. This paradigmatic change, often referred to as the growing politicization and militarization of humanitarian action, had the effect of gradually eclipsing the norm of humanitarian assistance. I attend to the growing attention to victimized humanitarian workers in the fifth section. I argue that in addition to the disappearance of the consequentialist discourse, which presented humanitarian workers as anonymous means of delivery, three developments contributed to present security incidents through the prism of personal tragedy: (1) the post-9/11 culture of commemoration and the narrative of the War on Terror; (2) developments in media and technology which made security incidents more sensory experiences; and (3) the increasing familiarity of publics with humanitarian workers as individuals deriving from their use of new media. I compare concern for the security of humanitarian workers with the security of media professionals in the sixth section. I provide a short conclusion in the seventh section.

## 4.1. Expressions of commitment to the norm of humanitarian security

Commitment to the norm of humanitarian security in the 2000s is visible in numerous locales. First, within the United Nations, the norm of humanitarian security was enshrined in numerous legal documents. Attacks against humanitarian personnel were condemned in an array of resolutions and decisions adopted by the organization's many organs.[258] The importance of this issue within the United Nations is well captured by OCHA's compilation of UN resolutions on humanitarian assistance, which devoted a whole section to documents pertaining to the security of humanitarian personnel (UN 2009). Also, in 2005, the General Assembly adopted an Optional Protocol to the UN Convention on the Safety of UN and Associated Personnel. It aimed at addressing some

[258] For instance, see UNGA 57/155(2002), UNGA 58/122 (2003), ECOSOC decision 50(2004), UNSC 1502(2003) and UNSC 1674 (2009).

limitations of the 1994 Convention. Specifically, it expanded the scope of operations falling under the scope of the Convention to include: "(a) delivering humanitarian, political or development assistance in peacebuilding, or (b) delivering emergency humanitarian assistance" (UN 2005; Arsanjani 2008). The Optional Protocol signalled a broadening of the scope of the norm – from personnel involved in assistance to a broader array of humanitarian actors. This expansive understanding of the norm was also conveyed in Security Council resolution 1502 (2003) on the "protection of UN personnel, associated personnel and *humanitarian personnel* in conflict zones" (emphasis added).[259] Moreover, the UN commitment to the security of humanitarian personnel was not limited to legal commitments and declarations but also involved the undertaking of practical steps. Notably, the Department of Safety and Security (DSS) was established in 2005. It aimed to improve the coherence and effectiveness of the United Nation's security system:

> [by merging] the security management component of the Office of the United Nations Security Coordinator (UNSECOORD), the Security and Safety Services (SSS) at Headquarters and at Offices away from Headquarters, (including the regional commissions), and the civilian security component of the Department of Peacekeeping Operations (DPKO) into a single security management framework (UNDSS n.d.).

The United Nations also adopted a new Security Level System (SLS) in 2011 to identify levels of threat and danger in areas of operation (UN n.d.c; WFP n.d.).[260]

Second, organizations outside of the UN family also became increasingly aware of and involved in attending to the security needs of their staff. Security issues came to be increasingly part of everyday humanitarian organizations' reflection, operational decision-making and actions. Fontaine captures this situation well:

> There is […] a great deal of reflection on the dangers currently faced and the way to protect from them. The most obvious manifestation of that is a flurry of consultations producing new ideas and proposals on security and safety, but there are questions as to the prospects for their effective implementation, if only because of the potential costs involved. Nevertheless, much is being done on the organizational and staff levels to factor the security dimension into decisions and action on a more systematic basis. The issue of capacity and resources for security has acquired greater salience in the planning and funding of humanitarian action. There is also need for more discipline, more coordination, and a greater sense of responsibility for their own safety on the part of humanitarian organizations. (2004, 190)

[259] The UN press release on that resolution confirmed this broader understanding. Its title reads: "Security Council expresses strong condemnation of violence against humanitarian workers, call for action to ensure their safety"(UN 2003c).
[260] For a clear presentation of the United Nations' security approach, see Fontaine 2004, 181-184.

However, significant variations still characterize the degree to which organizations have developed expertise and acted on the security of their staff, with not only "mom and pop" organizations but also well-funded international organizations lagging behind in terms of investment in security systems.[261] A growing number of humanitarian organizations also started institutionalizing data gathering on security incidents involving their staff.[262] Moreover, security concerns led to the creation of numerous interagency initiatives. For instance, NGOs operating in Afghanistan established the Afghanistan NGO Safety Office (ANSO) in 2002 to provide up-to-date data and analysis on the security environment. This initiative led to the creation of the International NGO Safety Organization (INSO) in 2011 to host ANSO and establish similar platforms in other challenging operating environments (INSO n.d.). Humanitarian workers' security concerns also prompted organizations to devise new strategies and operating procedures. For instance, MSF in Nigeria started issuing cards to staff which say "does not pay ransom" in a variety of languages with the aim of dissuading potential kidnappers. Also, the WFP in Darfur started relying on more warehouses to store its food shipments to limit the impact of localized violence and insecurity. It also equipped its vehicles with GPS to track in real time the position of its staff (WFP 2009, 14-18).

Third, the security of humanitarian workers became a quickly evolving field of study and research.[263] Two databases documenting security incidents – the Aid Worker Security Database and Insecurity Insight – were established. They provided the first overall pictures of trends of security incidents, thus making it possible to move away from

[261] "Francophone" organizations have been identified as particularly in arrears with regards to security expertise. Variation is also noticeable between the national branches of international NGOs. For instance, while MSF Holland and Belgium have developed a security expertise and system, MSF Switzerland only started investing in security in early 2012. Other MSF national branches have still not developed this expertise (Interview with security expert, Geneva, 2012).

[262] The first NGO to institutionalize data gathering was CARE, following the killing of Margaret Hassan in 2004 (Interview with humanitarian expert Christina Wille, Geneva, 2012). This situation points to the impact of experience of security incidents on humanitarian organizations' involvement in security.

[263] This recent focus on the security of humanitarian workers is visible in the academic and policy literature which principally refer to events that occurred in the 1990s. For instance, in her work on United Nations personnel, Bertini reported that 198 UN civilian employees died from violence, terrorism and aircraft accidents between 1992 and 2000. She also recounted that between 1994 and 2001, 59 incidents of kidnapping and hostage taking took place and affected 228 UN employees (Bertini 2002, 64). Capeling-Alakija's study of UN volunteers also only refers to incidents that occurred after the end of the Cold War (Capeling-Alakija 2002, 149-155).

organization and conflict-specific narratives. For instance, they documented a change in the identity of victims of security incidents over time with national staff now accounting for 70 percent of fatalities, in comparison to 20 percent in the 1990s (Wille and Fast 2013c, 3).[264] Analyses based on these databases also showed the geographical location of security incidents and revealed how 72% of incidents that took place in 2011 occurred in five countries: Afghanistan, Somalia, South Sudan, Pakistan and Sudan (Stoddard et al. 2012, 3).[265] Academics also started paying increasing attention to the security of humanitarian workers and produced much-needed studies illuminating humanitarian workers' victimization (Fast 2007; Fast 2010; Narang and Stanton 2013).[266] In addition to these independent studies, humanitarian organizations commissioned research on the security of humanitarian workers.[267] Despite this dynamism and quickly expanding field of study, a comprehensive picture of the security of humanitarian workers is still wanting. Wille and Fast argue that this would require attending to and tracing the interplay of four elements: an organization's presence and vulnerability and the perpetrator's capability and intention (Wille and Fast 2013b, 8).[268] Resources have not yet been devoted to this

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[264] Wille and Fast identify four reasons that could account for this increasing number of incidents involving national staff: "First, international providers strive to deliver programmes in a culturally sensitive way and seek acceptance in local communities, which often involves hiring national staff members. Increased security awareness and agencies' reluctance to expose international staff to high-risk environments could also be driving this development. Third, donor demands to limit expenditures may partly explain this trend. This factor might help to explain why the trend is more marked among UN agencies than INGOs, where the greater disparities between international and local salaries allow for even greater savings by employing national staff. Finally, the higher exposure of national staff to insecurity could also reflect the types of jobs they hold within organizations. Those working in security management generally recognize the increased risks for guards and drivers, which are directly related to their work." (Wille and Fast 2013b, 23)

[265] As for the location of security incidents within countries, the majority took place in rural settings although the proportion of incidents in urban areas increased over time (Wille and Fast 2013a, 5).

[266] Numerous reasons have been put forward to explain this disquieting trend of increasing number of security incidents. An oft-mentioned cause is the increasing presence of humanitarian workers in highly violent settings and during periods of active fighting (UN 2003b, 18-19; Stoddard et al. 2012, 2; Wille and Fast 2013a, 4). The increasing use of explosive weapons in urban areas also contributed to the rising number of fatalities for humanitarian workers (Wille and Fast 2013a, 5). Security incidents have also been attributed to humanitarian workers' conduct. For instance, the former head of the ICRC in Baghdad noted "More often than not, the security incidents suffered by aid agencies are due to foolish mistakes by ill-prepared individuals, and to faulty appraisals of local conditions" (quoted in Brassard-Boudreau and Hubert 2010).

[267] For example, see this report commissioned by OCHA: King, Dennis. 2002. "Paying the Ultimate Price: Analysis of the Deaths of Humanitarian Aid Workers 1997-2001." *OCHA*. Accessed August 12, 2013. http://reliefweb.int/report/world/paying-ultimate-price-analysis-deaths-humanitarian-aid-workers-1997-2001

[268] Also, a security expert argues that to have a comprehensive picture of the evolution of security incidents, we need to distinguish between security and safety incidents, as well as between expatriate and national staff. It also requires attending to incidents affecting the Red Cross Movement (Red Pillar), UN

enterprise. The 2001-2012 period also saw the emergence of humanitarian-focused think tanks.[269] In addition to producing research, these think tanks provided advisory services to humanitarian organizations and contributed to raise awareness about the security of humanitarian workers. Research on humanitarian action also conveyed a strong commitment to the norm of humanitarian security. Most publications and reports contain a section on the security of humanitarian workers (e.g. Hansen 2007; WFP 2009; Beneli et al. 2012).

Fourth, commitment to the norm of humanitarian security is highlighted and conveyed in numerous tributes to humanitarian workers' sacrifice. For instance, Canadians taking a stroll in Rideau Falls Park may come across *Reflection*, the monument honouring the work and sacrifice of humanitarian workers. Reaching a broader audience, World Humanitarian Day is celebrated every year since 2008 on August 19, the day of the attack on the Canal Hotel in Baghdad that claimed 22 lives. It "honours those, who have lost their lives in humanitarian service and those, who continue to bring assistance and relief to millions" (UN n.d.d.). Since its creation, World Humanitarian Day has become a highly publicized event, with the 2012 edition including the participation of numerous celebrities such as Anderson Cooper and Beyoncé. Commitment to the security of humanitarian workers is also evidenced in the creation of prizes honouring humanitarian workers. For instance, the Robert Burns Humanitarian Award was created in 2002 and draws attention to the security of humanitarian workers. Karen Graham was granted the award in 2012 for "risking her life to treat patients"[270] and three out of the twelve award recipients were killed humanitarian workers.[271]

Fifth, concern for the security of humanitarian workers was also captured by the business community, which started designing and marketing goods specifically for humanitarian workers. For instance, in the Spring 2013, PFO technologies developed a "smart

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humanitarian agencies (Blue Pillar) and NGOs (NGO pillar) as well as states and military actors undertaking so-called humanitarian activities (Interview with the author, Geneva, 2012)

[269] One such organization is Security Management Initiative, created in 2004.

[270] For example, see 2012. "Robert Burns award for nurse Karen Graham's Lybia work." *BBC*, January 28.

[271] For a list of the Robert Burns Humanitarian Award's recipients, see http://www.south-ayrshire.gov.uk/burnsaward/humanitarians.aspx.

bracelet" for humanitarian workers allowing the owner to send distress signals (PFO Technologies 2013). This aims to prevent the kidnapping of humanitarian workers (BBC News April 9, 2013). Concealable body armour allowing humanitarian workers increased protection without appearing confrontational have also been developed specifically for humanitarian workers (PPSS 2012).

## 4.2. The Canal Hotel bombing and World Humanitarian Day

The bombing of the Canal Hotel in Baghdad on August 19th 2003 constitutes a defining moment with regard to the norm of humanitarian security in the post-2001 years. The attack on the UN headquarters resulted in the death of 22 individuals and injuries to over 150 persons (UN 2003b, 13). This incident was the first major security incident involving humanitarian workers of the War on Terror; it claimed more lives than the total combined number of casualties in Afghanistan in 2001 and 2002. Also, this event alone killed as many individuals as the total of humanitarian workers killed in Afghanistan in 2003 (Humanitarian Outcomes 2012). The attack on the Canal Hotel was a turning point owing to the number of casualties and constituted a "cathartic event for this organization and its staff" (Loescher 2003). Marwan Ali, who was a political officer for the UN mission at the time of the bombing, termed the incident "[t]he 9/11 of the UN" and argued that it "changed the whole security position" (Dunlop 2013). Under-Secretary-General for humanitarian affairs Jan Egeland's reaction to the incident was similar. He wrote: "At that moment I realized that everything has changed. The UN and its mission, its work, and its environment will not be the same again. The age of innocence has gone" (2008, 8). It also signalled the start of a new era in which the "blue flag of the U.N. is no longer the shield of protection it used to be" (Neuhaus 2010).[272] The Canal Hotel bombing also led to much reflection within the United Nations system. The Secretary General called for an Independent Panel to investigate the event and proposed, in 2004, a new security

[272] UN Human Rights officer Craig Mokhiber similarly explains: "I spent two years working in the Gaza Strip and I walked around freely, I enjoyed myself, my protection was from the host society that accepted and embraced the United Nations […]. And, we thought [we were] protected by the blue flag, protected by the reputation of the UN, that was essentially a neutral entity providing humanitarian assistance, development co-operation. […] I think in Baghdad on that day we began to change our thinking."(quoted in Foulkes, Imogen. 2013. "How Baghdad attack put UN aid missions at risk." *BBC*, August 17.)

management system to improve the security of staff (UN 2003b; Hoffman and Weiss 2006, 174).[273] The adoption of August 19th, the day of the Canal Hotel bombing, to celebrate World Humanitarian Day (WHD) also speaks to the significance of this incident in the field of humanitarian security (UN n.d.d.).[274]

The Canal Hotel's discourse on the norm of humanitarian security displays three main features. First, the violation of the norm of humanitarian security was widely presented as reprehensible in itself and rarely owing to its impact on the United Nations' work. The absence of a consequentialist discourse is particularly remarkable considering that the attack led to a significant downsizing of UN activities and staff in Iraq. Most personnel were removed from Iraq and activities in the country were monitored from Amman (Jordan) and Larnaca (Cyprus) (Fontaine 2004, 183). Yet, the attack on the Canal Hotel was portrayed as problematic in itself through strong condemnations devoid of mention of programmatic impacts. For instance, in a statement made the day of the bombing, Secretary-General Kofi Annan said: "Nothing can excuse this act of unprovoked and murderous violence against men and women who went to Iraq for one purpose only: to help the Iraqi people recover their independence and sovereignty, and to rebuild their country as fast as possible, under leaders of their own choosing" (UN 2003d). The Canal Hotel bombing was also qualified as "criminal attack" by German Chancellor Schroeder, "odious" by French President Jacques Chirac, "outrageous, unjustified" by British Foreign Secretary Jack Straw, "a terrible tragedy" by New Zealand Prime Minister Helen Clark and a "terrorist criminal attack" by the members of the Security Council (CBS News 2009; CNN 2003).

The consequentialist discourse's limited traction was also conveyed by the presentation of the security of humanitarian workers as an aim in itself. This conception was well articulated by Ashraf Qazi, who became Special Representative of the Secretary-General

[273] The Report of the Independent Panel on the Safety and Security of UN Personnel in Iraq provides a clear picture of the Canal Hotel bombing, flaws in the security systems and areas in need of improvements (UN 2003b).

[274] It also speaks to the constructed nature of the narrative of this event as the Canal Hotel did not house an independent, impartial and neutral organization. The United Nations' presence in Iraq was based on Security Council resolution 986 (1995) establishing the "oil for food" program and resolution 1483 (2003) granting assistance and reconstruction responsibilities to the organization (UN 2003b, 9; UNSC 2003a).

(SRSG) in Iraq following the attack: "[Security for U.N. staff] . . . is not only the first consideration—it is the first priority, the second priority and the third priority" (quoted in Hansen 2007, 49). Such statement does not only indicate a sea change from the conception of humanitarian workers as means of delivery of humanitarian assistance but also a disconnect with the organization's operational objectives, which should constitute the criterion against which the security of staff is balanced (UN 2003b, 20). The UN staff association insisting on a zero-risk environment also speaks to this detached focus on security (Hansen 2007, 31-32).[275] The nature of the UN report on the incident – singling out people for punishment for a failure of the system to interpret early warning signs – heightened and reinforced risk aversion within the organization. Reflecting on this process, Under-Secretary-General for humanitarian affairs Jan Egeland wrote: "A bad process leads to individual colleagues paying the price. The system must learn from this. However, now we see managers so afraid of not being careful enough that they retreat into risk aversion in conflict situations where you cannot assist and protect civilians without some degree of risk." (2008, 30) The degree of focus and attention to staff security became such after the Canal Hotel bombing that some observers, such as former Canadian ambassador to the United Nations David Malone, wrote pieces criticizing this emphasis. In the Daily Star on 22 September 2004, Malone wrote

> A dangerous outgrowth of the bombing of the UN headquarters in Baghdad on August 19, 2003 […] has arguably been an overreaction among UN staff that has risked paralyzing the organization's capacity to respond meaningfully to some of Iraq's needs. […] UN staff, many of them highly dedicated and professional, most prepared to take personal risks in the service of their ideals, needs to get a grip. We don't need the UN in Denmark or Canada. We need UN staff to deploy in notoriously difficult and often unsafe environments […].

Second, the violation of the norm of humanitarian security was also presented as appalling owing to "positive" personal traits attributed to humanitarian workers. Characteristics of innocence, altruism and courage pervaded the discourse on the norm of humanitarian security. For instance, on the day of the bombing, Malloch Brown, administrator of the UNDP, declared: "We do this out of vocation. We are apolitical. We were there to help the people of Iraq and help them return to self-government. Why us?"

[275] It is worth noting that not all UN staff were reluctant to work in challenging environments. Rather, Egeland reported that many UN staff exiled in Amman following the attack were eager to go back to "finish the important humanitarian and developmental programs of the UN in Iraq" (Egeland 2008, 16).

(quoted in Anderson 2007, 52). Similarly, in an article evocatively entitled "Samaritans in the line of fire," the EU Commissioner for International Cooperation, Humanitarian Aid and Crisis Response, Kristalina Georgieva, wrote: "It is unacceptable that [humanitarian workers] are subject to harassment, abduction or even murder while serving humanity" (Georgieva 2012a). At the occasion of the 2009 World Humanitarian Day, UN High Commissioner for Human Rights, Navi Pillay made this statement: "Killing those who are trying to help others is a particularly despicable crime, and one which all governments should join forces to prevent, and, when prevention fails, to punish."[276] Secretary-General Ban Ki-Moon's message for WHD 2011 conveys an analogous picture of humanitarian workers:

> These humanitarians often brave great danger, far from home. They work long hours, in the most difficult conditions. Their efforts save lives in conflict and natural disaster. They also draw the world closer together by reminding us that we are one family, sharing the same dreams for a peaceful planet, where all people can live in safety, and with dignity. On World Humanitarian Day, we honour these aid workers and thank them for their dedication. (UN n.d.d.)[277]

Additionally, through hosting the 2012 edition of WHD, journalist Anderson Cooper frequently referred to humanitarian workers as "heroes" (WHD 2012). Beyoncé also explained her desire to be involved with WHD upon "[finding] that people lost their lives helping people" (OCHA Films 2012).[278] Commenting on the effect of such portrayal of humanitarian workers, a humanitarian expert noted: "This explains this degree of concern because what is sold to the public, parliament and donors is that these people go out there to do good and help their fellow man. Therefore, they should be respected and admired, like the Dalai Lama and the Pope. They do not see it as a profession."[279]

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[276] 2009. "Aid work 'more dangerous', UN says." *Al Jazeera*, August 19.

[277] Humanitarian workers were portrayed in a similar fashion in other editions of World Humanitarian Day. For instance, the 2009 Secretary-General's message reads: "This is also a day on which we pay tribute to the legions of heroic humanitarian personnel. These men and women come from many backgrounds. But they share a conviction that one person's suffering is everyone's responsibility." The 2012's message reads: "The spirit of solidarity that animates these courageous efforts drives our commemoration of World Humanitarian Day. I have seen that spirit in my travels around the world, as I meet with relief workers who leave the comforts of their own homes to aid others in need" (UN n.d.d.)

[278] Also, during his visit to Iraq following the Canal Hotel bombing, Under-Secretary-General for humanitarian affairs Jan Egeland lamented that having the outer security perimeters of the UN compound in Ergil protected by American soldiers and Iraq soldiers would have the effect of UN workers not being seen as "*impartial do-gooders*" (2008, 25; emphasis added)

[279] Interview with the author, Geneva, 2012.

Third, the discourse on the norm of humanitarian security individualized and personalized victimized humanitarian workers. Most of the reports on the bombing of the Canal Hotel highlighted the reprehensible nature of the attack by deploring the death of Sergio Vieira de Mello, the Special Representative of the Secretary-General in Baghdad. He became the human face of the attack and generally the only casualty mentioned by name. For instance, in a December 28 2003 article in the *New York Times Magazine* evocatively entitled "The Lives They Lived: Collateral Damage," Rieff summarized the attack by writing that the detonation of 500 pounds of explosives "kill[ed] Vieira de Mello and 21 others." Similarly, the background page of WHD reads: "19 August is the date on which a brutal terrorist attack on UN headquarters in Baghdad in 2003 killed 22 people, including UN envoy Sergio Vieira de Mello" (UN n.d.d.). De Mello's death was also put center stage in a number of reports and articles, such as the following by EU Commissioner for International Cooperation, Humanitarian Aid and Crisis Response, Kristalina Georgieva: "Today is World Humanitarian Day. It marks the anniversary of the day on which Sérgio Vieira de Mello, the special representative of the secretary-general to Iraq, and 21 colleagues were killed by a massive car-bomb attack on the UN headquarters in Baghdad" (Georgieva 2012a). Focus on Vieira de Mello is also present in the academic literature (e.g. Fontaine 2004, 182; Walker and Maxwell 2009, 75). Annan's now famous phrase "I had only one Sergio" also captures this attention to Vieira de Mello.[280] Also, most articles on the Canal Hotel bombing and World Humanitarian Day included brief biographies of de Mello, list of his accomplishments and mention of his altruism, selflessness, courage and dedication.[281] The participation of de Mello's son in the 2012 edition of WHD also speaks to de Mello as a symbol of the insecurity of humanitarian workers. Samantha Power's biography of de Mello entitled "Chasing the Flame: Sergio Vieira de Mello and the Fight to Save the World" express Vieira de

[280] This widely reprinted quote notably appears in Rieff, David. 2003. "The Lives They Lived; Collateral Damage." *The New York Times*, December 28.

[281] For instance, see 2003. "Blast demolishes UN office in Baghdad." *China Daily*, August 20; 2003. "U.N. attack branded 'ruthless'." *CNN*, August 19; 2003. "The Iraqi bombs: Why the United Nations is vulnerable." *The Economist*, August 21; Wilson, Jamie and Julia Borger. 2003. "Iraq: the agony goes on." *The Guardian*, August 20; Boustany, Nora. 2005. "For Marine Turned U.N. Official, It's Still Destination Disaster." *Washington Post*, January 21; 2009. "Baghdad Bomb Crude but Deadly." *CBS*, June 13; Mendelson Forman. 2009. "The Baghdad bomb, the United Nations, and America." *Open Democracy*, August 20.

Mello's particular value. The personal loss incurred by the Canal Hotel bombing is also captured by Greg Barker's documentary entitled "Sergio." Through aggressive focussing on de Mello as a victim of this tragedy, the norm's violation is further cast as reprehensible in itself. In sum, the discourse of the Canal Hotel bombing highlights how a virtue ethics discourse individualizing, personalizing and emphasizing the positive features of victimized humanitarian workers came to replace the post-Cold War consequentialist discourse in supporting the norm of humanitarian security.

### 4.3. Trends in news reporting on violations of the norm of humanitarian security

To highlight how expressions of the norm of humanitarian security through a virtue ethics discourse were not specific to the Canal Hotel bombing, I examined the norm's treatment in the news media. Using the LexisNexis Academic Database, I analyzed a representative sample of articles from major news publications containing the terms "aid worker" and "attack." I used the term "attack" to more specific words such as "kill" or "death" as it can capture a variety of security incidents ranging from kidnapping to sexual violence. I categorized articles using three categories: (1) "non-related" (NR) for articles not reporting on a security incident involving humanitarian workers; (2) "anonymous" (A) for articles only mentioning the occurrence of security incidents but without disclosing details on the identity of the victim; and (3) "individual" (I) for articles providing details on the identity of the aid worker who was the victim of a security incident. I also specified whether articles classified as "individual" provided "basic information" – name, occupation and organization – or a "personal story" – background, biography or statements by family and friends. I carried out this analysis over two periods: from January 1st 1990 to September 10th 2001 to capture the post-Cold War years and from September 11th 2001 to December 31st 2012 to capture the period of the War on Terror.[282] Table 3 below captures the result of this analysis.

[282] Using once more Bartlett, Kotrlik and Higgins' article on sample size, I randomly selected a sample of article allowing me to have a t=196 (2001, 48). From the 776 articles published between January 1st 1990 and September 10th 2001 including the terms "aid worker" and "attack," I selected a sample of 260. The period between September 11th 2001 and December 31st 2012 displayed 678 articles, from which I selected 249.

**Table 3: News Media Analysis – Security Incidents**

| **Categories** | **Articles published between January 1st 1990 and September 10th 2001** | **Articles published between September 11th 2001 and December 31st 2012** |
|---|---|---|
| Non-Related | 158 articles; 60.8% | 107 articles; 43% |
| Anonymous | 43 articles; 16.5% | 59 articles; 23.7% |
| Individual – Basic info | 30 articles; 11.5% | 38 articles; 15.3% |
| Individual – Personal story | 18 articles; 6.9% | 45 articles; 18% |

This brief exercise reveals an increase in individualized reports of security incidents from 18.4% to 33.3% between the two periods. Also, personal narratives came to feature more prominently in articles reporting on a norm violation – with an almost threefold increase between the two periods. The presence of this trend of individualized reporting in the media indicates that the features of the discourse of the Canal Hotel were not unique to this incident. Also, this overall increase in individualized reports of security incidents is remarkable considering that kidnapping had become the most prevalent means of victimization for humanitarian workers and one which is often dealt with in conditions of anonymity (Stoddard et al. 2012, 2). Moreover, of the 107 articles not reporting on security incidents published between 2001 and 2012, 20 mentioned the insecurity of humanitarian workers while 10 referred to specific incidents and mentioned the name of a humanitarian worker casualty. The majority of these 30 articles discussed the general insecurity in the country of operation and mentioned humanitarian workers as an illustration of the dangerousness of the environment. I classified these articles as "non-related" because security incidents or general insecurity were mentioned as an afterthought or as demonstrative, and as such do not fully capture how violations of the norm of humanitarian security are expressed. Yet, the fact that over a quarter of the articles not reporting on security incidents nevertheless referred to humanitarian workers'

vulnerability indicates how this became an oft-discussed issue and with which newspapers readers have become increasingly familiar. While useful to identify broad discursive trends, this brief exercise only partially captures the gradual evolution in the treatment of violations of the norm of humanitarian security.

To further substantiate this change in framing, I analyze the media coverage of a small number of incidents in *The New York Times*.[283] I look at six incidents – three taking place in the 1990s and three in the 2000s. Incidents were selected on the basis of being "most similar cases" and capturing variation in terms of location, role of the victim in the organization (i.e. head of delegation v. employee) and nationality (i.e. national v. foreign staff). The selected instances of violations of the norm of humanitarian security are (1) the killing of Frédéric Maurice, head of the ICRC delegation in Bosnia in 1992; (2) the killing of Valerie Place, nurse working for the NGO Concern, in Somalia in 1993; (3) the killing of El Haj Ali Hammad, Sumain Samson Ohiri and Magboul Mamoun, employees of the WFP and the Sudanese Red Crescent Society, in Sudan in 1998; (4) the kidnapping of Margaret Hassan, head of CARE International, in Iraq in 2004; (5) the killing of Dr. Karen Woo in Afghanistan, working for the International Assistance Mission, in 2010; and (6) the killing of Joseph (family name withheld), a national MSF worker in South Sudan in 2013. Cases 1 and 4 are similar in that they involve heads of delegations and led to the withdrawal of their respective organizations from the environment. Cases 2 and 5 are analogous with regards to involving female medical staff working for an NGO and operating in a very dangerous environment for humanitarian workers (Humanitarian Outcomes 2013). Cases 3 and 6 both involve national staff in the same region and working for prominent humanitarian organizations.

This brief analysis reveals that security incidents involving humanitarian workers benefit from more and more personalized coverage in the 2000s than in the 1990s. Out of the

[283] *The New York Times* was selected because it has been ranked in first place in terms of web traffic and it widely covers world news (see 4imn 2013). This analysis was carried out using the ProQuest and Factiva databases and examined articles published up to one week following the incident. The only search criterion entered was the location of the incident. Given that humanitarian workers are referred to using a variety of labels (e.g. aid worker, relief worker), casting this wide net aimed at capturing all the potential articles reporting on the incident.

three incidents of the 1990s examined, only one was reported in *The New York Times*. The killing of ICRC delegate Frédéric Maurice was mentioned in three articles: one provided basic information (name and organization) and two did not mention Maurice's name (but rather referred to the death of an ICRC delegate). The deaths of Valerie Place in Somalia in 1993 and of El Haj Ali Hammad, Sumain Samson Ohiri and Magboul Mamoun in Sudan in 1998 were not reported in *The New York Times*. In comparison, the kidnapping of Hassan in 2004 generated seven articles, each providing individualized coverage. Three articles, including an abstract, provided a personal story, while four mentioned basic information. Interestingly, three out of these four articles providing only basic information were abstracts and summaries, which make their limited coverage not surprising. The killing of Woo in 2010 was covered in eight articles: three providing anonymous coverage and five providing a personal story. However, the three anonymous stories were abstracts and at least mentioned Woo's nationality. As Woo was killed alongside nine of her colleagues, the sheer number of victims from different nationalities may account for this anonymous presentation of the incident in *The New York Times* abstracts. Still, it remains important to note that the majority of articles provided a personal story. Finally, the killing of Joseph in South Sudan was not reported in *The New York Times.* This last case suggests a more limited coverage of security incidents affecting national humanitarian workers.

### 4.4. Paradigm shift: states' increasing harnessing humanitarian action

The gradual disappearance of the norm of humanitarian assistance from the discourse on the norm of humanitarian security is linked to changes in states' relationship with humanitarian action. While states extensively used humanitarian assistance as a substitute for political action in the 1990s, they increasingly treated and used humanitarian action as part of their political and strategic arsenal in the post-2001 years. A similar phenomenon took place within the United Nations, where humanitarian action became one of the dimensions of integrated missions. These changes have been much discussed in terms of the growing politicization and militarization of humanitarian aid. The policy and academic literature on humanitarianism have so far examined the effects of this paradigm

change in light of its impact on the purity and distinctiveness of the humanitarian enterprise and on the security of humanitarian workers (MSF 2004; Hansen 2007; Hansen 2008).[284] This change in states' engagement in humanitarian affairs is also worth attention because by eclipsing the norm of humanitarian assistance, these developments significantly affected the discourse on the norm of humanitarian security. I present these trends in the context of the conflicts in Iraq and Afghanistan because they are the environments in which the security incidents under study – Canal Hotel bombing and forthcoming illustrative cases of Hassan, Norgrove and Woo – took place. Still, as the trends of politicization and militarization of humanitarian action did not only occur in these two contexts, I provide examples and references to other environments for interested readers.

The politicization of humanitarian action usually refers to humanitarian organizations being used and viewed as instruments of states and is generally criticized because it is at odds with the humanitarian principles of independence, impartiality and neutrality (Hoffman and Weiss 2006, 7; Benelli et al. 2012, 27).[285] Although not new, this phenomenon is seen to have reached unprecedented scale in the post-2001 years (Donini 2004, 38; Ferris 2005, 323; Walker and Maxwell 2009, 72-73).[286] Building on Holsti's study of change, Hoffman and Weiss argue that the level and intensity of political overlay in humanitarian action in that period "is so quantitatively significant as to constitute a qualitative change. […] Politicization has just not seeped into humanitarianism; it has flooded it" (Hoffman and Weiss 2006, 144-145). The *nature* of the politicization also changed. Crudely put, while in the 1990s humanitarian action was used *in place of* state action, it became *part of* state action in the post-2001 period. Humanitarian action came

[284] For example, in reaction to the killing of four of its staff, MSF noted "the violence directed against humanitarian aid workers has come in a context in which the US-backed coaltion has consistently sought to use humanitarian aid to build support for its military and political ambitions." (quoted in Kenyon Lischer 2007, 105)

[285] In addition to this politicization visible in the behavior of organizations, which I develop in this section, Hoffman and Weiss also identify politicization operating at the systemic level. They write: "The politics or power structures at the global level that are reflected in humanitarian organizations denote systemic politicization. The system has largely been designed to address interstate war, and as a result it conforms to the interests of states." (2006, 20)

[286] Barnett (2011) and Barnett and Weiss (2011) studies of humanitarianism both historicize the phenomenon of politicization and show its presence since the foundation of the international humanitarian system.

to form a central part of the intervening coalitions' strategies in Afghanistan and Iraq. This type of politicization is well captured by Colin Powell's now famous address at the National Foreign Policy Conference for Leaders of Nongovernmental Organizations in October 2001: "I want you to know that I have made it clear to my staff here and to all of our ambassadors around the world that I am serious about making sure we have the best relationship with the *NGOs who are such a force multiplier for us, such an important part of our combat team*" (Powell 2001, emphasis added by the author).[287] Writing in the Boston Globe three weeks prior, Professor Graham Allison shared a similar perception of humanitarian action: "American policy makers must not think of the humanitarian campaign as an afterthought or charity work. It should be regarded as a genuine second front" (quoted in Minear 2002, 200). Andrew Natsios, USAID's Administrator, also clearly conveyed this perception of humanitarian action when saying to NGOs receiving US funding:

> If you even mention your own organization once when you're in the villages, I will tear up your contract and fire you…*You are an arm of the U.S. government right now*, because we need to show the people of Iraq an improvement in their standards of living in the next year or two. And I have to have it clearly associated with the U.S. government (quoted in Smillie and Minear 2004, 173, emphasis added).

The inclusion of USAID expenses in Iraq and Afghanistan as part of the costs of the Global War on Terror evidences this politicization of humanitarian action (Ferreiro 2012). The security of humanitarian workers is also presented as a component of these interventions. For instance, ISAF Commander General John Allen claimed that the rescue mission organized to save four Medair employees in Afghanistan in 2012 exemplified "our collective and unwavering commitment to defeat the Taliban" (McVeigh and Graham-Harrison 2012).[288]

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[287] Kenyon Lischer identify three types of interaction where humanitarian action may act as a force multiplier: "[i]n the first type of interaction, the miltiary engages in humantiarian activity as part of a strategic plan. In the seceond type, the reverse occurs – humanitarian organizations fulfill military or political goals for sponsoring governments. The third form of interaction – what I term the humanitarian placebo effect – results when governments deploy humanitarian organizations in lieu of political or military engagement." (2007, 100)

[288] The politicization of humanitarian action has also been much discussed with regard to the case of Somalia. For example, in 2007-2008, some actors such as the UN Secretary-General (SRSG) in Somalia, Ahmedou Ould-Abdallah, wanted humanitarian aid to be channelled through the Transitional Federal Government (TFG) as means to improve its legitimacy (Menkhaus 2010, 334). Also, in September 2009, fuelled by its concern with terrorism, the United States government withheld new food deliveries to Somalia subject to review on whether they were diverted to areas of the famine-ravaged country controlled by Al Shabaab, a group associated with Al Qaida (Gettleman 2009; Menkhaus 2010, 337). Hansen also

The growth of this type of politicization of humanitarian action led to a lesser rhetorical use of the norm of humanitarian assistance. While front and center during the 1990s, the norm of humanitarian assistance was progressively replaced by a broader and fuzzier humanitarian discourse. This is not surprising considering that, instead of presenting their involvement in terms of the provision of humanitarian assistance, states portrayed their motivations, interventions and a wide range of actions as "humanitarian." For example, "humanitarian" concerns formed the cornerstones of both proponents and opponents' arguments on the war in Iraq and on the continuing involvement in Afghanistan. These humanitarian concerns referred to the wars' impact on civilian populations and not specifically to the provision of humanitarian assistance (De Torrente 2004, 6-7; Hoffman and Weiss 2006, 158). States participating in the coalitions also often described their missions in explicitly humanitarian terms, with the effect of blurring the distinction between "hearts and minds" operations and genuine humanitarian operations (Hansen 2007, 8, 44).[289] Coalitions forces also often presented some actions, such as the provision of food aid and water, as being "humanitarian," although these are in fact duties incumbent on their status as occupying powers under IHL (Brauman 2004). The distinctiveness of the humanitarian domain and actors was further hindered by the use of

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documented the politicization and militarization of humanitarian action in Georgia. He writes: "The prevailing thrust toward coherence between political, military, and humanitarian agendas in the international humanitarian "system" is a recurring issue in the Georgia case. The response to the crisis of western donors were, by their own account, heavily politicized. Political authorities in the West were quick to mount militarized "humanitarian" responses to Georgia in August and September 2008 in spite of these not being needed on humanitarian grounds, lending credence to the notion that the implicit purpose was to lay a "humanitarian tripwire" to deter a further Russian advance into Georgia." (2009, 19) He further notes: "The research reveals that the aid response to a humanitarian crisis that was relatively limited in scale was far more political than humanitarian. In contrast to humanitarian crises elsewhere that were underfunded at the time of a February 2009 donor conference in Brussels, donor responses to a joint needs assessment for post-war Georgia, organized by the UN and World Bank, resulted in a remarkable US$1 billion over-subscription in pledges of scare donor resources. […] On 18 August the UN issued a Flash Appeal for US$ 59.6 million for needs outside of South Ossetia. Aid activities inside South Ossetia (or Abkhazia) did not figure on the appeal. USAID transitioned from a regionally-led operation to a Washington DC-led operation on 13 August The USAID-DART team deployed to Tbilisi on 15 August. On 3 September, the US government pledged $1 billion to support Georgia's humanitarian needs and economic recovery. The European Commission announced a pledge of €500 million on 15 September, covering a three-year period and including humanitarian, reconstruction, and economic assistance. Donor largesse was not extended to the secessionist areas, however." (2009, 20, 27)

[289] The "humanitarian" rhetoric pervading the discourse on Iraq prompted Kenneth Roth, excutive director of Human Rights Watch, to assess whether the intervention in Iraq qualified as a humanitarian intervention. He concluded that it did not meet the threshold test (stop ongoing or imminent mass slaughter) or the secondary tests (last resort; humanitarian purpose; compliance with IHL; improving lives of targeted populations; UN or IGO endorsement) (Roth 2006).

the same vocabulary by military, political and humanitarian actors. Reporting on a tactical discussion between a military and humanitarian actor prior to the Iraq war, David Kennedy noted, “it was often hard to tell just who was speaking” (2004, 271).

The provision of humanitarian assistance as a central response to crises also lost appeal within the United Nations. The limitations stemming from the sole provision of assistance in crises were remarked throughout the 1990s notably in the conflict in Bosnia and in the camps in the state formerly known as Zaire following the Rwandan genocide (Walker and Maxwell 2009, 70). These failures, combined with continuous calls for increased coherence between the organization’s multiple activities and agencies, led the United Nations to adopt a more holistic approach to intervention, which was realized in the concept of “integrated missions” (Weir 2006, 7-12). OCHA define these as: “an instrument with which the UN seeks to help countries in transition from war to lasting peace, or address a similarly complex situation that requires a system-wide UN response, through subsuming various actors and approaches within an overall political strategic crisis framework” (quoted in Weir 2006, 12). Thus, integrated missions are not instances of coordination by consensus, but of coordination by command. This had the effect of certain programs, such as humanitarian assistance, being pushed into a subordinate position (Hoffman and Weiss 2006, 123-124). The 2003 Handbook on United Nations Multidimensional Peacekeeping Operations made clear the subsidiary position of humanitarian action: “[i]t is critical to strategize, maximize the effectiveness of humanitarian assistance for beneficiaries and ensure that the UN humanitarian assistance *complements* UN efforts to resolve conflict” (UN 2003a, 159, emphasis added by the author). The politicization of humanitarian action in the context of integrated missions is notably acknowledged and discussed in the 2012 State of the World’s Refugees (UNHCR 2012). The United Missions in Afghanistan (UNAMA) and Iraq (UNAMI) constitute examples of such integrated missions (Olson 2006, 5).

The visibility of humanitarian assistance as a distinct sphere of action was also hindered by humanitarian action’s growing militarization. This refers to “the use of military resources in crises and that of humanitarian action to fulfill military objectives” (Hoffman

and Weiss 2006, 146). Akin to the trend of politicization, the scale and extent of militarization in the post-2001 period is such as to amount to a qualitative change. From militaries being deployed to ensure the security of humanitarian assistance and personnel in Somalia and Bosnia, militaries in Afghanistan and Iraq have been directly carrying out a variety of humanitarian tasks. Militaries not only provided humanitarian assistance as a strategy to win "hearts and minds" but also a way of getting information on insurgents. For instance, in southern Afghanistan in 2004, the coalition informed populations that the continuing delivery of aid would be conditional on their willingness to provide information on the Taliban, Al Qaeda and Gulbuddin Hekmatyar (MSF 2004). This strategy was crudely expressed by US Army Lieutenant Reid Finn as he delivered blankets to desperately poor Afghan villagers: "The more they help us find the bad guys, the more good stuff they get." (quoted in Kenyon Lischer 2007, 105) Confusion between military and humanitarian actors also arose from the proximity of coalition forces with humanitarian actors during food deliveries (Gordon 2004). This ambiguity was not incidental but rather intended. The provision of humanitarian aid was not only used to "win the hearts and minds" but also to increase the security of military personnel. Commenting on this situation, Pentagon officials are reported to have said: "If they see us giving aid they are less likely to shoot us" (quoted in Wortel 2009, 799). Extensive contact between humanitarian and military actors not only occurred once deployed but also took place on a weekly basis for more than six months prior to the start of the war in Iraq (De Torrente 2004, 10). The significance of the military's concern about humanitarian affairs is further evidenced by NATO's development of new concepts and doctrine such as the civil-military co-operation (CIMIC) coined in 2003 (Wortel 2009, 799).[290] The militarization of humanitarian action was also institutionalized in the Office of Reconstruction and Humanitarian Assistance (ORHA) within the Pentagon[291] and in the Provincial Reconstruction Teams (PRTs) in Afghanistan, which combined both

[290] NATO defines CIMIC as "[t]he co-ordination and co-operation, in support of the mission, between the NATO Commander and civil actors, including national population and local authorities, as well as international, national and non-governmental organisations and agencies." (quoted in Wortel 2009, 799).
[291] Kenyon Lischer explains the significance of the establishment of ORHA within the Pentagon. She writes: "This measure signaled a departure from established practice, in which the Department of State and the US Agency for International Development (USAID) oversaw humanitarian assistance and economic development programs. In Iraq, these traditionally civilian-run programs were viewed as integral to the success of military operations and transferred to Pentagon control." (2007 105)

military and humanitarian tasks (De Torrente 2004, 8; Olson 2006, 13). It is worth highlighting that in PRTs, humanitarian and economic recovery activities are under military command (Walker and Maxwell 2009, 75).

Much has been written on the forces underpinning this increasing politicization and militarization of humanitarian action. As means to conclude this discussion on these trends, I here briefly outline some arguments and authors. The increasing politicization and militarization of humanitarian action is often understood as part of the stabilization agenda that gained prominence after the September 11th attacks. The agenda linked transnational threats, such as terrorism and weapons proliferation to state fragility and conflict (WFP 2009, 23). The association of poverty, discontent and terrorism, well captured in the "breeding ground theory", endows humanitarian action with a central stabilizing role (Polman 2011, 141). Donini et al. also linked the politicization and militarization of humanitarian action to systemic phenomena. They write:

> Growing efforts to instrumentalize humanitarian action in the service of counterterrorism and other non-humanitarian objectives is itself an ingredient in much more complex processes related to economic globalization, the privatization of the development aid regime, the weakening of nation states (at both ends of the socio-economic spectrum), the lifting of inhibitions on matters of sovereignty (whether for "ordering" interventions or in deference to the responsibility to protect), the flouting of international humanitarian law (Guantanamo, Chechnya, Lebanon), and the blurring of lines between the military, civilians, mercenaries, private contractors, and criminalized economic elements involved in internal conflict. (2006, 6)

States' harnessing humanitarian action also stems from its legitimizing power. Portraying motives and conduct of interventions as humanitarian constitutes a legitimizing endeavour that has been demonstrated to hold much power over public opinion (Brunel 2001, 98; Ambrosetti 2005). Gordon sees this concern about legitimacy as reflecting the development of a "distinctive 'western' ethos of war," which manifests itself in terms of intense debates about legitimacy of the resort to and conduct of warfare (Gordon 2004).

### 4.5. Focus on victimized humanitarian workers

With the discourse on the norm of humanitarian security becoming increasingly self-referential, it is little surprising that its main prism or frame of justification centers on its referent: the victimized humanitarian worker. In addition to the disappearance of the

consequentialist discourse, three global phenomena contributed to this focus on victimized humanitarian workers: (1) the post-9/11 culture of commemoration and the narrative of the War on Terror; (2) developments in media and technology; (3) humanitarian workers' use of new media. Although not exclusive to the norm of humanitarian security, these phenomena help illuminate this change in framing of the norm.

### *4.5.1. The post-9/11 culture of commemoration and the narrative of the War on Terror*

Individualized attention to victimized humanitarian workers needs to be understood in the context of the post-9/11 culture of commemoration concerned with naming and recording individual victims, and the narrative of the War on Terror, characterized by its anonymity and facelessness. The convergence of these phenomena helps comprehend the visibility granted to individual victimized humanitarian workers. First, it situates the trend of individualized reporting of security incidents involving humanitarian workers as part of this new culture of commemoration. Second, it highlights how the features of the narrative of the War on Terror makes reporting on victimized humanitarian workers to stand out because presenting a stark contrast.

The 9/11 attacks brought about a change in public commemoration. This culture of commemoration is characterized by an heightened focus on documenting and recording the names and stories of deads (Lagerkvist 2014, 357-363). Reflecting on this change, Simpson wrote:

> Among the many things that changed after September 11, 2001, was the policy on obituaries in the *New York Times*. For weeks after the attack on the World Trade Towers the newspaper printed fifteen or so brief remembrances a day of some of the almost three thousand people who died in the towers, in the airplanes, and during the rescue efforts. The leaders of corporations, entertainers, politicians and other more or less public figures whose place in the world would have ordinarily assured them a place on the standard obituary page continued to appear there. The additional full pages of photographs and memorials were for the ordinary people, the firefighters, window washers, janitors, and waiters whose lives and deaths would normally have gone unrecorded by the most widely circulated newspaper in the United States, the newspaper of record for much of the nation. (2006, 21)

As means of highlighting the novelty of such commemoration, Simpson compared *The New York Times*'s coverage of 9/11 with the sinking of the Titanic in 1912. Referring to the treatment of the Titanic, he wrote:

> The large-print captions are devoted to the "notable passengers" and "noted men" on board the ship, and there are extended quasi-obituaries of many of them. But the *Times* also makes an effort to record the names of all the missing and all the survivors, including the third-class steerage passengers, and to tabulate the exact numbers of each, in figures that changed from day to day as new information came in. The third class dead are named but there are no obituaries (2006, 34).[292]

However, this culture of commemoration is not universal but rather dependent on the "legitimacy" of the victim as victim. In other words, not all post-9/11 victims benefit from the same "treatment" – worthy of having their name and stories recorded and entitled to compensation. Flesher Fominaya and Barberet compared the treatment of victims of the terrorist attacks in New York (9/11) and Madrid (3/11) and found how the perception of an individual as a worthy victim was influenced by how much she fits Christie's classic model of victimhood (2012). The ideal victim is one that is: "(1) weak, (2) carrying out a respectable activity, (3) somewhere they could not be blamed for being, (4) whose offender/perpetrator is 'big and bad', (5) unknown to the victim." (Flesher Fominaya and Barberet 2012, 113) It is plain to see how humanitarian workers neatly fit this model of the perfect victim and thus likely objects of the post-9/11 culture of commemoration.

The individualization and humanization of victims generated by this culture of commemoration contrasts with the majority of the protagonists of the War on Terror – non-state armed groups, coalition forces and civilian populations – who were presented as faceless. They were rarely identified by name, little was known about them and they mainly appeared as bodies (Mitchell 2011).[293]

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[292] Lacqueur further explains the importance of naming for commemoration: "Of course, names have always been understood as the marker of personhood that lives on; there is nothing new in human rights culture or commemorative practices about what names mean. But the insistence on making names visible, on bringing them before a community, of imposing them on a landscape, of giving them meaning is part of the story of how humans as ethical subjects came into being." (2009, 52-53)

[293] Mitchell explains this widespread facelessness by the centrality of the figure of the clone in our time. Cloning constituted the main media story in the US prior to the 9/11 attacks and while it lost its front and center position with the attack, it did not disappear. Rather, it came to infuse the public imagery and narrative of the War on Terror (2011).

In the narrative of the War on Terror, belligerents were for the most part, anonymous and faceless actors. Aside from political figures (e.g. Saddam Hussein; George W. Bush) and some soldiers distinguishing themselves (e.g. Prince Harry; Sergeant Bales), both coalition soldiers and non-state armed group members were referred to and portrayed as part of a group (e.g. "US troops", "Taliban"). This focus on group identity is not surprising considering how military training aims to break individuality and prompt conformity and group belonging. Coalition soldiers' combat attire also presented them as faceless. Furthermore, individualized attention would be impracticable considering the sheer number of actors involved. Still, as previously mentioned, the identity of coalition soldiers was usually mentioned when they fell victims of security incidents, at which moment they stopped being cloaked under group qualifiers such as "coalition forces" and became an individual with a story.[294]

The anonymity and facelessness of Iraqi and Afghan belligerents was conveyed in a variety of ways. The most famous representation of Iraqi forces, the mural on the overpass on the road to Tikrit, presented them as anonymous and clone-like. Mitchell describes the mural in these words:

> The painting shows Saddam's army emerging as a stream of military might from the doors of a mosque or Mazar, rather like George Lucas's fantasy of the clone army emerging from the womb of the mother ship in Attack of the Clones. […] In the front ranks of Saddam's army are the ranks of hooded storm troopers in black and white uniforms. These figures foreshadow the real, as distinct from the imaginary, threat to the invaders, namely, the invisible, anonymous warriors and suicide bombers of the insurgency that will be largely manned by the dispersed host of Saddam's regular army (2011, 87-88).

Also, the perception of the individuality of Iraqi soldiers was hindered by coalition forces not documenting Iraqi soldiers casualties, which dynamic US Commander Tommy Franks' clearly expressed when observing that "we don't do body counts" (quoted in Tumber and Webster 2006, 32).[295] Moreover, the centrality of the figure of the "terrorist"

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[294] Despite US Senate upholding the blocking of press access to Dover Air Base – point of entry for caskets of fallen military personnel in the US – which removed from view the individuality of killed soldiers, they still benefitted from individualized coverage (Simpson 2006, 91-93). On that topic, Tumber and Webster wrote: "Coverage of these deaths [Coalition forces] comes in several variants, but what is common is that each casualty is noticed and named, recorded as an individual with family and friends, as coming from a particular place." (2006, 34)

[295] Tumber and Webster explains the context of this limited attention to enemy casualties: "In 2003, the USA's bombing campaign of Iraq, consciously and accurately titled Shock and Awe, and the lack of an Iraqi airforce to offer any resistance, led to a victory inside four weeks, with a few score allied casualties

in these conflicts further conveyed the facelessness of the Iraqi and Afghan belligerents considering how the ability to blend in and avoid recognition constitutes a key feature of the terrorist and on which her success hinges.[296] It is worth noting that terrorism is often treated more as a pejorative label of one's opponent, more so than a parametrically defined and coherent form of military strategy, leading not only to a lack of clarity in *who* are terrorists, but also in *what* terrorists even are (Hoffman 2006). Furthermore, the faceless nature of the danger facing coalitions forces stemmed from hostile acts being performed by all segments of society – children, women and men – as well as from the occurrence of "group violence" such as the killing of American contractors by a mob in Fallujah in 2004 (Karon 2004).

Afghan and Iraqi civilian populations were also presented as anonymous.[297] In her study of Afghan and Iraqi women during the War on Terror, Riley showed how these women were portrayed as faceless and treated as victims lacking agency (Riley 2013). As their salvation was often used to justify the interventions and coalitions' presence, attention was focused on their injured bodies and their challenges.[298] Also, the qualification of civilian deaths as "collateral damage" conveyed the image of civilians as a variable to be computed into military strategies. The lack of recognition of civilians' experience of victimization furthered limited their recognition as individuals. For instance, Howard Dean, candidate for the Democratic Party nomination in 2004, expressed his opposition

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(many from 'friendly fire') and unknown Iraqi military deaths as soldiers were pulverised from the air before they could even begin combat." (2006, 32)

[296] For example, see Kahl, Colin H. 2006. "How we Fight." Foreign Affairs November/December; Rubin, Alissa J. 2008. "Despair Drive Suicide Attacks by Iraqi Women." *The New York Times*, July 5; 2010. "Female suicide bomber kills dozens in Iraq." *BBC*, February 1; Security Council Report. 2012. "Protection of Civilians." Cross-Cutting Report; 2013. "Security and aid work in militia-controlled Afghanistan." *IRIN News*, April 5; International Crisis Group. 2011. "The Insurgency in Afghanistan's Heartland." *Asia Report* 207.

[297] Talking about the early coverage of the Iraq War, Simpson writes: "The *New York Times* these days prints the names of the American dead in small corners of the inside pages: no "Portraits of Grief" for them. Of the Iraqi dead, who might according to the figures reported by *Lancet* have numbered 100,000 by 2004, there is little or no word." (2006, 40)

[298] Much has been written on this subject. For example see Ho, Christina. 2010. "Responding to Orientalist Feminism." *Australian Feminist Studies* 25(66): 433-439; Bergström, Torbjörn and Inga-Bodil Ekselius. 2012. "'War on terror' in the name of feminism." University of Gothenburg, January 25; Brittain, Victoria. 2013. "How England's War on Terror Became a War on Women and Children." *The Nation*, March 5; Riley, Robin. 2013. The case of Bibi Aisha, often referred to as the woman with no nose, further illustrates this phenomenon.

to the Iraq War by saying: “There are now almost 400 people dead who wouldn't be dead if that resolution hadn't been passed and we hadn't gone to war” (IBC 2013). The 400 casualties referred to were US troops. The double standard in the perception and presentation of victims is well captured by Rieff who wrote:

> In the aftermath of the World Trade Center attack, this double standard was evident. There was the story of *individuals* who had died in the Twin Towers and then there was another story – a humanitarian story – of undifferentiated victims in Afghanistan who were on the move, in grave danger, and needed to be helped. (2002, 6)

Finally, the facelessness and anonymous presentation of Iraqi civilians are clearly conveyed by and embodied in the central icon and symbol of the violence of the War on Terror: the Hooded Man or Abu Ghraib man (Mitchell 2011, 99-111). Despite the suffering apparent of “this war’s new mascot,” to use the Washington Post’s expression (Tumber and Webster 2006, 23), and of the other Iraqi portrayed in the Abu Ghraib prison pictures, Simpson believes that Iraqis’ experience of the occupation is not what catches Western viewers attention and eyes in these pictures. He writes: “The true focus of our curiosity here is therefore not on the suffering Iraqis, who are unknown to us and can barely be distinguished one from another in these poorly defined and airbrushed images, but on ourselves.” (2006, 107) This is significant because as explained by Butler, acknowledgement “that there has been a loss and hence that there has been a life” is essential for grievability (2010, 98). Yet, through their limited and anonymous portrayal, Afghan and Iraqi civilians’ lives are not rendered grievable. With the victimization of Iraqis and Afghans being afforded limited visibility, the individualized treatment of victimized humanitarian workers is made particularly conspicuous.

### *4.5.2. Developments in media and technology*

The period of the War on Terror witnessed significant developments in media technology and access; Internet usage increased by 566% between 2000 and 2012 and new social media and platforms such as Youtube, Facebook and Twitter emerged (Internet World Stats 2013). This technological boom made a greater number of people aware of events occurring worldwide and heightened the impact of news events in making the same

people being relayed the same news through different media.[299] Three developments, each heightened by this news bombardment, supported this increasing attention to victimized humanitarian workers as individuals.

First, images came to play a growing role in meaning-making owing to their increasing quantity, quality and speed of circulation (Mitchell 2011, 2). This phenomenon constitutes one illustration of what Mitchell identified as the "pictorial turn."[300] With violations of the norm of humanitarian security being portrayed as reprehensible in themselves, pictures accompanying reports of security incidents have increasingly featured victimized humanitarian workers. The advent of the Internet did not only ease the circulation of pictures but also contributed to the diffusion of more pictures, notably owing to their availability on social media sites such as Facebook.

Second, Internet's features of interactivity and multimedia heightened the emotive impact of news reporting on victimized humanitarian workers (Smith 2005). Through providing hyperlinks and videos, online articles provide readers with a more extensive and sensory coverage of an incident than it was possible with print media. For instance, in his article on Linda Norgrove's death, Severin Carrell included a video interview with Norgrove's parents as well as hyperlinks to her obituary, the organization she was working for as well as the Foundation her parents set up in her memory.[301] Linda Norgrove's portrayal in this single article is exceedingly more vivid and personal than could have been an article in the print media. Moreover, most online newspapers "suggest" similar articles thus making readers aware of more details about the case and likely to listen, watch and/or read statements by friends, family and colleagues. Also, the rise of online media lowered the barrier to entry in the news world thus contributing to the multiplication of

[299] While in previous decades the killing of a humanitarian worker could be reported in newspapers and on T.V. news, it can now appear on the print and online version of newspapers, which the latter can be "shared" on Facebook, instantly deplored on Twitter, discussed on Reddit and the object on videos on Youtube.
[300] Mitchell defines the pictorial turn as a "postlinguistic, postsemiotic rediscovery of the picture as a complex interplay between visuality, apparatus, institutions, discourse, bodies and figurality" (Mitchell 1994, 16).
[301] Carrell, Severin. 2010. "Linda Norgrove's parents refuse to blame U.S. for death." *The Guardian*, October 29.

eulogies and statements by individuals having encountered the victim. All these elements bring attention to the victimized humanitarian worker as an individual. Online news media significance should not be understated. As an illustration, BBC News Online recorded 14 million of unique users per week in 2007 while Guardian Unlimited recorded 16.7 million users per week.[302] Given the growth in Internet access and use over the last five years, this number has undoubtedly increased.[303] Also, as most online newspapers, BBC News Online displays the Internet features of interactivity (with *fora* and article suggestions) and multi-media (with audio reports, videos and images).

Third, the framing of violation of the norm of humanitarian security through the prism of personal tragedy in the post-2001 years also coincides with advances in media and technology that made it possible for publics to directly witness security incidents involving humanitarian workers. Not only are the footages of security incidents more readily available and widely (re)diffused (e.g. bombing of the Canal Hotel) but the War on Terror also saw the emergence of atrocity videos featuring humanitarian workers where the victimization of these actors can be seen live. These videos clearly underline the highly personal and human drama underpinning security incidents. Belligerents' use of atrocity videos was made possible by developments in media and technology as for these videos to produce a significant impact, they require widespread and fast dissemination. Not only can these videos of atrocities be shown during T.V. news but they are accessible to anyone at anytime thanks to platforms such as Youtube and Vimeo. These videos are also highly popular on the Internet as Tumber and Webster explain:

> The sites that allow access to the beheading videos rank amongst the most popular whenever an execution makes the news (http://50.lycos.com). In the top ten most sought after locations, alongside pictures of Harry Potter and Britney Spears, are the on-screen decapitations of American contractors Paul Johnson and Nick Berg. They also precipitate massive Internet chat and blog commentary. (2006, 38)

Anderson argues that atrocity videos have become "a new weapon in modern wars-by-terror" and owing to their gruesome and personal nature, they produce strong emotional

[302] Kiss, Jemima. 2007. "Ten years of BBC News Online." *The Guardian*, October 30.
[303] The 2012 NADBank report on newspaper readership in Canada found that Canadians were increasingly reading news online on their computers and mobile devices (NADBank 2013). On this topic, see also Ladurantaye, Steve. 2013. "Canadians increasingly going online for written news." *The Globe and Mail*, March 27.

reactions (Anderson 2013). Even if it is fair to assume that numerous people acquainted with a security incident caught on tape do not directly watch the atrocity video, awareness of the presence of these videos, along with the presentation of excerpts and photographs in media reports, are sufficient for triggering emotional effects.

The kidnapping and killing of Margaret Hassan in 2004 was one of the first atrocity videos to emerge during the War on Terror. Margaret Hassan was the Director CARE International in Iraq and was abducted on October 19th 2004. Hours after her abduction, *Al Jazeera* broadcast a first video of distraught Margaret Hassan sitting in a room (Filkins and Alvarez 2004). In videos broadcast over the following weeks, Hassan made a number of requests and emotionally begged for her life. In one of the last videos, she pleaded:

> Please, please help me. Please help me. This might be my last hours. Please help me. Please, the British people, ask Mr. Blair to take the troops out of Iraq and not to bring them here to Baghdad. That's why people like Mr. Bigley and myself are being caught, and maybe we will die. I will die like Mr. Bigley. Please, please, please, the British people, please help me. (Democracy Now 2004)

The last video aired in November 2004, shows a blindfolded woman, thought to be Hassan, being shot.[304] Her body was never found.

Butler's words, "[w]e are at least partially formed through violence," well capture how the occurrence of security incidents contributed to the emergence of the figure of the humanitarian worker as individual (Butler 2010, 167). The name "Margaret Hassan" became famous owing to these atrocity videos. The first three search suggestions provided by Google for "Margaret Hassan" are "execution video", "video" and "death video." She came to be perceived as an individual owing to her personal pleas to viewers, widely reported in the news media. Tumber and Webster explain: "[atrocity videos] are cruel, pitiless, intensely personal (a human being is murdered before one's eyes), and there is palpable agony on display as a defenceless man's life is extinguished in a particularly barbarous way." (2006, 37) Also, being the only visible and distinguishable person in her videos (her abductors were either absent or masked), attention and emotions spurred by the videos were all channelled towards her. Moreover, as the emergence of these videos signalled the presence of an interlocutor with whom to interact, a flurry of

[304] Robert Fisk provides a gripping account of this last video in his article "The tragic last moments of Margaret Hassan" published in *The Independent* on August 7, 2008.

appeals and pleas for Hassan's release ensued. Messages from her husband, family members in the U.K., Iraqi civilians and political figures were widely diffused in the media.[305] All emphasized her devotion, altruism, heroism and personal qualities and expressed the shocking nature of her abduction. Analogous expressions were aired following the release of the video of her assumed killing.[306] Tony Blair qualified her apparent killing as "abhorrent" while UK Foreign Secretary Jack Straw said: "To kidnap and kill anyone is inexcusable. But it is repugnant to commit such a crime against a woman who has spent most of her life working for the good of the people of Iraq" (BBC News 2004b). The homogeneity of the messages posted on the BBC News "Have Your Say" column following the release of the video of her alleged death further shows the prevalence of the virtue ethics discourse supporting the norm of humanitarian security. All emphasized her courage and dedication and the abhorrent nature of her killing (BBC News 2004c). The dominant lens through which the abduction of Hassan was reported and interpreted was one of human tragedy. This constitutes a significant change from the 1990s where security incidents involving humanitarian workers were presented as problematic owing to their impact on the delivery of humanitarian assistance. Hassan's abduction was never mentioned as particularly reprehensible owing to its impact on the organization's activities even though it led to the suspension of CARE International' operations in Iraq.[307]

Furthermore, the case of Margaret Hassan highlights the pictorial and interactive dimensions of news reports during the War on Terror, with the effect of drawing further attention to the "human tragedy" of this incident. Most articles on Hassan's kidnapping

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[305] For example, see 2004. "Iraqi demonstrators call for release of aid worker." *Euronews*, October 20; Arbuthnot, Felicity. 2004. "Margaret Hassan: A Personal Tale." *BBC News*, October 22; 2004. "Aid worker kidnapping: Your reaction." *BBC News*, October 23; Glendinning, Lee. 2004. "Tearful Hassan begs for release in new video." *The Guardian*, October 28; MPMC 2004; PBS 2004.

[306] For example, see 2004. "Aid worker's family 'heartbroken'." *BBC News*, November 16; CARE 2004; Burke, Jason. 2004. "Obituary: Margaret Hassan." *The Guardian*, November 17; Galpin, Richard. 2004. "Iraqi voice revulsion over killing." *BBC News*, November 17; Vick, Karl. 2004. "CARE Official Abducted in Iraq Presumed Dead." *Washington Post*, November 17; Zaat, Kirsten. 2004. "'A beacon of hope to humanity'." *BBC News*, November 17.

[307] For instance, see 2004. "Agency halts aid projects in Iraq." *BBC News*, October 20;

and assumed death included pictures of Hassan, her husband and family in Ireland.[308] Also, interactive discussions about this incident took place on the Internet in the forms of readers' column and journalistic discussions available for audio or video streaming (e.g. BBC News 2004c; PBS 2004). Numerous online newspapers reporting on Hassan's ordeal also suggested other articles on this incident. For instance, the BBC News website provided suggestions of "latest news" on the case, a list of "features and reaction" articles, profiles, have your say column, TV news reports and "related Internet links." Online media also connected follow-up articles (e.g. on prosecution of the individuals responsible for her kidnapping and killing, anniversaries of death) with coverage of the original incident.[309] Furthermore, the abduction and killing of Margaret Hassan came to be used in the media to illustrate the danger of humanitarian work. For example, a 2004 article in *the Economist* reads: "The apparent murder in Iraq of Margaret Hassan, head of CARE International in Baghdad, who was British and Irish and married to an Iraqi, underlines the fact that aid work is one of the most dangerous profession in the world" (The Economist 2004).[310] Such use of Hassan's case puts a personal face on the trend of humanitarian workers' victimization reported and conveys how this trend is underpinned by and the result of personal tragedies.

### *4.5.3. Humanitarian workers' use of new media and technology*

The growing presence of humanitarian workers as individuals in the public's eye also contributed to the framing of violations of the norm of humanitarian security through the prism of personal tragedy. This acquaintance notably came about through blogging. Following the lead of popular blogs such as Sleepless in Sudan, which was nominated for a Bloggie Award in 2006, most major humanitarian organizations set up blogging

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[308] For example, see 2004. "Aid chief's husband hopeful of release." *Al Jazeera*, October 21; 2004 "Aid worker's family 'heartbroken'." *BBC News*, November 16; Vick, Karl. 2004. "CARE Official Abducted in Iraq Presumed Dead." *Washington Post,* November 17; Rubin, Elizabeth. 2004. "Death Betrayed Her." *The New York Times*, December 26.

[309]For example, see 2006. "Iraqi gets life in Hassan kidnap case." *Al Jazeera*, June 5; Makosky, Daniel. 2010. "Iraqi convicted of killing UK aid worker escapes prison."*Jurist*, August 22; Tran, Mark. 2010. "Margaret Hassan's killer on the run from court." *The Guardian*, July 15; 2010. "Iraq confirms 2009 escape of British aid worker's killer." *CNN*, August 23.

[310] Lind's article on the impact of 9/11 also uses the killing of Margaret Hassan as an illustration of the insecurity of humanitarian workers (Lind 2011).

platforms for their employees in the 2000s. For instance, MSF, OXFAM and CARE Canada all launched blogs during that decade. These organizations' media personnel explained that blogs were established for raising awareness, fundraising and publicity. They also mentioned that the particular value of blogging lay in its personal nature (i.e. written in the first person), allowing writers to "add real colour" to the presentation of their humanitarian organization's work.[311] The proliferation of these personal accounts contributed to the growing perception of humanitarian workers as individuals.[312] Also, security incidents transformed these personal accounts into sources of data for news reporting. The impact of the rise of blogging on the perception of humanitarian workers as individuals is well illustrated by the case of Dr. Karen Woo. Woo was a British doctor working for the Christian organization International Assistance Mission in Afghanistan. She was killed alongside nine other members of the organizations during a trip in the Nuristan region in August 2010. Despite not being the only foreign worker killed – six casualties were American and one was German – it is her narrative that gained front and center attention and who became alongside Vieira de Mello and Hassan, an icon as victim of insecurity.[313]

While the particularly dramatic circumstances of her death contributed to this attention – she was meant to marry two weeks later –, coverage of her death was also highly personal because stories included excerpts from her personal blog.[314] Woo started her blog, "Dr. Karen explores healthcare in Afghanistan," in 2009.[315] It was an independent blog and not hosted on her organization's website. This independence possibly contributed to make her blog a very personal account of her life in Kabul, rather than

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[311] Phone conversation with an employee of MSF Canada Press Office.

[312] Some humanitarian workers became famous owing to these blogs. For instance, Dr. James Malkalyk's MSF field blog on his experience in Sudan turned into a bestselling book, *Six months in Sudan*, and he became a prominent humanitarian figure in Canada.

[313] For example, see Rob Crilly's August 27, 2010 article "Taliban threat to flood aid teams" in the *Daily Telegraph*. One of the last lines of the article reads: "Earlier this month in Afghanistan, insurgents killed a British doctor, Karen Woo, and six other aid workers."

[314] For example, in her August 9th 2010 article in the *Mail Online*, Beth Hale referred to Woo's"poignant blog" and provided excerpts. Jon Boone and Tony Thompson' August 7th 2010 article in *the Guardian* and Patrick Sawer's September 26 2010 article in *the Telegraph* also included a section with excerpts from Woo's blog. A 2010 *BBC* article entitled "Blog reveals Afghanistan medic Karen Woo's dedication" include numerous excerpts of her blog (August 7).

[315] Her blog can be consulted here: http://explorerkitteninafghanistan.blogspot.ca.

descriptions of her work. The news media widely used her blog for illustrative purposes. For example, to demonstrate Woo's awareness of risk, numerous articles quoted this passage from her blog: "All of these people come to Afghanistan of their own volition, they come knowing that they may pay with their lives" (e.g. quoted in Sawer 2010; Boone and Thompson 2010). Her innocence was also widely conveyed by quoting her last blog post in which she talks about shopping for a ball gown. It reads:

> I'd foolishly underestimated what would happen here with nobody travelling and the shops being closed for two days. Being all so very last minute I've got a ball gown being made in Qualaifatullah and some ethnic tops I wanted for the trip. One day I'll learn not to leave things to the last minute…I hear what you're saying about priorities and seriously, I probably shouldn't be worrying about a ball gown right now, but still, what's a girl to do? (Woo 2010)

While the content of these posts could have been expressed by family members and friends, these posts' format and authorship added a very personal dimension to the narrative. By providing a direct contact between Woo and readers, these blogs' excerpts heightened her closeness and thus, feelings of empathy.

Similar to Hassan, the portrayal of Woo as an individual was conveyed by the circulation of an assortment of images. For instance, in her article on Woo's death, Beth Hale showed pictures of Woo in a variety of settings such as in vacation, at the pool, writing on her computer and with her family.[316] Some of these pictures were taken from Woo's blogs and from Facebook. That same article also provided links to other articles reporting on Woo's death. Moreover, the personal dimension of the loss incurred by this security incident was conveyed by the title of the documentary on her life entitled "The Life and Loss of Karen Woo" and the Foundation set up in her memory, "The Karen Woo Foundation." The release of this documentary and inauguration of the Foundation were both publicized in the media and linked to articles on Woo's killing.[317]

## 4.6. Media professionals

[316] Hale, Beth. 2010. "Goodbye to my dear baby bear: Heartache of murdered doctor's fiance as mystery remains over Taliban execution." *Mail Online*, August 9.
[317] For example, see McVeigh, Tracy. 2011. "Karen Woo: film tracks murdered doctor's doomed Afghan mission." *The Guardian*, May 15; 2011. "Karen Woo's Afghanistan aid legacy." *BBC*, December 20.

The security of media professionals gained much attention since 2001. This international concern is notably visible in the treatment of the security of these actors in the United Nations. In a 2006 resolution, the United Nations Security Council condemned "intentional attacks against journalists, media professionals and associated personnel engaged in dangerous professional missions in areas of armed conflict," while in 2012, the UN Chief Executive Board endorsed the UN Plan of Action on the Safety of Journalists and the Issue of Impunity (UNSC 2006; UNESCO 2012).[318] In 2013, the General Assembly adopted its first resolution on journalists' safety and the issue of impunity and also created an International Day to End Impunity for Crimes Against Journalists to be celebrated on November 2nd (RWB 2013).[319] These achievements as well as heightened overall attention to the security of these actors are attributable to the untiring lobbying efforts of numerous organizations, chief among them Reporters Without Borders (RWB).[320] Alongside RWB, the Committee to Protect Journalists has also been involved in documenting security incidents involving media professionals because of their impact on press freedom. An organization with media professionals' safety as its main focus was created in 2002: the International News Safety Institute (INSI) (INSI n.d.). INSI documents security incidents involving media professionals and

> create a global safety network of advice and assistance to journalists and other news gatherers who may face danger covering the news on international assignment or in their own countries. It raises funds to provide safety training free of charge to journalists in need around the world who are unable to afford their own. It promotes measures to improve safety understanding among news organisations, militaries, governments and international bodies. (INSI n.d.)

Together, these many organizations brought attention to and spurred discussion on the security of media professionals (Feinstein 2006, 101). For instance, media professionals' legal protection became an issue of increasing concern and led to the creation of the Press Emblem Campaign in 2004.[321]

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[318] For more information on the UN Plan of Action, its origins and recent developments, see UNESCO 2012.
[319] Discussions on the protection of media professionals also took place in other UN bodies such as the Office of the High Commissioner for Human Rights (OHCHR 2010).
[320] It is worth recalling that this organization was the one who lobbied for the inclusion of a clause prohibiting attacks against media personnel in the Rome Statute at the occasion of the Review Conference.
[321] For a comprehensive presentation of the Press Emblem Campaign, see PEC n.d.

Moreover, media professionals' security came to be examined by the research community and led to the publication of numerous studies in the 2000s (e.g. McLaughlin 2002, Feinstein 2006, Tumber and Webster 2006).[322] Also, a research center, DART, was created in 2004 to support research into the mental health of media professionals working in conflict environments (DART Center n.d.). Furthermore, news organizations started dedicating more resources to the security of their staff from the late 1990s on (Feinstein 2006, 8). Feinstein highlights the recent nature of this focus by writing: "back in the early 1990s, when Marinovich and the Bang Bang Club were combing the dusty, lethal alleys of the South African townships for photographs, management was *more* indifferent to their fate." (2006, 96; emphasis added by the author)

Attending to the forces accounting for the growing concern for the security of media professionals lies beyond the scope of this research. However, briefly comparing its development to the trajectory of the norm of humanitarian security is valuable for the purpose of this study. As discussed in Chapter 3, in the 1990s, there was significant discrepancy between commitment to media professionals' and humanitarian workers' security norms. The particular concern for the security of humanitarian workers stemmed from its significance and role in the delivery of humanitarian assistance, to which the international community was committed. In this period, media professionals' role was not as clearly linked to states' objectives or commitments. This difference may account for the variation in concern for these two vulnerable and victimized categories of civilian actors in the 1990s. In the 2000s, concern for the security of humanitarian workers was not mainly expressed in relation to these actors' role but rather in relation to their valuable identity. Reactions to violations of the norm of humanitarian security were expressed through the prism of personal tragedy and rehearsed the valuable identity of humanitarian workers. Interestingly, reactions to security incidents involving media professionals also came to increasingly focus on the identity and personal story of victimized media professionals, reminiscent of the treatment of humanitarian workers.

[322] Feinstein's book and findings were presented in a documentary entitled "Under Fire: Journalists in Combat." It is available on the video streaming website Netflix Canada. As of December 31st 2013, over 16,000 viewers had rated the movie.

Akin to humanitarian workers, some media professionals were featured in atrocity videos since 2001. For instance, the killing of the *Wall Street Journal*'s journalist Daniel Pearl in 2002 was captured and disseminated in a video. This video produced tremendous reaction because it was one of the first atrocity videos to appear after the start of the War on Terror. Tumber and Webster explain that "though there are earlier reports of videos being made by Chechen rebels against Russian occupiers, they came to prominence with the gruesome torture and killing of Daniel Pearl" (2006, 37) Also, in addition to their use of blogs, numerous media professionals published biographies or accounts of their experience in the 2000s. Two famous examples are Jon Steele's *War Junkie* and Anthony Lloyd's *My War Gone By, I Miss It So*. Attention to the personal story of victimized media professionals is also visible in the academic literature. For instance, in his chapter on embedded journalists in Iraq Feinstein wrote: "On March 22, 2005 [sic!], just three days into the war, Paul Moran, an Australian freelance cameraman who was recently married and had a six-month old daughter, became the first journalist to die." (2006, 157) This focus on Moran's personal life rather than work or past assignments is reminiscent of the treatment of the killing of Dr. Woo, discussed above. Furthermore, organizations committed to the security of media professionals also present security incidents through an individualizing and human tragedy framing. For example, Reporters Without Borders does not only provide statistics and trends on security incidents involving media professionals but also provide the name of the casualties. The Committee to Protect Journalists' treatment goes further and include the name, picture and biography of all media professionals' killed. The Newseum (museum on news media), situated in Washington D.C., holds a memorial for fallen journalists which displays the name of fallen media professionals. Its website provides a more comprehensive portrait and includes the name, picture and biography of killed media professionals.[323] These developments are in line with the culture of commemoration discussed above.

[323] Another locus of commemoration for media professionals is found in St. Brides Church in London. The Church holds "The Journalists' Altar", which serves as a memorial table to the many journalists and support staff who have who have died in the conflicts of the 21st Century while bringing us the news." (St. Brides 2013b)

Growing concern for the security of media professionals and humanitarian workers concomitant with their portrayal as individuals is analytically interesting and points to the role of empathy in the evolution of concern for categories of actors. This is supported by psychological research that demonstrated that "when it comes to eliciting compassion, the identified individual victim, with a face and a name, has no peer." (Slovic 2007, 86) This was demonstrated in numerous experiments. For instance, Kogut and Ritov gave participants the choice between contributing to a costly treatment to help one sick child or a group of eight sick children (2005a; 2005b). The contribution required to help the individual child and the group of children was the same. When the individual victim was identified (age, name and/or picture), she elicited more contributions than the group (Kogut and Ritov 2005a; Kogut and Ritov 2005b). Also, Hamilton and Sherman (1996) and Susskind et al. (1999) demonstrated that an individual, contra a group, is perceived as a "psychologically coherent unit," which eases processing information and emotions (Slovic 2007, 89). This phenomenon has shaped numerous organizations' fundraising campaigns (e.g. World Vision) and has prompted uneven responses in situations of armed conflicts.[324] I do not contend that personalized coverage of security incidents involving media professionals and humanitarian workers *led to* concern for the security of these categories of actor. Rather, I highlight how focus on victimized actors' personal narrative presents security incidents as reprehensible in themselves and elicits compassion, which has been documented as instrumental in decision-making and prompting action (Slovic 2007, 88).

## 4.7. Conclusion

[324] The case of Irma Hadzimuratovic is illustrative in that regard. The five-year old was injured during the war in Bosnia and her severe injuries spurred international passions. The Royal Air Force flew her out of Sarajevo in 1993 to allow her to get treatment in Britain. The UK government explained its actions on the grounds that Irma's condition was quickly deteriorating. The UK's quick and decisive action in favour of Irma contrasted with its limited actions to bring about overall improvement of conditions and alleviation of suffering in Bosnia. A BBC article well captured this contrast:
"Three children a day are dying violent deaths in the Bosnian capital, Sarajevo.
Dozens are waiting for emergency evacuation for medical treatment.
Mr Hurd said the government realised helping Irma would not reduce the scale of the problem.
"But because you can't help everybody it doesn't mean you shouldn't help somebody," Mr Hurd said.""
(1993. "Wounded Bosnian girl flown to UK." *BBC*, August 9)

Over less than two decades, the norm of humanitarian security significantly changed. From its grafting to the norm of humanitarian assistance in the 1990s, it became a standalone norm in the 2000s thereby signalling its significant strengthening. The norm of humanitarian security changed from being expressed as an afterthought in the 1990s, to becoming – to paraphrase Ashraf Qazi, the SRSG that replaced Vieira de Mello in Iraq – the first priority, the second priority, and the third priority for organizations deploying their staff into the most dangerous of operational contexts. This chapter has demonstrated that this change was not only attributable to the growing frequency and magnitude of violations of the norm of humanitarian security. Also, it came as the result of broader changes in the humanitarian sphere. Specifically, it was made possible by the fading of the norm of humanitarian assistance, which derived from states' changing paradigm of engagement with humanitarian affairs. Also, the expression of the norm through a virtue ethics was aided by the post-9/11 culture of commemoration and the narrative of the War on Terror, and by advances in media and technology, which all brought attention to humanitarian workers as individuals. This perception of humanitarian workers as *esteemed individuals* contrasts with their portrayal as *means of delivery* of humanitarian assistance in the post-Cold War years. I discuss the implications of this norm development in the next chapter.

# Chapter 5

This research started with the question "how is it that humanitarian workers came to be perceived as inviolate actors?" This interrogation was spurred by a recognition of how commitment to the security of humanitarian workers was expressed in a variety of spheres – legal, policy, academic, business – despite strong critiques levelled against humanitarian work and a general ambiguity regarding "who" or "what" humanitarian workers are. My curiosity was further piqued upon perceiving that the security of humanitarian workers garnered more attention and concern than other categories of civilian actors, such as media professionals. Despite the growing literature on humanitarianism and on the security of humanitarian workers, no attention has so far been devoted to understanding this security norm – that I term "norm of humanitarian security" – that captures the notion that humanitarian workers' security should not be violated.

To answer this question, I traced a genealogy of the norm of humanitarian security. This endeavour ended up being more challenging than expected as the concept of humanitarian worker, which needed to form the starting point of my research, had so far not been examined. This gap in the literature on humanitarianism informed the organization of my research and led me to dedicate the first empirical chapter to shedding light on the origins and early development of this actor. Although not directly addressing the norm of humanitarian security, this chapter (Chapter 2) provided a sound and much-needed basis for the rest of the research. The following chapters – Chapter 3 and 4 – specifically shed light on the development and evolution of the norm of humanitarian security.

This concluding chapter is divided into four sections. First, I present a short summary of the research and its findings. Second, I present the contribution this research makes to the literature on humanitarianism. Third, I discuss the insights this research brings to the literature on norms. Fourth, I reflect on the effects of the norm's development and its

implications for the humanitarian sphere. In section two, three and four, I also highlight directions for future research.

## 5.1. Summary of the research

This research starts by attending to the origins of the humanitarian worker as actor, which I trace to the 1899 Hague Conference. This legal document recognized the work and presence of a new actor in wartime: the delegate of relief society for POWs. This recognition was made possible by the valuable precedent set by the ICRC and successful lobbying effort of the the *Société Internationale de Secours pour les Prisonniers de guerre*. Despite this legal recognition, I showed how delegates of relief societies for POWs were not perceived as forming a category of actors during World War I. Owing to the nationalistic, disjointed and independent nature of humanitarian action during the Great War, these actors were closely associated with their states and/or organizations rather than belonging to the common category of "delegate of relief society for POWs."

The two following chapters – Chapter 3 and 4 – specifically examine the development of the norm of humanitarian security. I situate the emergence of the norm in the 1990s, which I attribute to the convergence of three developments: (1) the increasing recognition of humanitarian workers as a category of actor; (2) the growing number of security incidents involving humanitarian workers; and (3) the international community's commitment to and involvement in humanitarian assistance – which I term the norm of humanitarian assistance. The rapid growth of the norm of humanitarian security in the 1990s mainly derived from its perception as a *sine qua non* for the delivery of humanitarian assistance. States' commitment to the norm of humanitarian assistance resulted from decades of normative evolution and from states' use of delivery of humanitarian assistance as substitute for political action. This provision of humanitarian assistance as substitute for political action constituted states' main paradigm of engagement in humanitarian affairs in the post-Cold War period. As a result, throughout the 1990s, the norm of humanitarian security was mainly expressed through a consequentialist discourse where its violation was presented as problematic owing to its

impact on the delivery of humanitarian assistance. A study of the discourse on the war in Bosnia and Herzegovina and the Rome Statute illustrated the soundness of the argument.

Examining the period of the War on Terror in Chapter 4 revealed a change in the framing of the norm of humanitarian security. Violations of the norm came to be portrayed as wrong in themselves. Rather than information on the programmatic impact of a security incident, the discourse on the norm became infused with information on the victim – her life and her valuable identity. In other words, the norm of humanitarian security came to be expressed through a virtue ethics discourse. I highlighted this change of framing by examining the bombing of the Canal Hotel in Baghdad. This development is significant because it signalled a strengthening of the norm of humanitarian security – no more dependent on its linkage the delivery of humanitarian assistance to be seen as problematic – and because it debunks the idea that concern for the security of humanitarian workers is simply driven by a growing number of security incidents. I argue that this change in the discourse on the norm was mainly a function of states' changing paradigm of engagement in humanitarian affairs – from the provision of humanitarian assistance as substitute for political action in the 1990s to including humanitarian action as part of their political and military arsenals in the 2000s. The emergence of this virtue ethics discourse was also supported by the post-9/11 culture of commemoration and the narrative of the War on Terror, developments in media and technology which made security incidents more sensory experiences and the increasing familiarity of publics with humanitarian workers as individuals deriving from their use of new media.

## 5.2. Literature on humanitarianism

This dissertation contributes to the literature on humanitarianism in three ways. First, it provides this field with a better understanding of the humanitarian worker. This constitutes an empirically important endeavour and one that also draws attention to the neglect of the humanitarian worker as an object of study. I traced the origins of this category of actor and the forces that made the development of it possible. Starting with modern humanitarianism's founding myth, I showed that the episode of Solferino did not

give birth to the humanitarian worker. I argue that the humanitarian worker as a distinct actor was first recognized in the 1899 Hague Convention as a result of concern for the treatment of POWs. It was initially to care for this category of combatant *hors de combat* that the humanitarian worker came to be. This finding is important for historical accuracy, for recognizing the tireless lobbying efforts of the *Société Internationale de Secours pour les Prisonniers de guerre,* and also for attributing to the ICRC the credit it deserves for setting a successful precedent in the recognition of medical personnel. Examining this foundational period for the humanitarian worker also draws attention to changes in populations of concern and humanitarian work's domains of action over time. In particular, it shows how care for civilian populations, which now forms the crux of humanitarian workers' work, was not these actors' original assignment. I also show how, in their early days, delegates of relief societies, which were the initial denomination of humanitarian workers, were not perceived as belonging to a common category of actor. As abovementioned, these actors were rather closely associated with their organization and/or country of origin (and thus perceived as "Red Cross delegate" or "YMCA secretary" for example).

Attention to the humanitarian worker did not only infuse the historical chapter of the research but pervaded the whole project. This consideration appeared as a *sine qua non* for understanding the norm but also as an important exercise in its own right for providing scholars interested in humanitarianism with a basis on which to build future research on the humanitarian worker (which the author hopes scholars will take on). I showed how the humanitarian worker as a category of actor coalesced during the Cold War to emerge as a clear referent in the post-Cold War years notably owing to the growth and increasing distinctiveness of the humanitarian sphere. Furthermore, attending to the norm of humanitarian security in the 1990s and 2000s illuminates the evolution of the perception of the humanitarian worker. It notably highlights how humanitarian workers were mainly portrayed as a *category* of actors performing valuable *work* in the 1990s, while in the 2000s, they were mainly portrayed as *valuable and altruistic individuals*.

Second, in examining the norm of humanitarian security in active interplay with its environment, this research highlights how trends in the humanitarian sphere have informed the evolution of the humanitarian worker and the norm of humanitarian security. Showing these connections is valuable in supporting and encouraging research and discussion on the relationship between different dimensions of humanitarian action. Each chapter of this research highlights the importance of this interplay between the humanitarian worker/the norm of humanitarian security and its environment. Chapter 2 shows how *the character of humanitarian action* during World War I, characterized by its nationalistic, disjointed and independent nature, impacted on the perception of humanitarian workers and prevented delegates of relief societies from being perceived as belonging to a common category of actor. Chapters 3 presents how *states' paradigm of engagement in humanitarian affairs and mainstream humanitarian narrative* – centered on the *delivery of humanitarian assistance* as a panacea – contributed to the growth of the norm of humanitarian security and shaped its framing (its violation being portrayed as problematic owing to its impact on the delivery of humanitarian assistance). Chapter 4 shows how states' *new paradigm of engagement in humanitarian affairs* – incorporating humanitarian action as part of their political and military strategies – contributed to the gradual disappearance of the norm of humanitarian assistance from the discourse on the norm of humanitarian security.

Third, this research makes a contribution to the literature on the security of humanitarian workers as it provides this field with a theoretically informed and historically situated understanding of its object of study, which it currently takes for granted. In drawing attention to the analytical neglect of the notion of humanitarian workers as inviolate actors, this research also hopes to spur further studies of this notion in different locales. While this research traced the development of the norm of humanitarian security at the international level, future research should try to identify variation in terms of adoption and understanding of the norm in different countries and traditions. This field would also benefit from the discussion on the implications of this norm development in section three below.

## 5.3. Literature on norms

The norm of humanitarian security constitutes a very interesting case for the norms literature because, first, it shows that a strong protective norm can emerge in the absence of a clearly defined referent. While a concept of "humanitarian worker" developed during the Cold War and emerged at the end of this period, there is still no agreed-upon definition of the term "humanitarian worker." This peculiar normative development may derive from the norm's framing, which sidelined definitional issues. In the 1990s, instances of norm violation were attended to through the prism of humanitarian assistance. Security incidents were portrayed as reprehensible owing to their operational impacts and humanitarian workers were presented as means of delivery. As a result, questions on "who" or "what" humanitarian workers are were shelved in favour of consequentialist questions related to the delivery of humanitarian assistance. In the 2000s, definitional questions were further deferred because violations of the norm of humanitarian security were expressed through the prism of personal tragedy. Violations were moments where the personal story and qualities of victimized humanitarian workers were celebrated and not instants of reflection on the meaning of humanitarian worker. Thus, the central role played by contextual factors suggests that the case of the norm of humanitarian security may be rather exceptional.

Furthermore, the ambiguity of the category of humanitarian worker is noteworthy because indeterminacy constitutes one means norm violators may use to justify their non-compliant behaviour (Bellamy 2012, 32-33). However, this research shows how security incidents during the war in Bosnia and Herzegovina, and the Canal Hotel bombing were not justified or explained on the basis of the ambiguous meaning of humanitarian workers. This state of affairs may stem from belligerents being aware that their justification would not be accepted as valid and legitimate.

Second, the development of the norm of humanitarian security highlights different instances and types of grafting. Chapter 2 shows how the inclusion of clauses on POWs in the 1899 Hague Convention stemmed from the ability of the *Société* and its allies to

present these clauses as reflecting prior understanding. This constitutes an instance of deliberate or strategic grafting. The grafting of the norm of humanitarian security to the norm of humanitarian assistance in the post-Cold War years, which contributed to the development and prominence of the former, was more organic. It was not pushed by an individual or group but rather emerged out a commitment to the delivery of humanitarian assistance and of experience: humanitarian assistance being suspended or halted as a result of security incidents involving humanitarian workers.

Third, examining the norm of humanitarian security is valuable because it highlights the role played by different "avenues for norm development" in its emergence and evolution. In fact, at different stages, each of the three "avenues" identified by Price – role of key individuals, systemic sources and mechanisms at the societal level – contributed to this normative development (Price 1998, 616). Firstly, norms entrepreneurs centrally figure in the norm literature and their role is generally presented as central in heralding normative developments (e.g. Checkel 1999; Finnemore and Sikkink 1998; Finnemore 1999; Johnstone 2007; Percy 2007b). Whereas the development of the norm of humanitarian security benefitted from the involvement of a norm entrepreneur, no norm entrepreneur devised and steered the development of the norm. The norm entrepreneur who played a role in the development of the norm is the *Société Internationale de Secours pour les Prisonniers de guerre*. Still, it is worth remembering that the *Société* lobbied for the recognition of POWs as a category of concern and not for the emergence of the delegate of relief society *per se*. Nevertheless, even if it was perceived as a means for improving the treatment of POWs, the recognition of delegates of relief societies for POWs in the Hague Conference was instrumental in the development of the norm of humanitarian security in future decades. Secondly, the emergence and prominence of the norm of humanitarian security in the 1990s owed much to systemic sources. The norm development was linked to states' concern and commitment to the norm of humanitarian assistance, which realization was seen as being contingent on the security of humanitarian workers. This connection between the norm of humanitarian assistance and the norm of humanitarian security was not designed and sold by a norm entrepreneur but rather resulted from the occurrence, in the early 1990s, of security incidents involving

humanitarian workers that led to the suspension of aid deliveries. The timing and occurrence of such incidents amount to what Price calls "contingencies of history" (Price 1998, 616). Changes in the nature of states' engagement in humanitarian affairs in the 2000s – incorporating humanitarian action as part of states' political and military strategies – further shaped the discourse on the norm of humanitarian security during the War on Terror. Third, the role played by the United Nations in the post-2001 period constitutes an instance of a societal level mechanism. Following the attack on the Canal Hotel in 2003, the United Nations played an active role in discussions and initiatives pertaining to the security of humanitarian workers. It contributed to shaping the norm's framing in that period. The UN discourse on the Canal Hotel bombing and World Humanitarian Day focused on the human tragedy underpinning violations of the norm of humanitarian security and the valuable identity of humanitarian workers. This discourse had visibility and impact deriving from the organization's expert and moral authority (Barnett and Finnemore 2004, 23-24). The norm of humanitarian security thus constitutes a fascinating case for the norms literature because its development incorporates elements of agency (the *Société* and the United Nations) and environmental features (states' paradigm of engagement in humanitarian affairs, coherence of the norm with established norm and contingencies of history).

Fourth, this research contributes to the discussion on the relationship between norms and law that was recently revived by Percy's study on mercenaries (2007a; 2007b). Percy demonstrates how the weak law pertaining to the use of mercenaries is illustrative of a strong norm. The norm of humanitarian security reveals a different interplay between norms and law. The norm of humanitarian security constitutes an instance of a strong norm benefitting from a strong law. Also, despite the sound legal basis on which the norm rests, the norm of humanitarian security continues to be included in legal document for declaratory purpose. For instance, the inclusion of clauses prohibiting attacks against personnel involved in humanitarian assistance in the Rome Statute aimed at expressing and emphasizing states' particular condemnation of such crimes. Clauses 2 b iii and e iii did not add legal protection to humanitarian workers as they were already protected as civilians. Moreover, the norm of humanitarian security reveals a disconnect between

legal wording and the intent and understanding of the signatories of documents. While state plenipotentiaries at the Rome Conference made the case for the inclusion of clauses 2 b iii and e iii on the basis of the heinous nature of attacks against humanitarian *workers,* the scope of individuals actually covered by these clauses was more limited. These clauses only pertain to actors engaged in providing humanitarian assistance, thus excluding humanitarian workers engaged in protection work (e.g. visits to prisoners of war). State plenipotentiaries' constant interchangeable use of "humanitarian workers" and "personnel engaged in humanitarian assistance" suggests that this disconnect stems from the ambiguity of the term "humanitarian" rather than an explicit desire to restrict the application of these clauses (UN 1998). While it suggests a general lack of understanding of humanitarian work, this disconnect does not have practical effect on the legal protection of humanitarian personnel. In the event that humanitarian personnel involved solely in protection were victims of a security incident, individuals responsible for attacking them could still be prosecuted at the ICC because the attack would be violating the prohibition against attacking civilians prescribed in the Rome Statute. Nonetheless, despite negligible legal effect of this difference, it is indicative of and further helps constitute a particular category and status to the humanitarian worker and thus the broader norm.

International law constitutes a valuable source for understanding the evolution of the humanitarian worker and of the norm of humanitarian security. In summary: the 1899 Hague Convention recognized the delegate of relief society as an actor and specified the actor of concern who should benefit from their care (POWs); the 1929 Geneva Convention on POWs reiterated the provisions on relief present in the 1899 Hague Convention and endowed the ICRC with a right of humanitarian initiative; the 1949 Geneva Conventions clarified the meaning of relief societies and recognized civilians as a category of actor who could benefit from their work; the 1977 Additional Protocols recognized the humanitarian worker as a category of protected person and the right of civilian populations to receive assistance; and the 1994 UN Convention and Rome Statute emphasized the prohibition of attacks against personnel involved in humanitarian assistance. Reading this list alone provides a valuable overview of the evolution of the

recognition of the humanitarian worker and scope of its work as well as recognition and commitment to its security. This is telling of the close relationship between the norm of humanitarian security and international law.

Fifth, my research highlights the value of studying humanitarian workers as a means to gain deeper insight into norms of warfare thus showing the link between the literatures on humanitarianism and on norms and rules of war. Considering that the humanitarian worker's *raison d'être* has been and remains to support the proper treatment and well-being of certain categories of actors, the evolution of humanitarian workers' areas of intervention reflects and highlights changes in beliefs of appropriate behaviour in times of war. Modern international humanitarian law was initially concerned with combatants and combatants *hors de combat* and only later became involved in care for civilian populations. As discussed in Chapter 2, in the 19th century the fate and treatment of combatants *hors de combat* (wounded and sick soldiers and POWs) were central in discussions on norms of warfare. It was to provide care to prisoners of war that the delegate of relief societies as an actor was recognized in the 1899 Hague Convention. Despite the suffering of civilian populations during warfare, their well-being was little broached in discussions about the laws of war at that time: few clauses pertained to the protection of civilians, and no category of actor was recognized to ensure their well-being. The inclusion of civilian populations in the scope of action of delegates of relief societies in the 1949 Fourth Geneva Convention and 1977 Additional Protocols follows the international community's growing concern about the treatment of civilian populations during armed conflicts.

It is worth noting that both humanitarian workers' domains of activity and changes in norms of warfare to include civilians did not occur at the expense of combatants and combatants *hors de combat*. In other words, what occurred in both humanitarian workers' legally sanctioned domains of activity and norms of warfare was an expansion and not a displacement of concern. Moreover, through their involvement in non-sanctioned domains of activity, humanitarian workers contributed to the development of norms of warfare. For instance, delegates of relief societies providing assistance to civilian

populations during WWI or visiting civilian internees during WWII contributed to the recognition of these domains of activity in the Fourth 1949 Geneva Convention. Furthermore, humanitarian workers contributed to the upholding of and respect for norms of warfare. While the contribution of humanitarian workers is hard to quantify in terms of lives saved or improved, one can capture its scale by reflecting on the thousands of visits to interned individuals carried out, and the millions of tons of relief provided during WWI, WWII and the war in Bosnia and Herzegovina alone.

### 5.4. Evolution of the norm of humanitarian security: what it reveals and its effects

First, the current framing of the norm of humanitarian security draws attention to and humanizes the humanitarian worker. Treating violations of the norm of humanitarian security as reprehensible in themselves clearly positions humanitarian workers as actors whose personal security should not be violated. This also presents humanitarian workers as akin to other actors, such as police officers, whose profession places them in often-hazardous environments and whose security is prized in itself. Also, it emphasizes the positive identity features of humanitarian workers (e.g. altruism, dedication), while victimized humanitarian workers' personal stories bring attention to the human dimension of these actors, which is absent when workers are portrayed primarily as a means of service delivery. Moreover, by focussing on the identity of humanitarian workers, the virtue ethics discourse supporting the norm of humanitarian security makes reactions to norm violation less variable and dependent on the tasks performed by victimized humanitarian workers. This contrasts with the situation at play during the war in Bosnia and Herzegovina where the strength of reaction to violations of the norm of humanitarian security hinged upon the incident's impact on the delivery of assistance.

Second, even if reductive (notably because of a neglect of protection work), the consequentialist treatment of the norm in the 1990s was informative. Notably, it provided a window on the nature of humanitarian work performed (i.e. provision of fuel, food, medicine) and its impact (i.e. scale and type of needs to be addressed) in a variety of environments. In contrast, by focussing on the humanitarian worker him or herself, the

post-2001 discourse on the norm of humanitarian security is under-developed. Humanitarian action's meaning and nature features less prominently. This is unfortunate because a clear understanding of the work performed by humanitarian workers is central for getting, keeping and furthering public support and engagement in humanitarian action. This issue is of particular importance in the current context of public disillusionment with the use of moral and humanitarian arguments.[325] This is also significant because "humanitarian agencies often overestimate the degree of public and media understandings of their work" (Minear, Scott and Weiss 1996, 85).[326]

Third, with the discourse on the norm of humanitarian security focussing on victimized humanitarian workers, the experiences of populations of concern have become less visible. While in the 1990s populations of concern were present in the discourse on the norm of humanitarian security through mentions of their needs and the work performed by humanitarian workers, the decreasing attention to programmatic impact in the 2000s further removed populations of concern from view. This is problematic because it is at odds with the ethics of humanitarian action. Also, the limited presence of populations of concern in the discourse on the norm of humanitarian security in the 2000s presents the security of humanitarian workers as an end in itself and its violation as problematic in itself. It is also problematic because it conveys a distorted picture of humanitarian security, where risks to personnel should be weighed against the needs to be addressed (Merkelbach and Daudin 2011; OCHA 2011).[327] The limited visibility of populations of concern in the discourse on the norm of humanitarian security is not only of academic interest but reflects a trend in the 2000s of humanitarian organizations treating the security of their staff as an end disconnected from the needs to be addressed.[328] The

[325] For example, see gnatieff, Michael. 2013. "The Duty to Protect, Still Urgent." *The New York Times*, September 14.
[326] Their observation stemmed from public opinion research and anecdotal evidence by journalists (Minear, Scott and Weiss 1996, 85).
[327] The ICRC thus explains the role played by beneficiary populations in security calculations: "The ICRC strives at all times to reconcile its operational goal of standing by the conflict victims and vulnerable persons with its responsibility towards its personnel. It must therefore weigh every operation and its humanitarian impact against the risks involved." (Brugger 2009, 433) Interview with security expert, Geneva, 2012.
[328] Interview with humanitarian expert, Geneva, 2012.

United Nations' immediate reaction to the Canal Hotel bombing discussed in Chapter 4 constitutes a case in point. Reflecting on this issue, Law Professor Marco Sassòli says:

> This is also something I have always been a little embarrassed about…when we want to focus on the security of humanitarian workers…. because in areas of conflict, with very few exceptions, it is still more the civilian population that should be the main beneficiary of protection by the law and by humanitarian organizations, which is in the greatest danger. In general the aid workers are better organized; they have cars, guards, etc., while the civilian population, they don't. And if you choose to assist populations in conflict situations, inevitably, you take a risk. You need to be aware of that and it is embarrassing if your main concern is your own security.[329]

The discourse on the norm of humanitarian security failing to convey that "'safety and security' and 'program implementation' are two sides of the same coin" is also worrisome in light of the limited understanding of humanitarian action by the media and the public (Merkelbach and Daudin 2011, 3).

Comparing the discourse on the security of humanitarian workers and of civilian populations in the 1990s and 2000s highlights changes in the international community's security concerns.[330] Throughout these two decades, the security of civilian populations rested on deontological grounds (Breakey 2012, 67). This presented respect for the norm of the security of civilian populations as good in itself and its violation as wrong in itself.[331] Thus, in the 1990s, the security of civilian populations stood on clearer or absolute ground than the security of humanitarian workers.[332] This relationship changed in the 2000s. EU Commissioner for International Cooperation, Humanitarian Aid and Crisis Response, Kristalina Georgieva's statement at the occasion of WHD 2012 clearly highlights this new dynamic: "Crimes against unarmed civilians are never justified. When these crimes are committed against people who dedicate their lives to saving others the

[329] Interview with the author, Geneva, 2012.

[330] By focussing on civilian populations in this section, I do not imply that they constitute the only category of actor benefitting from humanitarian workers' support. This focus is useful because civilian populations constitute the largest group benefitting from humanitarian support and whose needs are addressed by most agencies, thus contrasting with POWs and interned individuals. This makes the limited visibility of civilians particularly surprising and worth highlighting.

[331] For a discussion of the deontology, see the Stanford Encyclopedia of Philosophy, http://plato.stanford.edu.

[332] Still, this difference in discourse should not lead one to overstate that commitment to the security of civilian populations took precedence over that of humanitarian workers. Reflecting on the situation in Somalia, Walker and Maxwell wrote: "[t]he assumption that the right of humanitarian access was automatic and should be protected by the international community of states has tended to privilege the needs of the interveners more than the needs of affected populations – a phenomenon de Waal refers to as "humanitarian impunity." (2009, 66)

injustice is even more apparent" (Georgieva 2012b). That the norm of the security of civilian populations rests on deontological grounds while the norm of the security of humanitarian workers rests on virtue ethics grounds expresses that civilians should be protected while humanitarian workers should be *particularly* protected. The treatment of the protection of humanitarian personnel in the Rome Statute discussed above further highlights this dynamic. Future research should compare the actions undertaken by the international community to ensure the protection of civilian populations and humanitarian workers in the 1990s and 2000s. It would be particularly interesting to see whether and how changes in discourse also translated into behavioural changes.

Fourth, I argue that the discourse on the norm of humanitarian security focussing on victimized humanitarian workers is not only supported by but also heightens the existing international media's bias towards "subjects of perceived interests to readers and viewers in developed countries," which Minear, Scott and Weiss exemplify as "the activities of expatriate – generally North American and European workers and the doing of Western troops" (1996, 37). They further explain:

> [c]omplex situations in war zones are frequently reduced to infotainment rather than treated in news documentary or news commentary format. Often a human interest angle is identified to emphasize the connection to a domestic audience. […] Experience confirms that the domestic impact of an overseas story, actual or potential, is a key determinant of headline news. […] The presence of international military forces invariably ensures coverage and provides the focus for the media of the troop-sending nation. U.S. military involvement in Somalia, Haiti, Rwanda, and Bosnia resulted in coverage far in excess of equally grievous humanitarian crises in Liberia and Sudan. Similarly, reporting on the activities of Canadian peacekeepers over the last several decades has provided the Canadian public with a major point of entry into international affairs. Dutch media were preoccupied throughout 1995 with the fate of Dutch peacekeepers in Srebrenica and a subsequent parliamentary inquiry about ethnic cleansing as the Serbs overran this so-called safe area. (1996, 38)[333]

The same dynamic is witnessed in the humanitarian sphere. For instance, during the famine in Somalia, "British media reported regularly on Save-the-Children (UK), the Irish media featured Concern, and the US media focused on CARE." (Minear, Scott and Weiss 1996, 56) While any violation of the norm of humanitarian security involving

[333] Reflecting on the massive scale of the response to the 2004 tsunami in comparison to the limited response to the 2005 earthquake in Kashmir, Brauman wrote: "it is simply a fact that the victims of the earthquake were not perceived as socially proximate to Westerners as the victims of the tsunami had been, at least those largely Western victims on whom media attention focused during the first two weeks."(2009, 109)

Western workers can provide the media with a point of entry, an incident being portrayed as an attack on a valuable and altruistic individual is more "newsworthy" than one portrayed as an attack on the means of delivery of humanitarian assistance. Although this state of affairs is not surprising, it is worrisome because international media such as CNN and ITN World News are not only available in the Western world but everywhere. While the emergence of Al Jazeera certainly contributed to more "regional" coverage of the situations and conflicts in the Middle East and South East Asia, the media coverage of Africa remains dominated by the Western media. Reflecting on this situation, Patrick Gathara wrote:

> Few African media houses are actually trying to cover the continent for the continent. Many have their hands full reporting (or not reporting) news at home and do not think of Africa so much as a story that needs to be covered, but as part of the rest of the world and take their cue on reporting from the western outlets. As South African photojournalist and film-maker Greg Marinovich notes, most African media stories on Africa are from international wires. Few have bureaus or send reporters outside their home countries, choosing to rely on the same western reporters they delight in bashing. Look at the coverage of South Sudan, CAR, DRC or Somalia, for instance. Most media on the continent remains supremely oblivious to happenings there. Even in neighbouring nations such as Kenya, which has paid a huge price for Somalia's instability, media only seems able to regurgitate the Western tropes about fighting terror and Islamic extremists. (2014)

This Western media pre-eminence in Africa is important to highlight because the continent is home to three of the four most dangerous environments for humanitarian workers: Somalia, Sudan and South Sudan (Humanitarian Outcomes 2012). This makes it likely that Western and African viewers get acquainted with a crisis through focus on the victimization of Western humanitarian workers. Without portraying media coverage as a zero-sum game, it is not contentious to claim that when security incidents involving humanitarian workers occupy center stage in media coverage and become *the* "story" about a context, other dynamics and actors in the same environment are, as a result, afforded more limited coverage.

One dynamic receding from view when the media's point of entry into a context is the victimization of an international humanitarian worker is the contribution of host governments and local actors (Donini et al. 2006, 17). For instance, highlighting the role of these actors in the Balkans, Minear and Weiss wrote:

> [b]y mid-1993, almost 800,000 of the uprooted people who sought shelter in Croatia, displaced either from their homes in Bosnia and Herzegovina or within Croatia itself, had been

> accommodated by individuals. Most of the remainder were housed at government expense in hotels and collective centers. […] In the Federal Republic of Yugoslavia, […] [o]f the 570,000 refugees in April 1993 who had sought shelter in Serbia and Montenegro, over 96 percent also had found shelter with individual families. The others were housed in barracks, school buildings, and hostels. (1995, 181-183)[334]

Relatedly, the focus on the action and victimization of Western humanitarian actors conveys a distorted picture of the face of humanitarian action, which is predominately national.[335] National staff comprise the great majority of humanitarian workers – more than 90% for most international NGOs (Humanitarian Outcomes 2011, 8) – and the majority of victims of security incidents. The Aid Worker Security Report 2011 explains:

> Although the statistics show that international (expatriate) aid workers have a higher per capita rate as victims of violent attacks, the national staffers, because of their higher numbers and greater exposure in frontline field positions, comprise the vast majority of victims every year. This fact alone should be enough to place the safety and security of national aid workers at the highest level of an organisation's priorities. (Humanitarian Outcomes 2011, 8)

Despite the predominantly national face of humanitarian action and of victims of security incidents, the initiatives proliferating in the humanitarian sphere are mainly directed at its Western or foreign workers. For instance, undergraduate, M.A. degrees and training on humanitarian action have multiplied in recent years. The location (mainly in the West) and prohibitive costs of these courses do not make them available for the bulk of national humanitarian workers.[336] While aiming to improve the state of training and preparedness of humanitarian workers constitutes a valuable endeavour, its current form is out of step with the nature of the humanitarian sphere and of humanitarian security.[337]

Fifth, the focus on the valuable identity of humanitarian workers has contributed to shifting analytical attention away from numerous areas of interest. With extraordinary prescience, almost twenty years ago Alex de Waal wrote: "The courage of individual relief workers in remaining in post despite the personal risk has distracted attention from

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[334] In his dispatches on Bosnia, Gutman also recounts numerous instances of humanitarian action by local populations and countries (1993, 26-27, 177).

[335] An employee of a humanitarian organization communicated the impact of the media by saying: "The mediatisation of humanitarian action supported public opinion's perception of the foreignness of humanitarian workers." (Interview with the author, Geneva, 2012)

[336] As an illustration, the registration fee for the 2013 two-week Canadian Disaster and Humanitarian Response Training Program cost $2150. In addition to this fee, participants had to cover their travel, accommodation and food costs.

[337] Numerous participants at the 2013 Canadian Humanitarian Coalition Conference, for example, questioned the value of such investment and they suggested that it should be used to develop local capacities.

the impasse in which the relief system has found itself." (1994, 17) It is not my purpose here to list all the areas of research that have been neglected as a result of this focus on humanitarian workers' personal security narrative. Rather, I briefly attend to its implications for the field of the security of humanitarian workers. Interestingly, even this field displays an analytical bias. The bulk of the research published in recent years on the security of humanitarian workers aims to document and shed light on trends of insecurity and the reasons for such insecurity.[338] In contrast, there has been no analytical attention devoted to the subject of this research – the notion of humanitarian workers as inviolate actors – and only limited attention dedicated to examining the security measures adopted by humanitarian organizations. I do not claim that humanitarian organizations fail to reflect on the security measures at their disposal in each environment. The ingenuity of numerous organizations in their efforts to deliver assistance in challenging environments is evidence of this. Yet, there is a general lack of studies attending to the effects, advantages and drawbacks of the most ubiquitous security measures, both on humanitarian workers and on host populations. For instance, while lamented in reports, the trend of bunkerization and one of its key feature, the fortified aid compound, have been little analyzed and examined (OCHA 2011; Steets, Reichhold and Sagmeister 2012).[339] While the fringe research that has examined fortified aid compounds has identified some detrimental impacts produced on host populations, little is known about the effects on humanitarian workers, how host populations experience the different features of compounds (e.g. presence of guards, barbed wire) and whether the problematic effects of these structures could be alleviated in some way (Duffield 2010).

This dearth of analysis of humanitarian organizations' practice and their impact is not surprising owing to a widespread sense in the humanitarian sphere

> that benevolence should somehow be above critical scrutiny, that acts undertaken with good intentions can be excused from judgement. Aid personnel are often indignant that their good will

[338] This state of affairs is not surprising considering that this literature "essentially developed in reaction to aid agencies' deteriorating security." (Renouf 2011, 14)

[339] In an effort to fill this analytical gap, Leclerc-Gagné, Moscrop and Plowright have studied the effects of fortified compounds on humanitarian workers. Forthcoming in the Journal of Humanitarian Assistance.

> and hard work are subject to review, an attitude that they manifest in sentiments from "at least we tried" to "you can't put a price on life". (Terry 2002, 226)[340]

A security expert explained how questioning humanitarian organizations' security measures constitutes a *particularly* sensitive topic and portrayed as an attack on the Holy Grail – where raising questions about security measures suggests a limited commitment to the security of humanitarian workers.[341] In light of this concern both the research community and humanitarian organizations have an important responsibility. On the one hand, the research community should clearly communicate how studying the effects of security measures aims to provide the humanitarian community with a comprehensive picture of security measures, which would allow agencies to make security decisions improving both staff security and the achievement of operational objectives. The research community should also try as much as possible to pair analysis of security measures with recommendations. Reaching out to host and beneficiary populations would be a good way to start filling this analytical gap because this engagement would allow for re-positioning host and beneficiary populations into humanitarian organizations' reflections about security.[342] It could also give rise to novel security measures adapted to the local environment and context. On the other hand, humanitarian organizations have a responsibility to engage in and support reflection and analysis on security measures. This is important because:

> Deliberations about weather aid organizations have acted responsibly and can be held to account for the consequences of their actions also involve considerations of prior knowledge and of their capacity to have acted differently. Decisions are made on the basis of available information, and aid organizations are only fully responsible for actions decided on accordingly. However, if necessary information did exist and the agency did not obtain it when it could reasonably have been expected to do so, then it is guilty of avoidable ignorance. (Terry 2002, 26)

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[340] De Waal's echoes this perception when writing: "International responsibility for the alleviation of suffering is one of the most noble of all human goals. Nobility of aim does not confer immunity from sociological analysis or ethical critique, however…It is as though the sociological study of the church were undertaken by committed Christians only: criticism would be solely within the context of advancing the faith itself." (quoted in Rieff 2002, 116)

[341] Interview with the author, Geneva, 2012.

[342] Research from the Feinstein International Center supports this proposition. The Humanitarian Agenda 2015 Preliminary Report reads: "Our data points to a disconnect between the security perceptions of affected communities and those of aid agencies. Understanding local perceptions of security is key both for the effectiveness of humanitarian action and the security of aid workers." (2006, 4)

With the existing literature pointing to problematic impacts of some security measures, humanitarian organizations have an obligation to follow-up. Such action would not only be in line with humanitarian ethics but also with the idea of "do no harm."

Sixth, given the genealogical approach's concern about power, it appears fitting to conclude this study by pondering an issue discussed throughout this research: what this norm's development exposes about the ontological inequality of human life. The construction of a category of actor whose lives are perceived as particularly valuable constitutes a deeply political act and one that is linked to webs of power relations in world politics. In her study of frames of war, Butler neatly captures this relationship between visibility, grievability and power. She wrote:

> I am seeking to draw attention to the epistemological problem raised by this issue of framing: the frames through which we apprehend or, indeed, fail to apprehend the lives of others as lost or injured (lose-able or injurable) are politically saturated. They are themselves operations of power. (Butler 2010, 1)

The discourse on the norm of humanitarian security does not afford the same degree of attention to all its "actors;" while foreign or Western humanitarian workers appear center stage, civilian populations and national humanitarian workers are given minimal visibility. Fassin argues that the asymmetry of lives, "between those whose life is passively sacrificeable, because they are at the mercy of the bombs, and those whose life can be freely sacrificed, because they decided to stay" highlights the founding inequality of the humanitarian gesture" (2012, 233). As discussed in Chapter 4, visibility constitutes a central determinant of grievability. Only can a visible and recognizable life be mourned as lost.

This 2012 *The New York Times* article reporting on a suicide bombing in Afghanistan illustrates the unequal degree of attention granted to victimized individuals. It is entitled "Afghanistan: U.S. Aid Worker Killed" and its beginning reads:

> The Obama administration said Thursday that a United States government aid worker had been killed in an attack by suicide bombers in eastern Kunar Province. In a statement, Secretary of State Hillary Rodham Clinton condemned the attack by two men on Wednesday. The statement said that a Foreign Service officer working with the United States Agency for International Development,

> Ragaei Abdelfattah, was killed, along with three coalition soldiers and an Afghan civilian. A State Department employee was wounded.[343]

This article is revealing of the particular degree of attention the security of humanitarian workers garners because, at first sight, it seems only to be reporting on an attack that resulted in the death of a US aid worker while in reality four other individuals were also killed. The particular focus on the aid worker casualty is evident by the USAID employee being the only casualty mentioned in the title and the beginning of the article. He is also the only victim that is identified by name. Moreover, considering that the three coalition soldiers killed were American, one cannot explain the focus on the USAID worker based on a US or Western media bias. The order in which the casualties are listed is revealing with the humanitarian worker being mentioned first, coalition soldiers second and the civilian victim last.

One implication of this focus on victimized humanitarian workers is that it brings attention to the positive side of outside interventions in conflict and crisis situations. The "good" done by the United States in Afghanistan is brought to the fore, while its costs, embodied in both the coalition soldiers and the civilian deaths, are afforded limited visibility. On the effect of this contemporary portrayal of humanitarianism, Rieff incisively wrote:

> It would be one thing if humanitarians could bear to tell, or if the general public in Western Europe and North America could bear to hear, the truth – that the actual practice of humanitarianism is not at the center of any new international order but at its margin, and that by elevating humanitarianism in the way that it has been elevated, we delude ourselves into thinking the answer to the world's horror lies within our grasp, when the fact is that it does not. (2002, 87)

Showcasing the deaths of courageous and altruistic Western individuals also highlights the distribution rather than concentration of suffering in the host population. Considering that the relationship of states to humanitarian action shaped the development of the norm of humanitarian security, this focus on victimized humanitarian workers in a time of crisis in intervention policy is not surprising. Yet, this focus, at odds with the spirit of humanitarian action, should be a source of serious concern.

[343] The Associated Press. 2012. "Afghanistan: U.S. Aid Worker Killed." *The New York Times*, August 9.

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## Appendix A – List of Interviewees

1. Humanitarian worker, Dungu, Democratic Republic of Congo, 2010
2. Humanitarian worker, Dungu, Democratic Republic of Congo, 2010
3. Humanitarian worker, Dungu, Democratic Republic of Congo, 2010
4. Humanitarian worker, Dungu, Democratic Republic of Congo, 2010
5. Humanitarian worker, Dungu, Democratic Republic of Congo, 2010
6. Security expert, Geneva, 2012
7. Law Professor Marco Sassòli, Geneva, 2012
8. Historian Daniel Palmieri, Geneva, 2012
9. Dr. Robin Coupland, Geneva, 2012
10. Security expert, Geneva, 2012
11. Humanitarian expert, Geneva, 2012
12. Humanitarian expert Christina Wille, Geneva, 2012
13. Employee of a humanitarian organization, Geneva, 2012
14. Mr. John Washburn, Convener, American Non-Governmental Organizations Coalition for the International Criminal Court, Phone, 2012
15. Law Professor and Canadian delegate at the Rome Conference Darryl Robinson, Skype, 2012