

**A dissertation submitted to the Department of Environmental Sciences and Policy of  
Central European University in part fulfilment of the  
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# **Making Ethical Decisions in Disasters**

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A handwritten signature in dark ink, appearing to read 'Ivana VUCO', written in a cursive style.

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**ABSTRACT OF DISSERTATION** submitted by:

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In order to save lives, reduce suffering, and restore dignity, as the humanitarian community often claims to do, to those affected by natural or human-made disasters, international humanitarian organizations mobilize human and financial resources and deploy to disaster areas. Such a humanitarian undertaking is guided by a set of ethical principles, among which humanitarian imperative, impartiality, neutrality or some level of political non-alliance, and operational independence stand as the most important. What they are is described in practical documents, journal articles, and scholarly books. Yet, their application appears to be anything but clear to the aid worker operating in unfamiliar, politically complex, and often unsafe contexts and under the pressures of time.

This dissertation's research question asks how the international humanitarian coordination systems and their member organizations engaged in ethical decision-making when responding to natural and human-made disasters in humanitarian responses to a set of events that unfolded in Somalia, Yemen, and Libya in the second decade of the 21<sup>st</sup> century. More specifically, the research examines the application of ethical humanitarian principles in those disasters. Conducted during the most restrictive years of COVID-19, the research applies modified interpretivist methodologies, relying on primary data and remote interviews, and observations and knowledge acquired from previous professional engagements in two of those cases. It is rooted in constructivism and inspired by the transnational advocacy network theory.

This research argues that aid organizations indeed use humanitarian principles in disasters, albeit selectively, inadequately intentionally, and unsystematically. Decisions are too often highly influenced by context, most notably: (i) proximity to a crisis and populations affected by the crisis; (ii) organizational mandate and reputations; (iii) foreign policy and legislations, as well as funding conditionalities; (iv) local conditions and restrictions; (v) perceived urgency of the humanitarian need (vi) media and human rights narratives; (vii) risk of causing harm; and (viii) confidence in the ability to influence and effect change. The decision-making is fluid; competing interests meet at the humanitarian country team levels and the margins of policy meetings, with donors drawn into the discussion when convenient for individual policy drivers. Ethical positioning is thus constantly made and remade. The most powerful tool to realign ethical principles, although not a silver bullet, is achieved through advocacy, which is most likely to succeed when employed by the international humanitarian system as a whole.

Apart from serving to inform and shape humanitarian programming and improve the effectiveness in mitigating the effects of disasters, humanitarian principles also serve to create a community of self-identified global humanitarian responders endowed with (moral) responsibilities and rights. If appropriately used, the principles can also be employed to influence foreign policy and, sometimes, domestic actors to unblock access to disaster-affected populations. The principles, therefore, can have broad effects and appeal beyond the aid system, the potential that appears to be largely unrecognized and inadequately and systematically employed.

The ultimate objective of this research is to inspire further thinking about what might be possible and what ought to be done to strengthen the ethical delivery of humanitarian aid in the world.

**Keywords:** humanitarian assistance, ethical decision-making in disasters, humanitarian principles, environmental and human-made disasters

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## Preface and Acknowledgments

I am often asked about my dissertation's research topic. On two occasions when I mentioned I was studying how aid organizations use humanitarian principles to make decisions in disasters, two people with knowledge and involvement in the humanitarian sector, of whom one is an aid worker in the proper sense of the word, smirked and facetiously remarked: "They don't!" I started this research because I, too, had wondered and sometimes thought the same. After fifteen or so years of doing humanitarian work, I was still uncertain about the fundamental ethical question concerning global humanitarian action. Do aid organizations actually use humanitarian principles to decide on their programs or course of action? If they do, how do they do that? And if not, why do we need them?

Much has been said about aid work. Convincing arguments about aid operations serving foreign policy interests or self-serving international organizations' interests have been put forward in scholarly books, research articles, newspapers, and social media, including those frequented by aid workers. Balanced against such views are aid organizations' own statements and slogans: "Humanitarian coordination saves lives," claims the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), while the World Food Programme (WFP) declares its motto to be "saving lives, changing lives." CARE<sup>1</sup>, a confederation of non-governmental organizations with international outreach, explains its mandate as: "We save lives, defeat poverty, achieve social justice, and fight for women and girls." Such an impressive list of claims must certainly entail ethical responsibilities, and most international (and some national) humanitarian organizations agree that humanity, neutrality, impartiality, and independence constitute the ethical center of their engagement. Almost every humanitarian organization

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<sup>1</sup> The acronym CARE comes from the Cooperative for American Remittances to Europe, changed to the Cooperative for Assistance and Relief Everywhere in 1993.

references those four concepts in some form, even if, as in the case of Oxfam<sup>2</sup>, only to debate how neutrality fits with the organization's mandate to promote and defend justice. I still found it most intriguing to see how often states' own humanitarian funding institutions reference those four humanitarian principles, ignoring the contradictions inherent in the institutions' political character and the principles' purpose to distance humanitarian operations from politics.

Yet, such magnificent humanitarian claims and beautifully crafted phrases stood in stark contrast to an impressive volume of reputable research and academic opinions about a different reality in which the slogans were but naïveté and self-serving mantras. So, where does the truth lie? I had to find out for myself. This dissertation is my attempt to have that question answered first and foremost for myself and then anyone else out there wondering the same. For those who happen to believe they already know the answer, I hope this research sows a seed of doubt – the actual situation might be less grim than it seems but also not very rosy either. The truth, after all, is always more complicated than it first appears. Lastly, I also hope that this dissertation inspires further research on the topic and, ideally, on the ways in which deliberating and evaluating humanitarian principles could be made systematic, streamlined, and constant, facilitating and, ultimately de-mystifying humanitarian decision-making in disasters.

This research and the writing of this dissertation would not have been possible without the support of Dr. Viktor Lagutov, my mentor and supervisor at the Central European University (CEU) Department of Environmental Sciences and Policy. I am deeply grateful for the guidance, critique, and honest opinions from my other two PhD committee members, Dr. Thilo Bodenstern, Professor at CEU School of Public Policy, and Dr. Daniel Maxwell, Henry J. Leir Professor in Food Security at the Friedman School of Nutrition and Research Director at the Feinstein International Center, Tufts University. Apart from my Committee, I am thankful to

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<sup>2</sup> A confederation of humanitarian organizations known as Oxfam, once an abbreviation for the Oxford Committee for Famine Relief.

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## List of Abbreviations

ACTED	Agency for Technical Cooperation and Development
AQAP	Al-Qaeda in the Arab Peninsula
AQIM	Al-Qaeda in the Islamic Maqreb
AWSD	Aid Worker Security Database
CAAT	Campaign Against Arms Trade
CAP	Consolidated Appeals Process
CAR	Central African Republic
CARE	Cooperative for American Remittances to Europe
CBY	Central Bank of Yemen
CEPII	Centre d'Études Prospectives et d'Informations Internationales
CEU	Central European University
CRED	Centre for Research on the Epidemiology of Disasters
CSDP	Common Security and Defense Policy
CTFMR	Country Task Force for Monitoring and Reporting Mechanism
DAC	Development Assistance Committee
DCIM	Department for Combating Illegal Migration
DFID	Department for International Development
ECHO	European Commission's Directorate-General for European Civil Protection and Humanitarian Aid Operations
EFSNA	Emergency Food Security and Nutrition Assessment
ERC	Emergency Relief Coordinator
EU	European Union
EUNAVFOR	European Union Naval Force
FAO	UN Food and Agriculture Organization
FCDO	Foreign, Commonwealth and Development Office
FEWS NET	Famine Early Warning Systems Network
FFP	USAID's Office for Food for Peace
Frontex	European Border and Coast Guard Agency
FSNAU	FAO Food Security and Nutrition Analysis Unit
FTS	Funding Tracking Service
FY	Fiscal Year (United States)
GAM	Global Acute Malnutrition
GCC	Gulf Cooperation Council

GDP	Gross Domestic Product
HC	UN Humanitarian Coordinator
HCT	Humanitarian Country Team
HPG	ODI Humanitarian Policy Group
HRP	Humanitarian Response Plan
HRuF	Human Rights up Front
HRW	Human Rights Watch
IAHE	IASC's Inter-Agency Humanitarian Evaluation
IASC	Inter-Agency Standing Committee
ICC	International Criminal Court
ICG	International Crisis Group
ICRC	International Committee of the Red Cross
ICTY	International Criminal Tribunal for the Former Yugoslavia
IDMC	NRC's Internal Displacement Monitoring Center
IDP	Internally Displaced Person
IFRC	International Federation of Red Cross and Red Crescent Societies
IHL	International Humanitarian Law
IHS	International Humanitarian System
IMF	International Monetary Fund
IMPACT	IMPACT – Civil Society Research and Development e.V
INGO	International Non-Governmental Organization
IOM	UN International Organization for Migration
IPC	Integrated Food Security Phase Classification System
IR	International Relations
IRC	International Rescue Committee
IRO	International Refugee Organization
IRP	Internal Review Panel
IRRC	International Review of the Red Cross
KI	Key Informants
KII	Key Informant Interviews
KSA	Kingdom of Saudi Arabia
LCG	Libyan Coastal Guard
LNA	Libyan National Army
MMWG	Mixed Migration Working Group

MoPIC	Yemeni Government Ministry of Planning and International Cooperation
MRM	Children and Armed Conflict Monitoring and Reporting Mechanism
MSF	Médecins sans Frontières
NATO	North Atlantic Treaty Organization
NGO	Non-Governmental Organization
NRC	Norwegian Refugee Council
OCHA	UN Office for the Coordination of Humanitarian Affairs
ODI	Overseas Development Institute
OECD	Organization for the Economic Cooperation and Development
OED	Oxford English Dictionary
OFAC	US Department of the Treasury's Office of Foreign Assets Control
OFDA	USAID's Office of US Foreign Disaster Assistance
OHCHR	Office of the UN High Commissioner for Human Rights
Oxfam	Oxford Committee for Famine Relief
PCI	Peaceful Change Initiative
PIN	People in Need
PU	Private University
PWA	Post War Average
RCC	Redeployment Coordination Committee
REACH	Data collection initiative by IMPACT, ACTED and UNOSAT
SAM	Severe Acute Malnutrition
SCHR	Steering Committee for the Humanitarian Response
SMART	Standardized Monitoring and Assessment of Relief and Transitions
TAN	Transnational Advocacy Network
TFG	Transitional Federal Government
UAE	United Arab Emirates
UK	United Kingdom
UN	United Nations
UNDP	United Nations Development Programme
UNDRO	United Nations Disaster Relief Organization
UNFPA	United Nations Population Fund
UNGA	United Nations General Assembly
UNHCR	United Nations High Commissioner for Refugees / UN Refugee Agency
UNICEF	United Nations International Children's Emergency Fund

UNMHA	United Nations Mission to Support the Hudaydah Agreement
UNOSAT	United Nations Operational Satellite Applications Programme
UNOSOM	United Nations Operation in Somalia
UNPPA	United Nations Political and Peacebuilding Affairs
UNRRA	UN Relief and Rehabilitation Administration
UNRWA	United Nations Relief and Works for Palestine Refugees in the Near East
UNSC	United Nations Security Council
UNSMIL	United Nations Support Mission in Libya
US	United States
USAID	United States Agency for International Development
WASH	Water, sanitation and hygiene
WBG	World Bank Group
WFP	UN World Food Programme
WHO	UN World Health Organization
WWI	World War I
WWII	World War II



*Interesting work begins not just with a problem—how democracy works in the United States, for instance—but with a puzzle. Puzzles are anomalies: what we observe does not fit with our preconceptions based on established theory. Hobbes sought to make sense of civil war and regicide. Toqueville wanted to understand how a decentralized, individualistic society as the United States in the 1830s could exhibit such overall cohesion, and even suffer from oppressive public opinion. Barrington Moore and a line of successors have sought to explain why some societies develop stable democracies while others do not; Theda Skocpol and others seek to account for great revolutions—and their absence. Great leaps forward in political science often take place when someone sees puzzles, where others have only seen facts. (Keohane 2009: 360)*

## 1. Introduction

There were several hundred disasters in the world in 2022, and out of those, forty-three received international support, according to OCHA.<sup>3</sup> Most of those forty-three were protracted emergencies and about thirteen were newly declared crises supported by an international humanitarian system (IHS), a system of inter-governmental and non-governmental organizations that comes together to deliver aid. Although individual organizations may be funded by foundations and through private contributions, a vast majority of the funding for humanitarian action globally comes from states, the largest being the United States (US), followed by the European Union (EU), the United Kingdom (UK) (although less consistently in recent years), Germany, Japan, Sweden, Norway, Canada, sometimes the Kingdom of Saudi Arabia (KSA) and others.

The concept of international humanitarian system has grown over three decades, and especially over the past few years. Aid organizations insist that this reflects the rapid augmentation of

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<sup>3</sup> United Nations Office for the Coordination of Humanitarian Affairs (OCHA). N.D. “Humanitarian Action. Analysis Needs and Response: Inter-Agency Plans.” Available at: <https://humanitarianaction.info/overview/2022?bs=eyJibG9jay1mY2Y5MmQ2MS0wOGU3LTQ3NDktYTMzMjY0Y2E2ZmYxNjg0NWEiOmsidGFyZ2V0IjoyfSwiYmxvY2stMWZkYTQzYTMTnRjMS00NGVmLWEzYTAtMDEzNDg2NWQ4YjA5Ijpw7InRhcmdldCI6Mn19.> Accessed May 20, 2023.

humanitarian needs since the foundation of these global systems was established in the 1990s. Every year, conflicts, climate change, and environmental events force more and more people to flee and abandon their homes and livelihoods, sinking deeper and deeper into poverty and aid dependence. In mid-2022, over one hundred million people were estimated to be living in displacement,<sup>4</sup> compared to eighty-two million at the end of 2020,<sup>5</sup> and just over seventy million in 2018.<sup>6</sup> Historical exploitations, unequal distribution of riches and power, and political and climatic calamities have created remarkable and growing inequality in the world – with people in many parts of the world struggling to survive or find their way out of abject poverty. As many as 828 million people, or one-tenth of the world population, were undernourished in 2021; by contrast, there were about 680 million malnourished people in 2019. Around 2.3 billion people in the world were moderately or severely food insecure in 2021, or nearly thirty percent of the global population and 350 million more people than in 2019. In 2022, 274 million people were estimated to live in conditions that require humanitarian assistance worldwide; in 2023, the estimates are that this number may be as high as 339 million people.

Growing humanitarian needs in the world have led to the expansion of global humanitarian solidarity if judged by the ever-larger number of responding organizations and the amount of funding available for their operations. In 2023, the United Nations requested \$56 billion in humanitarian funding. The funding request denotes a figure that surpasses every previous year

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<sup>4</sup> UN High Commissioner for Refugees or UN Refugee Agency (UNHCR). “Figures at a Glance.” Available at: <https://www.unhcr.org/us/about-unhcr/who-we-are/figures-glance#:~:text=103%20million%20forcibly%20displaced%20people,103%20million%20at%20mid%2D2022>. Accessed May 20, 2023.

<sup>5</sup> UNHCR. “Global Trends in Forced Displacement.” Available at: <https://www.unhcr.org/media/global-trends-forced-displacement-2020>. Accessed May 20, 2023.

<sup>6</sup> Ibid.

and is an eleven-fold increase from the global requirement of \$3.9 billion in 2007.<sup>7</sup> In 2022, the Global Humanitarian Overview, a collective analytical and fund-raising document maintained by the United Nations (UN), received fifty-seven percent of the requested \$51 billion in humanitarian funding, giving humanitarian operations last year close to \$30 billion.<sup>8</sup> Even if funded at barely over fifty percent of what was requested, the global humanitarian operation in 2022 was thus the largest ever. In recent years, the global humanitarian enterprise has exceeded the gross domestic product (GDP) of many countries in the world, including many receiving international assistance. Yemen's GDP, for example, was just over \$21 billion in 2018 and it is unlikely that it improved in subsequent years, while Afghanistan's was a little over \$14 billion in 2021.<sup>9</sup>

The rapid growth of the organized international assistance accorded it unprecedented visibility, and with that, exposed it to scrutiny it had not faced before. Questions related to humanitarian power, responsibility, and ability to influence global trends and processes are frequently asked. Who decides who the beneficiaries or "people in need" are? Who determines what humanitarian assistance is? How are decisions made on who gets and who does not get humanitarian aid, and under what conditions? Those critical questions (and answers) concern everyone with an interest in global trends, efforts, and relations, and in particular, those for whom these queries may be personal – the aid recipients.

Today, international humanitarian aid, especially if intended to be delivered as part of the international response mechanism, a relatively well-prescribed policy and coordination system,

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<sup>7</sup> OCHA. 2007. "United Nations Kicks off Humanitarian Action in 2007." News and Press Release. January 17. Available at:

<https://reliefweb.int/report/world/united-nations-kicks-humanitarian-action-2007#:~:text=Originally%20launched%20on%2030%20November,crises%20in%2029%20countries%20worldwide>. Accessed May 20, 2023.

<sup>8</sup> OCHA. "Appeals and Response Plans 2022." Available at: <https://fts.unocha.org/appeals/overview/2022>. Accessed March 15, 2023.

<sup>9</sup> Data on countries taken from the World Bank at <https://data.worldbank.org>. Accessed March 25, 2023.

is expected to adhere to a set of principles, some of which find their roots in international law. The right to humanitarian assistance is, for example, regulated by International Humanitarian Law (IHL), specifically the Geneva Conventions and the international humanitarian customary law (Coursier 1955; Henckaerts *et al.* 2005) that prescribes unequivocal access to the civilian population in distress. Fourth Geneva Convention, Article 23, specifies that free passage ought to be granted under all circumstances for all consignments of essential foodstuffs, clothing, and tonics intended “for children under fifteen, expectant mothers and maternity cases” (cited in Henckaerts *et al.* 2005).<sup>10</sup> Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) expands the requirement and states: “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 [author’s comment: clothing, bedding, means of shelter, other supplies essential to the survival and objects necessary for religious worship], 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. Offers of such relief shall not be regarded as interference in the armed conflict or as unfriendly acts.”<sup>11</sup> Moreover, “the Parties to the conflict and each High Contracting Party shall allow and facilitate rapid and unimpeded passage of all relief consignments, equipment and personnel provided in accordance with this Section, even if such assistance is destined for the civilian population of the adverse Party.”<sup>12</sup> Civilians are defined as “persons who are not, or no longer, members of the armed forces” (The International Criminal Tribunal for the Former Yugoslavia (ICTY), the

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<sup>10</sup> International Committee of the Red Cross (ICRC). Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), 12 August 1949, 75 UNTS 287, Art. 23. Available at: <https://www.refworld.org/docid/3ae6b36d2.html>. Accessed May 20, 2023.

<sup>11</sup> ICRC. Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977. Art 70. Available at: <https://www.refworld.org/docid/3ae6b37f40.html>. Accessed May 20, 2023.

<sup>12</sup> Ibid.

Prosecutor v. Tihomir Blaskic, March 3, 2000, in Doswald-Beck and Henckaerts 2006: 18). For situation in non-international armed conflict, Additional Protocol II Article 18 stipulates the same, albeit in a more abbreviated form.<sup>13</sup>

The above provisions are further reinforced in other domestic and international legal instruments, States' military statutes, International Criminal Court (ICC) and international criminal tribunals and UN resolutions. The IHL, of course, regulates the conduct of parties to the conflict, and not of humanitarian aid providers, but it does, in a few critical places, characterize the nature of humanitarian assistance. Specifically, as stated above, Protocol I defined the relief actions as humanitarian and impartial, intended for the civilian populations on all sides. Moreover, the requirement that assistance "shall not be regarded as interference or an unfriendly act" effectively places an onus on aid providers to act in a non-partisan and neutral manner if they were to claim to be the providers of aid under these circumstances and under certain protections. Impartiality and neutrality are implicit as requirements elsewhere, such as in Geneva Conventions common Article 3, which stipulates the non-discriminatory protections of civilians and persons *hors combat*, while specifying the duty to collect and care for the wounded and sick by impartial organizations, such as the International Committee of the Red Cross (ICRC),<sup>14</sup> implying neutrality along the lines mentioned above. Medical personnel, such as, inter alia, National Red Cross or Red Crescent Societies and other voluntary aid societies, as well as impartial international organizations, including the ICRC, lose their

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<sup>13</sup> Additional Protocol II states: "If the civilian population is suffering undue hardship owing to a lack of the supplies essential for its survival, such as foodstuffs and medical supplies, relief actions for the civilian population which are of an exclusively humanitarian and impartial nature and which are conducted without any adverse distinction shall be undertaken subject to the consent of the High Contracting Party concerned" (ICRC. Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977, 1125 UNTS 609. Available at: <https://www.refworld.org/docid/3ae6b37f40.html>. Accessed 16 November 2023).

<sup>14</sup> See ICRC. "Conflicts not of an International Character." Available at: [https://ihl-databases.icrc.org/en/ihl-treaties/gci-1949/article-3#:~:text=\(1\)%20Persons%20taking%20no%20active,founded%20on%20race%2C%20colour%2C%20religion.](https://ihl-databases.icrc.org/en/ihl-treaties/gci-1949/article-3#:~:text=(1)%20Persons%20taking%20no%20active,founded%20on%20race%2C%20colour%2C%20religion.) Accessed October 3, 2023.

protection “if they commit, outside their humanitarian function, acts harmful to the enemy” (Henckaerts 2005: 79), or, in other words, if they act in a non-neutral manner.

The IHL thus set the stage for humanitarian assistance, although it does not provide the full breadth of what humanitarian assistance (in conflict) is, and under which conditions it may be delivered. Some of those critical requirements will have been included in contemporary documents on humanitarian assistance, most notably, into the articulation of ethical humanitarian principles to be applied in conflict and natural disaster situations.<sup>15</sup> In 1965, the ICRC and the League of Red Cross Societies (a predecessor to the modern International Federation of Red Cross and Red Crescent Societies or IFRC in short) adopted a set of seven Fundamental Principles intended to harmonize and guide their global operations. Among those, the first four are humanity, impartiality, neutrality, and independence, as an extension and requirement to exercise neutrality. In the 1990s, two other documents were drafted with the intent of framing international humanitarian enterprises. One was the Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organizations (NGOs) in Disaster Relief (hereinafter the Code of Conduct), which identified ten principles – among which are humanitarian imperative and impartiality, as well as independent and needs-based engagement – required to frame international humanitarian action. The second document was United Nations General Assembly (UNGA) Resolution 46/182. In 1991, at its 46<sup>th</sup> session, the UNGA agreed on three principles to lead all UN-led humanitarian endeavors: humanitarian imperative (humanity), impartiality, and neutrality. In 2003, the UNGA added the fourth one: independence.

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<sup>15</sup> For a comprehensive list of international law, treaties and UN resolutions regulating humanitarian assistance, see Fisher, David. 2007. “Law and Legal Issues in International Disaster Response.” Desk Study. International Federation of Red Cross and Red Crescent Societies (IFRC). Geneva, 2007

The definitions of the three humanitarian principles of humanitarian imperative, impartiality, and independence are generally the same across all documents. Humanitarian imperative is an obligation to assist people in distress; impartiality dictates that such assistance be provided without differentiation in terms of political beliefs, race, or other identities; and independence demands that aid organization enjoy autonomy to make their decisions independently – to ensure these decisions are guided not by foreign policy or interest but humanitarian need. The principle of neutrality appears somewhat less consistently across the three documents. The International Red Cross and Red Crescent Movement defines neutrality as a two-fold requirement: one, that aid organizations do not take sides in a conflict and two, that they are not guided by any political or other agendas. The UNGA, as will be discussed in Chapter 5, intended that the same definition, with those two related elements, be applied to the neutrality requirement outlined in its resolutions. The Code of Conduct, on the other hand, did not cite neutrality by its name, but, instead, noted that aid should not be used to further a particular political or religious standpoint. In that sense, the Code appears to lean more towards ICRC’s second element of the neutrality requirement, the one stating that aid organizations should not be guided by political or other agendas. Not taking sides is still hotly debated among humanitarian organizations, with those – more human-rights leaning – arguing for the exercise of moral judgment on the right and wrong, and, in so doing, for siding (understood as speaking out) against apparent evil in all instances. The Code preamble to the text further notes that “[i]n the event of armed conflict, the present Code of Conduct will be interpreted and applied in conformity with international humanitarian law,”<sup>16</sup> referencing back to Protocols I and II and the requirement of not committing “acts harmful to parties in conflict,” leaving the room for a debate as to what those acts may be. Notwithstanding that ambiguity, the purpose of the

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<sup>16</sup> Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organisations (NGOs) in Disaster Relief. 1995. Available at: <https://www.ifrc.org/sites/default/files/2021-07/code-of-conduct-movement-ngos-english.pdf>. Last accessed August 31, 2023.

preamble was to more closely link the interpretation of the Code's requirement not “to further a particular political or religious standpoint” to that of neutrality in the Fundamental Principles. Those efforts, across multiple institutions and international fora, ICRC and IFRC, UN and NGOs, were of momentous importance for humanitarian operations. The definitions articulated in 1965 and then again in the 1990s remain unchanged to this date.

Given the continuous rise in humanitarian financing and activity, the discussions about humanitarian principles and their meaning are far from over. There were, by some count, 274,000 aid workers in 2014 (Carbonnier 2016), and likely even more in subsequent years. It is hardly possible to imagine a crisis of significant proportion without the presence of at least some number of humanitarian organizations in quest for funds, negotiating access to the crisis areas. For example, the October 2018 7.4 magnitude earthquake in Indonesia was met with so many international organizations offering donations and self-professed expertise that the overwhelmed Indonesian government responded by asking them to leave. Eight years earlier, Haiti was hit by a 7.0 magnitude earthquake, which killed 220,000 people and decimated the infrastructure and homes of a quarter-million families and individuals. The corresponding response was so massive that it caused confusion and chaos (Klarreich 2012). But when the mass displacement of Ukrainians in February 2022 attracted the largest ever number of organizations, businesses, and donors, amounting to the best-financed humanitarian response to date, some observers (and some aid workers) wondered whether the response was politically motivated rather than inspired by the true scale of the humanitarian need. One UN head of office in Kyiv appealed to both donors and relief actors not to forget about other crises, such as the famine in Somalia.<sup>17</sup>

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<sup>17</sup> Conversations held during the author’s subsequent work deployment to Ukraine. Private notes. November – December 2022.



This dissertation is intended to be, above all, practically useful. The research question is inspired by my many years of engagement in disaster contexts, mulling over questions and dilemmas of humanitarian principles and realities on the ground. The motivation for this research is rooted in the observation that global climatic and environmental trends and persistent political upheavals will continue to create the need for better and more extensive humanitarian assistance. The question of its ethical framework is, therefore, of undisputed relevance if these activities intend to be meaningful. This dissertation has two goals: one, to further academic research on the critical ethical underpinnings in humanitarian responses and inspire new research questions relevant to the topic of ethical decision-making in disasters; and two, to assist aid practitioners in thinking about how to improve their ethical humanitarian undertakings and demonstrate the utility and relevance of humanitarian principles in their work. My hope is that this research can facilitate collective learning on ethical decision-making in disasters and encourage shifting those processes from being organic and spontaneous, where such is the case, to becoming more deliberate and intentional. The research is based on and documents how the aid world reacted and responded to three disasters, in Somalia, Yemen, and Libya, during a specific timeframe. Finally, while undertaken within the Central European University's Department of Environmental Science and Policy, this is interdisciplinary research with the environment and conflict intersecting to produce human catastrophes.

### 1.1. Concepts and Terminology

International humanitarian concepts ought to be defined to distinguish them from vague terminologies broadly used to describe all sorts of practices and emotions associated with care and humanity. On social media, people sometimes describe themselves as humanitarians to describe their worldview, rather than their profession. They likely have contributed money to charitable causes and take a particularly sympathetic view on issues such as migration, for

example. The term humanitarian, according to the Oxford English Dictionary (OED), is derived from the English noun *humanity*, the etymology of which is partly Latin and partly French. In Latin, the word (etymon *hūmānitāt-* or *hūmānitās*) appeared in the 2<sup>nd</sup> century AD to describe human nature or character, civilization, culture, humane character, kindness, human feeling, in post-classical Latin also human beings collectively and humankind; then later (5<sup>th</sup> century AD) human nature of Christ and an act of kindness. The French references to the word *humanité* are similarly linked to human nature, human form, benevolence, compassion, the human nature of Christ, human beings collectively, humankind, worldly goods, and an act of kindness.<sup>18</sup> Since the late 1990s, the word also appeared in the newly legalized phenomenon of humanitarian intervention associated with the use of force in support of human rights. The examples are North Atlantic Treaty Organization's (NATO) Kosovo humanitarian intervention in 1999 and NATO's intervention in Libya, both motivated by some "humanitarian" cause of saving people from evil regimes, in the process of which other innocent civilians were killed and maimed.

Another associated word, humanitarianism, has been used, sometimes derogatorily, to denote the ideology (Chimni 2001; Donini 2003), liberal political policies of Western states (M. Barnett 2011), social and political movement, and profession (Donini 2003). There is by now a fair amount of research on the topic of humanitarianism from the perspectives of human rights, law, international relations, and social science. Humanitarian assistance is poorly defined (and equally poorly understood), and myriad other concepts ranging from global civilian, human rights, and military interventions intermix with it, adding to the confusion and crossbreeding of purposes. Humanitarianism is thus both a victim and a perpetrator of such conceptual overreaches (the term borrowed from Tasioulas, 2021).

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<sup>18</sup> Oxford English Dictionary, Third Edition. September 2009.

In this dissertation, international humanitarian assistance is understood as the orchestrated assistance by the humanitarian system, a horizontally and vertically ordered structure where international and national organizations coordinate their activities to save lives, reduce suffering, and restore dignity in contexts where domestic response systems are unable or unwilling to intervene. The humanitarian system operates under the patronage and support of the Emergency Relief Coordinator (ERC), one of the highest-ranking, politically appointed officials in the UN. Under the ERC sits the Inter-Agency Standing Committee (IASC), a policy, coordination, and advisory body composed of executive heads of eighteen organizations and consortia. Under it, there are eleven IASC-recognized global clusters. The global humanitarian system is replicated in countries of humanitarian response, with the top leadership role performed by a humanitarian coordinator (HC) (or often humanitarian and resident coordinator, combining development and humanitarian functions). At a country level, a humanitarian country team (HCT) plays the role of IASC, and global clusters are replicated in some fashion as country-based clusters and sub-clusters. Therefore, this dissertation references both the system and systems, depending on whether the discussion concerns a global mechanism or a country-based structure. Further, the dissertation defines a humanitarian crisis as any type of calamity brought about by natural events or human causes (Väyrynen 2000) and triggered (except in exceptional situations) by a specific event, whether rapid or slow-onset, that results in “high numbers of casualties, a large scale of internal and external displacement, and widespread hunger and disease” (Binder 2007).

Humanitarian aid clearly is not the provenance of UN agencies, international non-governmental organizations (INGOs), and their networks. Local communities and institutions, diaspora, international and domestic private initiatives, religious organizations, and governments all play a much larger role than the international humanitarian system does. The international system is not meant to replace those, but to supplement them in a manner that is

predictable, equitable across disasters, and recognizable. The scope of this dissertation is limited only to those efforts, i.e., the efforts undertaken by the international humanitarian system. I interchangeably refer to those efforts in this dissertation as humanitarian assistance, humanitarian responses, or humanitarian action.

## 1.2. Dissertation's Layout

This dissertation is organized into ten sections. After the brief introductions and the explanation of terminologies in this Chapter, I present the central research question, which informed and guided this research, and a brief justification of the research question's relevance for today's world in Chapter 2. Chapter 3 discussed humanitarian assistance in academic literature, followed by the conceptual framework and research design discussion in Chapter 4. The subsequent four chapters are part documentary, part empirical research, and three case studies. Chapter 5 is dedicated to the description and analysis pertaining to the IHS, and the humanitarian principles, their definitions, and their evolution. Chapter 6 is the case study set in Somalia from 2010 to 2012, Chapter 7 in Libya from 2015 to 2019, and Chapter 8 in Yemen from 2015 to 2019. In the inter-case analysis in Chapter 9, I synthesized the findings and observations from the three case studies and offer concluding remarks in Chapter 10.

For this research, I relied on interviews, my own humanitarian work in and around those disasters, academic sources, and a great many published and unpublished reports, records, and documents. The non-academic documents are listed in the footnotes and Appendix 1, while the full list of academic sources is provided in the bibliography. Lastly, I should note that the spelling used throughout this dissertation is based on American, rather than British, practice, except in citations and the names of UN agencies where I followed their preferred spelling custom.

## 2. Research Problem and Research Question

### 2.1. Research Problem

Many professions espouse certain values and define ethical conduct for themselves. Only a few, such as military, medical, and humanitarian professions, are also defined by international consensus related to each discipline's duties, limits, and ideals. Military and humanitarian enterprises are not entirely unrelated, and some international legal frameworks apply to both. Medical and humanitarian global ethical standards, too, have some similarities, such as a shared value about the duty to protect the life and limb of people under their care without discrimination. Medical and military ethical conducts are further characterized and codified in national standards and regulations, while humanitarian conduct, as it applies to international humanitarian assistance, is not; it is, instead, voluntary, and unenforceable, or, rather, only self-enforceable. Moreover, the description of humanitarian ethics is sufficiently abstract and vague in indicating how it is to be applied. And it says nothing of what to do when moral principles clash with one another, giving rise to ethical dilemmas.

It should not be surprising that humanitarian action requires some form of the general ethical bottom line. In many cases, humanitarian work is done transnationally by hundreds of thousands of people employed by international organizations (with support and much work being done by their national colleagues and organizations) to implement aid programs across the world. Aid workers thus transcend international borders and implant themselves in different political, economic, social, and legal systems, or, as is often the case, the systems where all these categories are collapsing or have already collapsed. Most of the time, international humanitarian workers operate in places that are dysfunctional, unregulated, and outright dangerous.

Ethical standards guiding humanitarian assistance are known as humanitarian principles and are enshrined in three key documents, generally accepted to define humanitarian engagements across three groups of international actors: UN, NGOs and ICRC/IFRC (and associated national societies). The very first document, the Fundamental Principles, adopted in 1965, outlines the ethical framework of engagement for International Red Cross and Red Crescent Movement across the set of seven principles, the first four of which are humanitarian imperative, impartiality, neutrality, and independence. Similarly, more relevant for UN agencies are at least two UNGA Resolutions (UNGA Res. 46/182 of 1991 and UNGA Res. 58/114 of 2003) noting the same four principles (with the last renamed as operational independence in UN agencies' documents) as principal requirements guiding UN (but also broader) humanitarian action. The Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Relief, more formally adopted in 1995, lists ten principles in total, of which the first four are described as humanitarian imperative, impartiality and the requirements that "aid will not be used to further a particular political or religious standpoint,"<sup>19</sup> while humanitarian organizations "shall endeavour not to act as instruments of government foreign policy."<sup>20</sup> The two requirements allude to the principles of neutrality and independence, while refraining from naming them as such. With those differences in mind, the four principles of humanity, impartiality, a variation of neutrality and independence are shared across all three ethical frameworks. Across these documents, the principles are defined as much as an individual code of conduct as they are ethical standards of humanitarian engagement writ large, akin to 5<sup>th</sup>- 3<sup>rd</sup> century BC Hippocratic Oath for medical professionals. They are ethical, aspirational, broad, and operational. Aid organizations increasingly use them to describe who they are and how they operate.

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<sup>19</sup> Code of Conduct.

<sup>20</sup> Ibid.

Across humanitarian organizations, there are many more aspirational principles. Slim (2015) counted thirty-three across multiple organizations at one time and organized them in four categories: principles in law, principles of action, principles of dignity, participation and stewardship, and principles of effectiveness. He termed the four: humanitarian imperative or humanity, impartiality, neutrality, and independence the principles of action (Slim 2015). The four core principles are also commonly referred to as the core normative principles of modern international humanitarian action.

Over time, the core principles have become increasingly important; 918 national and international non-governmental organizations have signed off on the 1995 Code of Conduct by August 2022. The principles are now taught in academia and are a topic of mandatory courses for aid workers by some organizations. The popularity of the Code of Conduct among the NGOs should make the drafters very happy; there was initial trepidation that the document would be met with ambivalence especially by the larger and better-established international organizations which could have viewed them as restrictions or undue rules imposed on them. All such concerns seem unwarranted now, as by the time of writing this dissertation in 2022 and 2023, the principles appear to be omnipresent; there is hardly any humanitarian document or report by aid organizations or donors that does not reference them in some fashion. And while the terms of humanity, impartiality, neutrality, or political and military non-partisanship, and operational and decision-making independence seem irresistibly reasonable and self-evident, it turns out they are not. Defining and interpreting them in situations when they are most needed is fraught with ambiguities and challenges presented by a slew of known and unknown social, political, economic, environmental, and personal factors. They are ethical, but also general and vague, creating a task for aid workers to unpack their intentions and interpret their meaning, taking into consideration the circumstances and realities on the ground. Given the persistence of conflict and violence and rapidly and adversely changing climatic and

environmental conditions affecting and being affected by political volatility, the manner in which humanitarian assistance is provided and under what pretext remains of importance to many millions of disaster-affected people.

## 2.2. Research Question and Explanation

This research takes place within the context of complex emergencies, where nature and conflict conspire to produce a multifaceted disaster with profound and compounded humanitarian needs. The aim of the study is to explore how the international humanitarian structure makes decisions on complex ethical problems encountered amidst disasters. Ethical problems are defined as those linked to the (self-imposed) requirement to serve the people affected by some negative circumstance beyond their control in a manner that does not discriminate or aim to achieve a purpose (political or similar) beyond saving and preserving life and dignity. So defined ethical problems cut to the core of humanitarian principles. The ethical (or principled) humanitarian response is therefore the one that complies to the greatest degree possible with the four core humanitarian principles, and the central research question is formulated as follows: *how does the international humanitarian system and its member organizations engage with core humanitarian principles when responding to natural and human-made disasters?*

This question concerns the meaning-making and resultant decisions pertaining to humanitarian principles by aid organizations and the humanitarian system within which they coordinate and operate in the contexts characterized as fast paced and high-risk complex emergencies. Gauging the engagement with ethical norms cannot be studied without the consideration of the consequences of that engagement. The engagement is therefore defined to cover the spectrum that starts with meaning-making, decision, and consequence or impact and can be restated as: *how does the international humanitarian system and its member organizations engage with,*



*or employ, i.e., contextualize, interpret, and internally (i.e., as a group) negotiate the meaning and execution of the humanitarian principles given specific realities on the ground and with what consequence?*<sup>21</sup> I have chosen to examine that question as an engagement in response to humanitarian triggers, such as a drought or the start of a conflict.

There are five critical elements in this research question: (i) humanitarian organizations and the international humanitarian response systems; (ii) humanitarian principles and their ethical underpinnings, contradictions or limitations, and scope, (iii) disasters as complex realities within which humanitarian organizations operate; (iv) the how, i.e., the meaning-making or the strategies, interactions, and processes involved in the formulation of humanitarian approaches and decisions insofar as they are explicitly or implicitly informed by the humanitarian principles; and (v) the result, i.e., consequence of the ethical decision-making process. Two critical elements that may not be sufficiently understood outside (and sometimes inside) the aid community, the IHS and the core humanitarian principles, require specific elaboration and will thus be discussed in Chapter 5. Once the IHS and the humanitarian principles are sufficiently understood, the focus turns to elements iii, iv, and v in three case studies: Somalia, Yemen, and Libya.

The purpose of this study is not to investigate who decides within a group, or a network as the case here may be. Although relevant, answering that question would detract from the broader focus, which is the humanitarian networks and their values, captured in the humanitarian principles. This research also does not overtly question the set up or the structure of humanitarian assistance and the humanitarian system, beyond the exploration of its ethical

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<sup>21</sup> Specific research question in each case studies is further contextually focused to specific humanitarian dilemmas: in Libya, the context concerns the assistance to incarcerated migrants amidst the escalating domestic conflict; and in Yemen and Somalia, the assistance in the contexts of increasingly restricting access by both international and national state and non-state actors.

foundation and utility. Rather, it rests on the observation, shared by other students of the topic, that the system we have is perhaps a good foundation or the best possible. While not everyone believes that humanitarian systems and processes are the force of good in the world (see Malkki 1996 and Holzer 2015 for a discussion on the harmful effects of humanitarian discourse on the refugees), the alternative is always thought to be worse. Sometimes humanitarian efforts, along with other modern-day achievements, are credited with the decline in the number of famine outbreaks in the last thirty or so years (de Waal 2018), even though some may argue the famine trends may be reversing since de Waal's observation. Similarly, one detailed study of Syria's government-controlled areas in 2017 argued that humanitarian supplies and services (e.g., health services) had done much good for the distressed people of Syria, and given the scale of suffering needed to be expanded and extended to all parts of the country (Doocy and Lyles 2017). Criticism of humanitarian aid does not mean that not having it is a better alternative, wrote one influential scholar (M. Barnett 2009: 209), adding: "[a]fter years of writing on the international humanitarian order in a critical voice, I confess that I, too, have an inexplicable need to believe in the possibility of progress and the existence of the transcendental."

### 3. Humanitarian Assistance in Academic Literature

International humanitarian assistance is a provenance of specialized international organizations. There is no agreement among the scholars of humanitarianism and humanitarian assistance on the question of whether international organizations enjoy sufficient autonomy and authority to execute their own decisions, such as, as the case is in this dissertation, their own humanitarian principles. This is the question about the positionality of international organizations that is often broached from the perspective of the discipline of international relations (IR). Most scholars fall in two camps. One camp are the proponents of state-centric

IR theories, most prominent among them being realism and liberal institutionalism who maintain that because the international organizations, and by extension the international humanitarian organizations, have been created by states, humanitarian aid is by its very nature a form of foreign policy (Mearsheimer 1994; Morgenthau 1962; Waltz 2000; M. Barnett 2009). States may create international organizations to serve as conduits of liberal values, but that nonetheless changes little in terms of who controls their existence and functions (Pease 2012; Keohane 2002; 1997; Keohane and Martin 1995; Doyle 1986; Fukuyama 1989). In support of that view, it is often pointed out that the United Nations High Commissioner for Refugees (UNHCR or the UN Refugee Agency) was created by the United Nations General Assembly in 1951 to carry out a mandate on behalf and at the will of the founding states (M. Barnett and Finnemore 2004; Duffield 1994b). The United Nations itself was created in 1945 predominately on the initiative of the United States, an emerging hegemon, purposely to promote or defend objectives closely aligned with United States' interests (Pease 2012). The implication is that states (or at least some states) own and control (their) international organizations and alongside that, the decisions those organizations make, including those relevant to the implementation of humanitarian principles. Humanitarian ethics as an independent category must be, therefore, an illusion.

Moreover, a great many scholars, both realists and liberal institutionalists, argue that humanitarian aid writ large is an extension of the foreign policy of a relatively small number of states characterized as liberal democracies, including the so-called West, Japan, and Australia (Duffield 1997; 1994; Barnett and Weiss 2008; Minear 1999; Minear and Weiss 1995; Chimni 2001; M. Barnett 2009; 2009a; 2011). The vertical, top-down relationship between those states and humanitarian organizations equals that between the principal, i.e., states, and their agents, i.e., international organizations (Janice Gross Stein in M. Barnett and Weiss 2008: 124-143; Prakash and Gugerty 2010). Liberal democracies determine where and

how humanitarian responses serve their national interests by allocating or withholding their funding (Duffield 1997; M. Barnett 2009; 2011). Liberal democracies recognize the values of transnational non-state actors to promote their norms and values (M. Barnett 2009). They do that even when employing unliberal means. The way the international organizations were navigated to distribute aid on the heels of military gains in Afghanistan and Iraq in the early 2000s served to affirm that point (Donini, Minear, and Walker 2004). Directed to those predominately in the aid sector who may think otherwise, Michael Barnett (2011) declared it naïve to think that states may abstain from utilizing aid to serve their interest. Natural disasters provide the same political opportunities. Cheng and Minhas (2021), for example, argued that the United States government donated valuable funds and assets to the Iranian people in the aftermath of the 2003 Bam earthquake to ingratiate itself with the country with which it had had a historically hostile relationship.<sup>22</sup>

Aid is linked to foreign policy in other ways as well. Duffield and Stork (1994) saw humanitarian aid in the post-1990 period as a proxy for failed or intentionally absent foreign policy interventions. Duffield (1997) argued that UNHCR's mandate was to include internally displaced persons (IDPs) solely to prevent them from migrating to Western countries. To demonstrate the alignment of states' policies and international organizations, M. Barnett (2009a: 178) quotes former US Secretary of State Colin Powell, who in 2001 declared: "Just

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<sup>22</sup> Although this is clearly one way of interpreting the reasons for the US Government's assistance in Iraq in 2003, Cheng and Minhas also remarked that large-scale natural disasters evoke global solidarity much more readily than political disasters. The United States, South Korea, Japan, and the European Union provided food assistance to the North Korean famine from 1994 to 1998, as did Taiwan to the Chinese 2008 Sichuan earthquake. Despite deep-seated historical animosities, the US offered, and Iran accepted, humanitarian aid in the aftermath of the 2003 Bam earthquake. "[T]he loss of human life and destruction of infrastructure caused by a natural disaster can temporarily emphasize the human aspect of a bilateral relationship as opposed to the political, economic and military aspects that generally define foreign relations between two countries," concluded Cheng and Minhas (2021: 945).

as surely as our diplomats and military, American NGOs are such a force multiplier for us, such an important part of our combat team.”

The second camp belongs to a group of researchers who generally disagree with the premise that power flows in one direction only. Known as constructivists, those researchers ask whether international organizations could, under certain circumstances, exercise power or influence over state policies. To answer their question(s), constructivists propose to take their research to the field to seek fresh ideas and new theories. Some have thus found that non-state organizations form around specific themes, such as humanitarian or development assistance, human rights, or environmental protection, with a specific purpose of influencing global policy (Pease 2012; Wendt 1995; 1992; Cronin 2002). International non-state actors or organizations take that even further: through the processes and mechanisms, they create norms that effectively bind state governments and make them responsible for upholding them (Cronin 2002).

Some constructivists have delinked the world of international organizations and state interests and granted international organizations, especially human rights ones, unexpected autonomy, agency, and power. They observe that international organizations, especially when organized in a network, can and do exercise power and influence over states’ policies. Keck and Sikkink (1998) focused their research on human rights organizations, both national and international, and noticed the power of transnational advocacy networks to formulate the discourse and mobilize wide public support for it. They credited human rights networks with promoting “norm implementation” and influencing compliance with international standards (Keck and Sikkink 1998). The two researchers concentrated on the states where national non-governmental organizations or civil society organizations sought to effect change on the domestic territory and did that by soliciting worldwide solidarity with their cause which, in a

boomerang-like fashion, bolts back to amplify the pressure on the violating states and their governments. The researchers found that once formed, those self-created networks were able to inform, educate, and ultimately affect policy change by mobilizing the rest of the international community, including states.

Keck and Sikkink's (1998) research earned importance over the following decades as the number and influence of international organizations and their networks worldwide continued to rise (Tarrow 2018; De Brabandere 2012). The subsequent research that built and expanded on Keck and Sikkink's Transnational Advocacy Network (TAN) theory continued to focus on human or women's rights organizations as well as environmental movements that required global commitments and alliances to create an impact (McFarlane 2006; Aday and Livingston 2008; R. C. Carpenter 2007; Wong 2008; Seybolt 2009; Henriksen and Seabrooke 2016; Baharmand, Comes, and Luras 2017; Linde 2018). To some limited degree, the appeal of the theory has prompted researchers to apply it to other forms of social organizing, for example, labor unions (Stillerman 2003), or, as in the case of Aday and Livingston (2008), to draw on it to explain the role of media in amplifying or contributing to the powers of networks in global affairs. As humanitarianism has not traditionally been associated with advocacy (as we noted earlier, certain self-imposed neutrality requirements may negate or run counter to the ability to publicly advocate), the TAN theory has not been systematically studied in the examples of humanitarian responses, except in a few notable exceptions (Topçu 1999; Seybolt 2009; Arthur 2014; Baharmand, Comes, and Luras 2017).

To this research, the TAN theory is important for two reasons, one, it recognizes that the transnational or international, non-state actors (termed political entrepreneurs by Aday and Livingston (2008)) need to be studied as a political phenomenon that is both separate and adjoined to states and global politics, and two, it introduces the elements of norms and

discourse as a distinctive competencies and authority of those actors and their networks. In the TAN theory, advocacy networks are agents of change, formed with the explicit purpose of guarding and affecting norms and policies in their spheres of interest.

Thanks to their shared cultures, ideas, norms, and values, networks acquire the characteristics of a “moral community” that transcends national interests, cultures, and beliefs (Cronin 2002; Keck and Sikkink 1998). The notions of norms and discourse are relevant to this research given that humanitarian actors mobilize and organize around humanitarian ideas and values, formulating, in other words, “discourse of compassion, responsibility, and care, which, in turn, are attached to claims regarding the kinds of obligations the ‘international community’ has to its weakest members” (M. Barnett 2009: 1). The moral community is often also an epistemic community of disparate groups with particular expertise sets and shared interests or goals to promote their expertise (Aday and Livingston 2008; Adler and Haas 1992).

The underlying premise of the TAN theory is that voluntary networks may act as forward-leaning agents, capitalizing on their moral or epistemic advantage to positively influence the state of human rights in individual countries (Keck and Sikkink 1998; Christensen 2007), or within regional institutions such as the European Union (Zippel 2004), by way of creating “boomerang” (Keck and Sikkink 1998) or “pin-pong” effects (Zippel 2004). The ability of the networks to influence domestic and global policy is a function of their ability to obtain, produce and distribute information (Aday and Livingston 2008), and shape it into messages that create a discourse with wide-ranging effects. According to Margaret Keck and Kathryn Sikkink (1998: 149): “[n]etwork actors bring new ideas, norms, and discourses into policy debates and serve as sources of information and testimony.” As their goal is to change the behavior of states and affect policy, “they ‘frame’ issues to make them comprehensible to target audience, to attract attention and encourage action.” De Brabandere (2012), and M. and Finnemore (2004)

highlighted the phenomenon of international organizations developing a unique set of expertise, mechanisms, and processes through which they exert their (moral) authority on specific matters over states. Take, for example, the Office of the UN High Commissioner for Human Rights (OHCHR), which organizes and informs the work of the Geneva-based Human Rights Council and various UN human rights treaty bodies, thus asserting itself in instruments and mechanisms of global affairs through “soft power” of norm promotion and advocacy (Cronin 2002). I experienced the potential and limits of that soft power firsthand, having served at OHCHR as a human rights officer between 2005 and 2011.

To be sure, the TAN and its emphasis on the positive influence of transnational networks is not without its critics. Neumann and Sending (2007) and Larsson (2020), for example, drew attention in their research to the disconcerting trend of the unstructured and unaccountable authority that international organizations and their networks enjoy in certain circumstances, coining the words ‘global governmentality,’ and ‘inter-governmentalism’ to describe the phenomenon. More recently, researchers (for example, Schmitz and Mitchell, 2022) have studied the problem of the unequal and unfair power dynamic between resource-rich international organizations, hailing from the global North, and the resource-poor national organizations from the global South.<sup>23</sup> Mosse (2011) and Harrison (2013) argued that international development and humanitarian organizations form their own reality of an insular micro-cosmos of unbalanced power and social relations the two researchers mockingly termed ‘Aidland.’

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<sup>23</sup> See, also, Worden, Rose, and Patrick Saez. 2021. “Decolonizing the Humanitarian Nonprofit Sector: Why Governing Boards Are Key.” Blog post. Washington, DC: Center for Global Development, June 22. Available at: <https://www.cgdev.org/blog/decolonizing-humanitarian-nonprofit-sector-why-governing-boards-are-key>. Accessed February 3, 2023.



An influential body of research emerged in the late 1990s to show that the power of humanitarian organizations flows not only upward, towards states, but also downward, towards the intended beneficiaries of aid activities. Such observations were inspired by Michel Foucault's work on discourse, knowledge, and language, and the discursive power to designate and determine the order of things (see for reference Foucault 2012a; 2012b). The power of discourse begins with the power inherent in the ability to proffer a discourse, i.e., it starts with the question of who speaks (Foucault 2012b: 50), or who (mis)speaks on whose behalf? M. Barnett (2016: 285) characterized it as a "splash of care served in heaps of power."

The power intrinsic to the discourse of aid is also about institutional preservation and organizational legitimacy (Mosse 2011), with the expertise employed by the aid organizations to identify global problems and the solutions which require the same aid organizations' expertise (Goldman 2006). The supply of knowledge, skills, and goods, it is noted, always runs from the direction of the global North to the global South, with corresponding terminologies approving of hierarchical dispositions: "the first world," "the second world," and "the third world;" or "aid providers," and "vulnerable populations" (Chimni 2001; Escobar 1995; Kacowicz 2007; Keohane 2002; Duffield 1997; de Waal 2018; M. Barnett 2009). This power dysmorphia between the aid providers and aid receivers impacts social structures or affects communal self-perceptions and self-worth (Autesserre 2014; Nadiruzzaman and Wrathall 2015). To those studying humanitarian assistance, the same rings true about the humanitarian overstated, weighty mandate and its propensity for simplified, dehistoricized categorization of people as refugees, displaced, conflict-affected, or vulnerable (see Holzer 2015; Malkki 1996). These categorizations, argued Malkki (1996), have the potential of stripping people of their agency and the ability to construct and live their own social identity. Language, and language use, do not merely reflect or represent our social and mental realities, but they actually help construct or constitute these realities (Karlberg 2011). Humanitarian ethics for those

researchers is thus subservient to the larger power transference trends in line with global politics.

The debate on the issues relevant for the question of capacity of aid organizations to exercise their humanitarian ethics and to what effect continues to spark interest in academia (see, for example, Ettinger and Collins 2023). What is often missing, however, is a balanced analysis that views both, humanitarian organizations and networks on one hand and states on another, as political actors equally engaged in the exploration of humanitarian interests, potentials, and responsibilities that is anything but simple or straightforward, or even isolated from each other. Inspired by the Keck and Sikkink approach, I argue that humanitarian assistance is indeed political, in part through co-optation and adherence to state policies but also activism by international organizations, which have the capacity to shape their operational environment and influence policy of donor states. That capacity is largely due – if not solely – to humanitarian principles.

## 4. Epistemology and Research Methodology

This research is set within the broader framework of constructivism, both in terms of my - a researcher - views and beliefs, and, in part, the data collection methods (addressed later in this Chapter). In that, I was guided by Pease (2012: 106), who argued that constructivism was not a theory, but “. . . a process of uncovering how the world we know is socially constructed. When something is said to be ‘socially constructed,’ it means that its existence, meaning, and value were created by individuals and groups within the society.” With that understanding, norms and relations within societies, states, and global arenas are dynamic and interrelated. Every situation is sufficiently similar and different than the other. “Constructivism is about human consciousness and its role in international life. In contrast to neo-utilitarianism,

constructivists contend that not only are identities and interests of actors socially constructed but also that they must share the stage with a whole host of other ideational factors....” (Ruggie 1998: 856). In this research, constructivism is manifested in my position that humanitarian assistance, and perhaps all social science, is overly fluid and complex to rely on pre-set, positivist theories and methods and that social processes relevant to my research flow in multiple and shifting directions and thus need to be researched within their particular context as time-bound and case-specific. Out of that positionality comes my research question and my choice of research methodology.

#### 4.1. Research Design

My research design is qualitative and based on three somewhat contemporary case studies. I intended to make it empirical and ethnographic, carried out among the aid practitioners “in the field.” However, the start of field research coincided with the outbreak of the COVID-19 pandemic in March 2020, significantly derailing my research plans. The pandemic, with its lockdowns, travel bans, and social distancing requirements, invariably affected my ability to travel, influenced the selection of the countries for my case study, and altered my data collection methodology. I made three significant changes to my research design to accommodate the reality of undertaking empirical research during the pandemic (Table 4-1).

The first change concerned my ability to embark on ethnographic research. This dissertation had initially been conceived as empirical with fieldwork done in three sizeable, complex emergencies that combined the elements of political violence such as civil war or international conflict, and adverse environmental conditions in the form of droughts, environmental degradation, or other types of climate-induced catastrophes, eliciting large-scale international responses to mitigate complex humanitarian needs. Complex emergencies typically attract a larger humanitarian community; they last longer, are marred with frequent ethical dilemmas,

and are thus better suited for studying international principles and their applicability. As many complex emergencies are notoriously difficult to get to (for reasons related to visas and travel permits, or security), I had hoped to spend some time among aid organizations covering those emergencies from the best nearby locations. The pandemic, however, made the travel and the implementation of the empirical research unethical (from a public health perspective), if not outright impossible (from the perspective of regulations instituted in response to the pandemic). I discarded most of my travel plans and settled to do the research from the safety of my home, armed with a good internet connection, a recording device, and patience.

The second “pandemic-induced” change concerned the choice of countries for case studies. The initial principal research design revolved around three case studies selected based on the pre-determined criteria from a comprehensive comparison chart listing major complex emergencies from 2000 until the start of this research in 2018/19 (see Appendix VII – International Humanitarian Responses 2000-2018). The pandemic enforced the particular importance of two among the identified criteria: familiarity with the context or the humanitarian response, and the availability of data. In the end, I chose to examine humanitarian responses in Somalia, Libya, and Yemen for the reasons that they met all my pre-determined criteria, especially the ones about familiarity and data.

Finally, the third change concerned data collection methods. Unable to travel, I made this as much theoretical research as a modified empirical study. My case studies were built around interviews and, in cases of Libya and Yemen, participant observations from my time as an aid worker in both of those countries, as well as in-depth review of available operational and other academic and non-academic documents and records. I spent most of my time searching and collecting documents issued and dated to the studied periods as I feared that online interviews would be overly impersonal to provide the level of detail and nuance I had hoped for. I

anticipated this to be particularly problematic in case of Somalia where nine or ten years separated the famine and my research. Interestingly, some of my best and longest interviews were about Somalia. The temporal distance seemingly made many of my interlocutors, especially those who were “there,” working for the humanitarian response at the time, keen to revisit the events, circumstances, and decisions. Presumably, the scale of the disaster and the famine leaving many well-meaning aid workers feeling emotionally uneasy for years thereafter had something to do with that.

Somalia is perhaps one of the best-known and most researched humanitarian responses of all time. The level of detail, and the number of arguments for and against almost any topic, is uniquely plentiful. This could not be said about Yemen or Libya, but I had fewer concerns about those two. I had worked both in Yemen and Libya for many years, first with UNHCR and then the United States Agency for International Development (USAID). The contexts, responses, and people working on those responses were well-known to me. The knowledge of the context in those two countries and the firsthand experience of humanitarian responses provided essential research material that I revisited, tested, and triangulated through the interviews and the review of written materials and documents obtained during my work and this research. This multi-method data collection approach allowed for triangulation and comparison of data collected through various means. The resulting method, therefore, combined the elements of freestyle ‘modified empirical’ research with substantial reliance on written material, both primary and secondary (more on this later in this Chapter).

The research methods in the three case studies were slightly different:

- Libya: a retrospective study done through the review of primary and secondary sources, complemented by participant observation and interviews.

- Yemen: a retrospective study done through the review of primary and secondary sources, complemented by participant observation and interviews.
- Somalia: a retrospective study done primarily through the review of available primary and secondary sources, complemented with interviews.

Table 4-1 – Changes in the Research Design and Methods

Planned research design and methods	Executed research design and methods
<i>Empirical research in three countries (or where that may not be possible, in neighboring countries hosting international humanitarian organizations). Case studies were intended to each take two months of fieldwork and one month of preparations.</i>	Instead of empirical, in-field research, my research was done mostly remotely. I conducted my interviews over the Skype and scouted Internet for reports and assessments, aid organizations' analysis and critiques, cluster and humanitarian country teams meeting minutes, UN Security Council resolutions and IASC decisions and guidance papers. I was also lucky to be privy to many relevant documents, written communications, and humanitarian decisions at the country levels, thanks to the work I had done in Libya and Yemen in previous years. In 2021, with a generous grant from the CEU, I hired two research assistants in Yemen and Somalia to interview local organizations on the importance of humanitarian principles in their work.
<i>The selection of case studies was intended to be based on pre-set criteria. The cases were intended to be contemporary to allow for in-person studying of ethical decision-making.</i>	This research was initially intended to be carried out through participant observation and some archival research. Instead of contemporary case studies, I have opted for historical studies of humanitarian responses with well-defined ethical dilemmas involving humanitarian principles. I selected Yemen and Libya because I was intimately familiar with those two contexts and humanitarian responses, and Somalia because its humanitarian dilemma was important for this research. Each one of them proved to be relevant for this research.
<i>In-field data collection and observations</i>	Instead of in-person, in-field obtained data, I relied more heavily on primary and secondary records and documents, including communications and correspondence, internal analysis and critiques, evaluations and assessments, blogs, and academic writings. Thankfully, nowadays, aid organizations and humanitarian coordination clusters are prolific, and there is a wealth of information publicly available. Additionally, I also interviewed people deemed knowledgeable of the studied situations and responses.

Notwithstanding the above adjustments and modifications, my epistemological approach was informed by constructivist research methodologies, and thus this research was abductive in the design of data collection and inductive in data analysis. As such, the three case studies, while informed by theories, which I explained earlier, were not designed to approve, or disapprove

of hypotheses or theories. My hope, instead, was that my case studies would lead to the development of an explanation or a theory proposition. With its approach to building up knowledge from the study of specific cases set in a specific time and context, this research was clearly aligned with the grounded theory's position that "findings and theory ought to be inductively arrived at from the study of the phenomenon they represent" (Bowen 2009: 306).

I had intended this research to be context specific. The methodology, as indicated earlier, derives from my proclivity toward relative and interpretivist subjectivity and awareness that my positionality shapes the way I see and describe the stories constructed through my interviews, reading of records, and written materials and observations. In that, I was guided by Schwartz-Shea and Yanow (2012: 25) who opined that "[t]he germ of an idea for research may come from the formal scholarly literature, but it need not do so. Sometimes it comes from scholars' everyday, human experiences—from their own histories and lives: particular gender, race-ethnic, or other perspectives, prior professions or occupations, volunteer positions, and activities that span the possibilities from religion to sports." My past professional engagements, which had shaped my observations and colored my viewpoints, have played a significant role in this research. This research would not have been possible without the many years of my prior work in the aid sector. As an aid practitioner, I entered this research with pre-conceived ideas about humanitarian assistance and the world it shapes and is shaped by, but I also intended to let this research process probe and shake those ideas until new ones formed. I am confident that I have achieved that. The ideas that emerged from this process were new to me. Having satisfied my curiosity about the research questions posed in this dissertation, my hope now is that these answers find utility either within the academic field of humanitarian studies or within the broader realm of humanitarian practice.

The research design and flow are presented below (Figure 4-1).

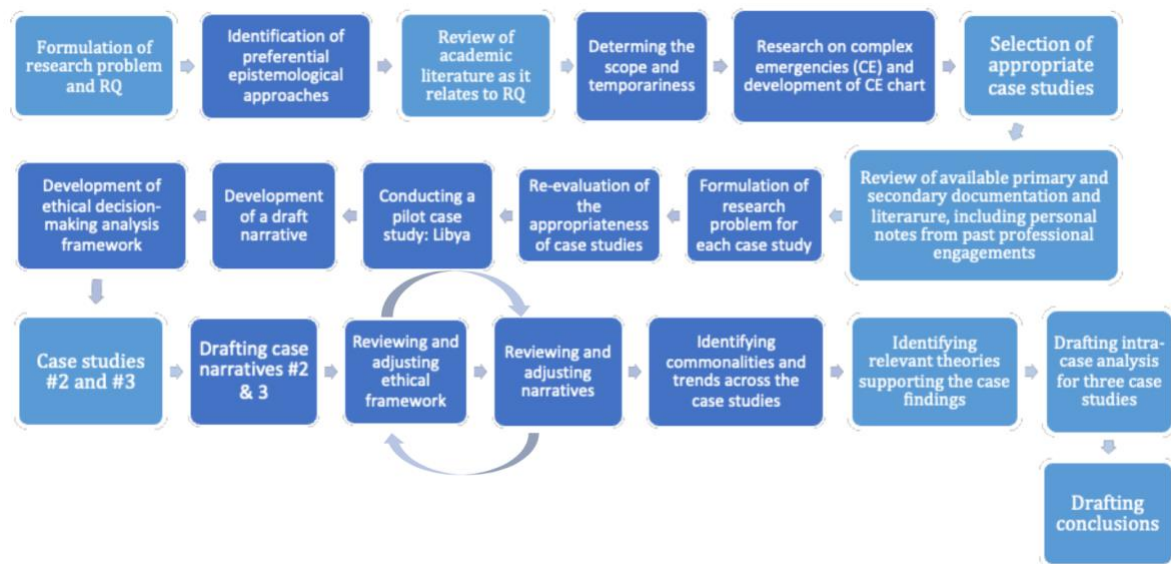


Figure 4-1 – Research Design Schema

#### 4.1.1. Case Studies

It was mentioned earlier that my research includes the study of three relatively recent cases situated in the context of disasters (complex emergencies). Given my research question, which asks how humanitarian organizations decide on and implement the agreed-upon ethical principles in disasters, I considered the multiple case study to be most appropriate for the following reasons (adapted from Yin 2017):

- i. the nature of my research question suggests an answer in the form of a description or an explanation; and
- ii. the context and my research question presuppose the existence of multiple variables for the processes, cultures, and behaviors that would be difficult to control for in any other type of research; there were likely to be more variables of interest than data points; and



- iii. in two of my cases (Libya and Yemen), I drew on participant observation methods of data collection exercised in a non-academic capacity, and extensive personal documents and process observations. In Somalia, the participant observation was not possible and was entirely replaced by review of academic writing and operational documents supplemented by key informant interviews (KII).

The number of cases was based on several factors: (i) time management, i.e., consideration of the time needed and available to properly execute three case studies; (ii) context relevance, i.e., determination of what constitutes the suitable context for the research question and the intent of this dissertation; and (iii) availability of data needed for the reconstruction of events and decision making processes (Table 4-2).

Table 4-2 – Case Selection Criteria (Adapted for COVID-19)

Selection based on time management	Selection based on context	Selection based on data
<ul style="list-style-type: none"> <li>Assessment of how much time is needed for each case study within the time allotted for this PhD research.</li> <li>Assessment of how many case studies may provide sufficient data to draw conclusions relevant for broader humanitarian enterprise.</li> </ul>	<ul style="list-style-type: none"> <li>Complex origin of disaster (human-made and environmental). *</li> <li>Protracted nature of the humanitarian disaster and international response.</li> <li>The emergence of a new identifiable shock/ethical dilemma trigger (amid the ongoing humanitarian response to which aid organizations and IHS was/is expected to respond).</li> <li>Breakdown of authority and domestic structures.</li> <li>Large-scale humanitarian needs and substantial disaster-affected populations (in need of non-domestic assistance resources).</li> <li>International responses that took place within the past ten years (or ten years since the establishment of humanitarian principles for international aid operations and five years since the 2005 Humanitarian Reform).</li> </ul>	<ul style="list-style-type: none"> <li>Suitability based on experience and knowledge required to conduct the research given COVID-19 pandemic travel and in-person meeting restrictions.</li> <li>Presence of a substantial number of humanitarian organizations.</li> <li>Presence of humanitarian dilemmas (resulting from an identifiable disaster/shock).</li> <li>Availability of a variety of written records documenting the processes and decision-making.</li> </ul>

*\* The outlier here is Libya, where there is insufficient evidence to link the migratory movements, a topic of that case study's research, to the environmental or climatic conditions.*

The three case studies are all set in the second decade of the 21<sup>st</sup> century, with Somalia preceding Yemen and Libya by a few years. The decision on the timeframe was guided by the appearance of an event, a trigger, that precipitated an ethical humanitarian problem placed before the international humanitarian community. In Somalia, that was the drought that slow-developed into the famine of 2011; in Yemen, the 2015 escalation of conflict leading to the all-round land and maritime blockade that threatened to cause wide-spread famine; and in Libya, the 2016 escalation of conflict and state collapse bringing about the rise in criminality and violence especially directed at illegal migrants.

#### 4.1.2. Analysis Framework – Ethical Decision Making

This dissertation queries how international organizations and their systems engage with humanitarian principles, which are posited as ethical principles. Any decision on humanitarian principles therefore involves ethical decision-making, requiring an understanding, or a framework for understanding of what such decision-making entails.

There are two principal propositions implicit in this research question. One is that international organizations enjoy sufficient autonomy and power to be able to engage with ethical decision making – a point inspired by the TAN theory; and another that international organizations (at least sometimes) may willingly participate in an ethical decision-making process with consequences and effects that can be studied and analyzed. Those two propositions are interrelated. Ethical decision-making of international humanitarian organizations and their system is only truly meaningful within the worldview that aid organizations indeed have the agency and the ability to make those decisions.

Ethics, or moral theory, is about good and bad, right and wrong, and duty and moral obligations. All these concepts are relevant to humanitarian principles, which are about the *duty* to do *good* (humanitarian imperative) in the *right* way (other core – and perhaps also non-core – principles). In this research, I used ethics less to refer to moral theories (or position my own moral views within a particular moral theory), but more to help me contextualize and organize my own thoughts and methods for analyzing decisions on principles in humanitarian assistance. Timmons (2007: 3) defined a moral theory as “a theory about the nature of the right and the good and about the proper method for making correct or justified moral decisions.” Moral decisions thus concern the questions of, one, what makes an action right or wrong; two, what makes something intrinsically good or bad (in other words, what makes right good and wrong bad); and three, how we might best evaluate moral action<sup>24</sup> (adapted and shortened from Timmons 2007). In order to answer the research question concerning the problem of how humanitarian networks engage in humanitarian principles as their ethical framework that guides, or ought to guide humanitarian decision-making, this research proposes an analytical model, adjusted for the context in which a system (the humanitarian system, that is) is expected to make ethical decisions on the actions it exercises collectively and through individual actions by its member organizations.

Writing about ethical decision-making, Rest (1986) identified four principal stages that constitute a morally laden decision: (a) recognizing a moral issue; (b) making a moral judgment, (c) establishing a moral intent to act on a moral decision and (d) acting on a moral intent, or, in other words, engaging in moral behavior. Rest recognized that some people may identify a moral issue, and some may even intend to do something related to it, but not everyone

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<sup>24</sup> Timmons (2007: 3) frames the third question as follows: “What is the proper method (if there is one) for reasoning our way to correct or justified moral conclusions about the rightness and wrongness of actions and the goodness and badness of persons, and other items of moral evaluation.”

does. The stages, he proposed, are distinct from each other and the realization of one does not always lead to the realization of the next one. Building on this model, in 1991, Jones (1991) proposed to augment the model by emphasizing the importance or intensity of a moral issue at stake in driving the action through the proposed stages. Jones called it an issue-contingent model and emphasized that a driving force behind connecting those stages lies in the element of moral intensity. Jones (1991) found that moral intensity manifests itself in six dimensions: (a) magnitude of consequences, defined as the sum of the harms or benefits emanating from a moral action; (b) social consensus, defined as social consensus on whether the action is moral, i.e., good, or not; (c) probability of effect, defined as a potential behind an intended action to produce good or bad; (d) temporal immediacy, defined as short-term benefits or harms weighted against those that may come alive at a later stage; (e) proximity, defined as moral impact feeling “closer to home” versus something that may be taking place farther away, thus diminishing the urgency and potency of it and (f) the concentration of effect, defined as a paradox that numbers in of itself do not always help determine the gravity of one’s moral action. In 2020, Nye (2020: xi) argued that “[g]ood moral reasoning [. . .] should be three-dimensional, weighing and balancing the intentions, the means, and the consequences of [. . .] decisions.” Nye even asserted that foreign policies can be compared, evaluated, and scored based on those three elements (intentions, i.e., goals and motives, means, and consequences). Nye’s model expands upon Jones’s and Rest’s, to which it adds the components of one, means through which an ethical policy problem can be addressed and two, intentionality on achieving particular results or consideration of consequences. Rest’s last stage thus ends where Nye’s ethical decision begins, with the formulations of intentions (and to some degree the identification of means). As such, Nye’s model is cumulative, versus Rest’s additive or sequential (Figure 4-2). The ethical problem for Nye is not a matter of interpretation and is thus not the beginning or the connecting tissue of ethical decision-making. Instead, Nye viewed

ethical decision-making as a function of three components: intentions, means and consequences.

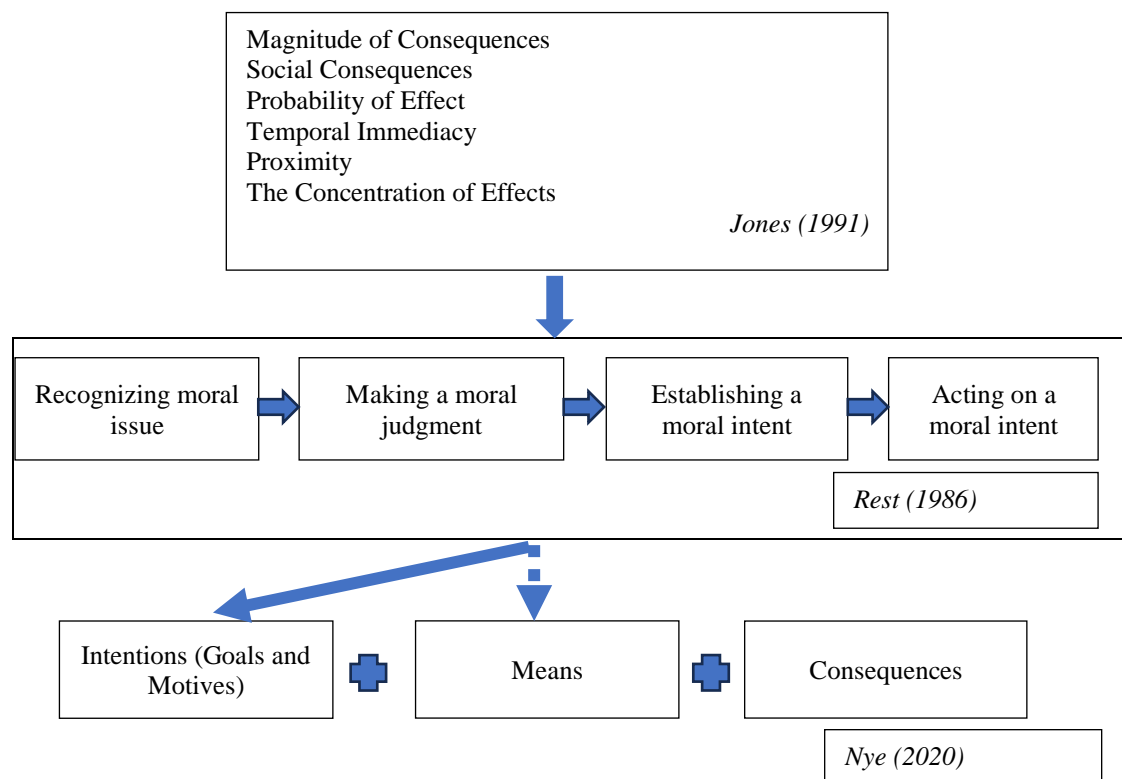


Figure 4-2 – Schematically Connecting the Three Ethics Models

The above three models revolve around individual moral decision-making, as moral actions are often considered to be the provenance of individuals. While I recognize (and acknowledge) the role of individuals in driving the decision-making action or driving the recognition of the identification of an ethical dilemma or a problem – or the solution to it – in this research, I also explored the ethical role of the humanitarian system as a whole, with all its constituent elements. I therefore purport those systems, like individuals, can, under certain circumstances, make ethical decisions.

The model I proposed below draws from the earlier-stated ethical decision-making theories, with added elements that allow the individual decision-making to be elevated to an organization, and then further, to a network or a system. I parsed the elements of Rest's, Jones'

and Nye’s ethical decision-making frameworks, adjusting them to my research question and the humanitarian decision-making context and created the following decision-making framework to guide and organize my data analysis (Figure 4-3):

- *Articulating an intent (meaning-making/intentionality)*, understood as framing an ethical problem or contextualizing: negotiating positionality; and consensus building and arriving at a decision;
- *Actioning or implementing an ethical decision* that constitutes action in the form of program, policy, or advocacy; and
- *Experiencing a consequence* or impact of the decision that may be intended and unintended leading (potentially) to a new dilemma or problem.

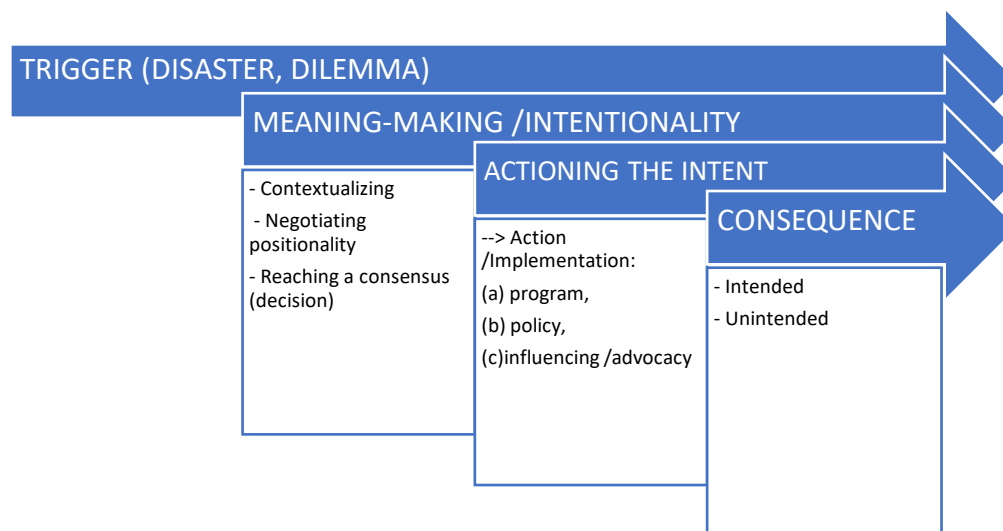


Figure 4-3 – Conceptualizing Humanitarian Ethical Theoretical Framework

This ethical framework is as much a result of the findings that emerged from my case studies as it is based on literature. The framework was developed in the course of the case-based research, rather than before, and in that sense, it did not influence the course of the research, nor did I look to identify those elements during data gathering. The framework was instead

used as an organizing principle that helped unpack divergent and complicated processes and behaviors that emerged in each case study.

## 4.2. Research Methods

### 4.2.1. Data Collection

#### 4.2.1.1. *Literature and Document Review*

As mentioned earlier, the literature review constituted the key part of my research, in part because the COVID-19 pandemic was declared in the spring of 2020, about the same time as my empirical research was set to begin. The desk research included not only a review of all sorts of academic sources related to humanitarian assistance, but also ethics, politics, colonialism, international relations, and sometimes the history of humankind. Plenty of studies have been published in recent years on different aspects of globally delivered humanitarian assistance, and a lot of it by operational organizations themselves. As humanitarian organizations become increasingly prolific, data and insights about details of individual operations are often publicly available. Humanitarian clusters sometimes post their meeting minutes online, and many organizations allow their staff to post opinions on their blogs or other web pages. Those are sometimes invaluable supplementary documentary evidence.

I started my research with academic literature. The literature review and theoretical and methodological frameworks were all informed by academic writing. Moreover, one area of my studies, Somalia, attracted unprecedented interest from the academic community, making it perhaps one of the best-researched crises globally. Authors including Alex de Waal and Daniel Maxwell provided a wealth of research material and interpretations relevant to my research. On the contrary, the aid operations in Yemen and Libya have not been studied by academics and researchers, but they were nonetheless amply described in reports and documents, in

particular, various humanitarian agencies' situational reports, assessments and thematic analyses, monitoring and evaluation documents, coordination cluster minutes and policies, documents produced by humanitarian country team, or NGO coordination fora, or specialized organizations such as the Geneva-based REACH Initiative and others (full list of operational records and documents is available in Appendix I - Non-Academic Documents and Records).<sup>25</sup> Many of these are available online.

In addition, I was also able to acquire some informative internal documents written by the UN agencies and INGOs for the purpose of their own (internal) planning, as well as those intended for or drafted by donors. These documents included all forms of correspondence, internal reflection records, emails, strategies, internal memoranda, and policy instructions. The documents referenced in this dissertation, however, are all public or obtained with the consent of authors and users. Confidential documents or correspondence of any kind were treated as such – they were never references but inevitably informed some of my thinking. In all cases, however, I had relied on more than one source for evidence, intending to give this research the credibility and confirmability (see Bowen 2009 and Strauss and Corbin c1998 for research criteria). I spent innumerable hours scouring the internet for public sources, media articles, parliamentary and Congressional hearings, and speeches to recreate the knowledge and techniques employed by aid workers and their organizations relevant to my discussion about humanitarian principles.

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<sup>25</sup> REACH as a humanitarian initiative was founded in 2010 by three organizations: IMPACT – Civil Society Research and Development, Agency for Technical Cooperation and Development (ACTED), and the United Nations Operational Satellite Applications Programme (UNOSAT). REACH activities are conducted in support and within the framework of inter-agency coordination mechanisms to provide granular data, timely information, and in-depth analysis from contexts of crisis, disaster, and displacement. More on this is available at: <https://www.impact-initiatives.org/what-we-do/reach/>. Accessed March 10, 2019.



My research was also greatly facilitated by the broad availability of past documents on the Internet. Especially rich sources of information on humanitarian assistance, laws and ethical application of humanitarian standards can be found in the online ICRC and IFRC archives. I found the information on budgets on governments' and individual agencies' websites, as well as in OCHA's funding tracking service (FTS) and the Development Assistance Committee (DAC) of the Organization for the Economic Cooperation and Development (OECD), both of which maintain a record of expenditures and, in the case of OCHA FTS, the record of the funding request for each humanitarian situation receiving organized global support.

#### 4.2.2. Ethnographic Methods of Observation and Participant Observation

My methodology, initially designed as a combination of ethnography and archival study, ended up undergoing *force majeure* modification. Instead of doing the intended fieldwork, I carried out my research mostly from the safety of my home. Notwithstanding that unexpected reality, the years of work spent working on the humanitarian programs in Libya and Yemen, from Tunisia, Jordan, United States of America, and for about a year from inside Yemen, made this research as ethnographic as possible given the circumstances. I worked for UNHCR and USAID in both Libya and Yemen prior to embarking on this research and was, in both organizations, a participant in a lot of the processes, humanitarian country team, and cluster meetings and discussions described in my case studies. Where my memory may have failed or appeared misleading, I looked to the treasure trove of documents and reports preserved from those periods.

Auto-ethnographic research is increasingly recognized as a legitimate form of ethnography, where the elements of unconscious bias on the part of the researcher and the power disparities between the researcher and the object(s) of the research are minimized. The subjects and objects are now the same; the "field" is not a far-away (and to the researcher an exotic) land

and people, but a topic, geography(ies), and people closer to the researcher's home and experience. Auto-ethnographic research is also notable for the opening of the research space to topics other than distant groups and tribes to almost anything social that may be worth studying. Auto-ethnography began to make its mark relatively recently, but it immediately appealed to the students of humanitarian assistance, many of whom were aid workers themselves. This is in fact so well-accepted among the researchers that the phenomenon has earned its own moniker of *aidnography* or auto-ethnography of "Aidland" (Hilhorst 2018; Harrison 2013).

Apart from the benefits concerning misplaced misconceptions and misunderstanding of the objects of study, auto-ethnography is useful for other reasons. Aid organizations are not always the easiest subjects to study and aid workers are notoriously protective, reticent, and unwilling interlocutors, always concerned not to encourage or open the door for unwanted criticisms (Autesserre 2014). Likewise, humanitarian operations often take place in geographies that are not hospitable and inviting to researchers. Obtaining a visa to Yemen is an incredibly difficult and arduous process, if even possible. The same is true for Somalia, assuming that even if visas could be obtained such a trip would be advisable from a security perspective. There is more, of course, that adds to the problem of researching aid operations in complex emergencies. Decision-making fora such as humanitarian country teams are not open to guests, regardless of their intentions. Moreover, humanitarian processes are often fragmented; humanitarian activities may be simultaneous but are frequently disjointed with conversations and decision-making taking place across organizations and between fields and headquarters in ways that are not always straight-forward. For all these reasons, aidnography has its rightful place in the discipline of ethnography and will likely remain the preferred research option for many scholars of humanitarian affairs.

#### 4.2.2.1. *Interviewing*

This research is based on many conversations done in the course of my work in Yemen and Libya, as well as forty-six open and semi-structured interviews, of which forty-three are with aid practitioners directly engaged in the operations examined in my case studies, and three include key informants (KIs) who are not aid workers per se, but researchers with knowledge of the situations and disasters this research is concerned with. The interviews were done in two parts: one, the interviews I conducted myself, and two, the interviews conducted by two research assistants. Most of my interviews were done over Skype or Zoom, although I was able to carry out some conversations in person as well. The interviews served two purposes: one, to reconstruct the situations, events, responses and decision-making relevant for my research, and two, to obtain insights and deeper analysis as to why and how the decision-making was made, and what influenced it. I interviewed INGO and UN staff, as well as donor representatives, and my research assistants interviewed local aid organizations in a local language. I was only able to make one short trip to Tunisia in March 2020 during which time, I spoke with some aid workers in person. For the rest, I asked my KIs to give me an hour of their time and speak with me virtually. The conversations, however, often lasted longer.

I also conducted elite interviews in Washington (District of Columbia) and remotely with members of the donor community from London and Brussels. I spoke with officials from the US government, European Commission's Directorate-General for European Civil Protection and Humanitarian Aid Operations (ECHO) and the UK Department for International Development (DFID) – current Foreign, Commonwealth and Development Office (FCDO). Prioritizing the quality of information and conversations over the quantity and the number of interviews, I opted for the purposive sampling. For both field and elite interviews, I approached the people who played a critical role in each of the selected response cases and whom I had personally known in some capacity, privately or professionally. Based on their

recommendations, the interview list was refined and the list of possible KIs expanded through the limited snowball sampling (Lai, She, and Ye 2019).

In May 2021, I applied for, and received, a research grant from the CEU that permitted doctoral students to, in lieu of travel, contract research assistants. Such limited grants were made possible after my Libya (and, to a large extent, Yemen) studies were completed. I did, however, recruit two local researchers in Yemen and Somalia to conduct interviews in Arabic and Somali languages with local aid workers and local aid organizations in situ. The research assistants conducted their interviews over Skype and in person, although the time and budget did not allow for them to travel outside the state capitals, keeping the KI sample limited. The research assistants were provided contracts, containing a short workplan, benchmarks and timelines, interview comportment instructions and questions. They each researched local humanitarian organizations and proposed a list of interviewees. The contracts also contained an annex with CEU ethical instructions. Prior to the contract execution, I conducted virtual training in semi-structured interviewing techniques, noting the importance of asking questions in a respectful and open manner that invites reflection and resembles a conversation. The research assistants were specifically instructed to feel free to veer off script, and ask follow-on, clarifying questions if deemed appropriate and relevant for the topic of this research. In explaining and training on semi-structured interview techniques and the types of questions to ask, I relied on Annika Ericksen's research and guidance (2021).

The research assistants sometimes recorded their interviews, sometimes wrote them down – depending on the interviewees' consent – and then translated and transcribed them. They jointly collected around sixteen interviews with Yemeni and Somalia aid organizations and their staff. In Somalia, the interviews also extended to IDP camp leaders. In most cases, I was able to debrief with them after each interview. That way, I learned about the interview and obtained

valuable information about their interviewing experience, observations, and learning, adjusting the questions and approaches as needed.

While my intent was to engage in an in-depth interviewing (Massarik's typology in Wengraf 2001: 153), this proved not always feasible. In some cases, the interviews had a desired quality of peer-like conversations (Wengraf 2001), but not always, despite my intention to make this a standard. With people I had not previously known and did not speak with in person, such an informal and free-flowing conversation appeared harder to establish. During the years of COVID-19 pandemic, some people preferred to time-bound their virtual conversations, finding them stressful and straining in a way that in-person meetings might not have been. Given the limited time available for training, the interviews conducted by the research assistants were always semi-structured (see Appendix III - Semi-Structured Interviews Strategy), with more guidance and suggested themes and questions provided ahead of each interview (Table 4-3).

Table 4-3 – Interview/Conversation Planning

Category of interlocutors	Type of interview	Explanation
<i>General KIIs</i>	Open	All personally conducted: In person or over Skype.
<i>Libya KIIs</i>	Open and semi-structured	All personally conducted: in person or over Skype. The type of interview is determined by the openness of the interlocutors.
<i>Yemen KIIs</i>	Open and semi-structured	All personally conducted interviews with KIIs were either open or semi-structured – depending on the openness of the interlocutors. Interviews were done over Skype or, where available, in person. Interviews conducted by the research assistant were semi-structured interviews over Skype.
<i>Somalia KIIs</i>	Open and semi-structured	All personally conducted interviews with KIIs were either open or semi-structured – depending on the openness of the interlocutors. All interviews were done over Skype. Interviews conducted by the research assistant were all in-person semi-structured interviews.

My interviewing followed an abductive or iterative approach moving between inductive and deductive interviewing strategies, combining and testing both, spontaneity and openness of (virtual and, in rare occasions, in-person) in-depth interviewing with planning and analysis done before the interviews to influence and inform the conversations (Knott *et al.* 2022). The abductive approach allowed me to feel better prepared and have more flexibility to move from in-depth to semi-structured techniques within the interview if needed.

I also followed the protocols established by Elisabeth Wood (2006) and Lee Ann Fujii (2012) related to obtaining consent, offering a written interviewing option, and ensuring confidentiality and protection of sources through every stage of this research. I also did my best to delineate my position as a researcher from that of a USAID staff member, a funding

agency to many international organizations, making sure that my interlocutors were comfortable with my dual role and were assured that their views and insights had and would have no bearing on any possible future professional interaction between us or on their organizations. Many of my interlocutors, national and international staff alike, asked to have their names masked and protected. They were all assured of the utmost protection of their identities. The interviews were therefore all letter coded.

Out of forty-six interviews: twenty-seven were with NGO representatives (both international and local, i.e., those operating in their countries of registration); six were with donor representatives: DFID (current FCDO), USAID and ECHO; seven were with representatives from UN agencies; three were researchers with knowledge or prior professional engagement in those situations; two others (IDP camp managers) and one was a representative of the IFRC network.

#### 4.2.3. Data Analysis

In my data analysis, I was guided by the concepts and processes relevant for the reflexive thematic analysis (Joy, Braun, and Clarke 2023), although also departing from the rule at times to apply a more reiterative structure to my analysis. My objective was storytelling, i.e., reconstruction of a narrative and events through the perspectives of people engaged in those events. My two primary sources of information were in-depth and semi-structured interviews with KIs on topics related to my three case studies as well as on more general issues around humanitarian assistance, and primary and secondary (academic and non-academic) sources. The analysis of data found in both sources were complementary and reinforcing of each other, adding to the narrative, and filling in the data and knowledge gaps where they appeared – either in written documents or in interviews. The back and forth between written records and interviews was essential as a vast majority of my interviews were recollections of events,

thoughts, processes, and problems, i.e., historical interpretations of events and decisions on a collective and personal levels. Written records provided verification or allowed for explaining the views and reflections offered in interviews, or sometimes, filled in the knowledge gaps. While I intended to use the interviews as my lead into insights of the problems and dilemmas, I did not always succeed, and written records proved a more reliable and fuller data source. The analysis, therefore, was, at times, a complicated dance between the historical records written at the time of the events and the power of recollection and reflective hindsight. As I approached this study with a heightened awareness of my subjectivity and positionality (repeatedly addressed in this dissertation), I was also aware of my KIs' subjectivities and positionalities. I thought of myself as not the most misplaced judge of these subjectivities, given that, as a self-identified aid worker and researcher, I belonged to the epistemic community I studied and thus possessed more than just the basic understanding of the symbols, terminologies, and their shared meanings. My challenge at times was acquiring the ability to deconstruct the set understanding of the world and open myself to challenging the preconceived notions of how "things are." Given the specificities of the field and the fluid nature of the discipline I was studying, I thought this research analysis design to be the most honest and humble approach possible.

I listened to and read the transcripts of my interviews multiple times. By revisiting the raw data, I strived to examine the issues, the meanings of the words and statements from multiple perspectives. In my data analysis approach, I sought to identify patterns, themes, and categories emerging out of the stories, recollections and views shared by research participants recounting, explaining, and making sense of the disasters, emergency response contexts and their experience with those (Strauss and Corbin c1998 and Bowen 2009). I strived to replicate an iterative analysis process proposed by Knott *et al* (2022) (Figure 4-4).



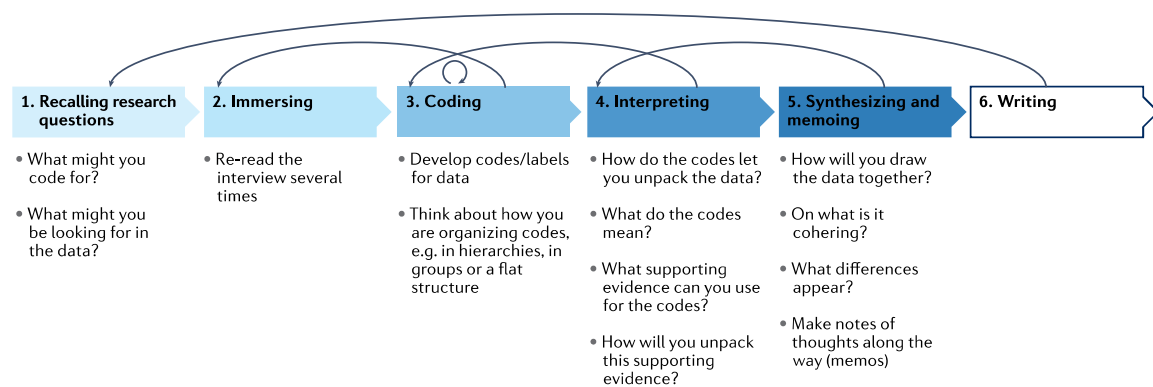


Figure 4-4 – The Iterative Nature of Analyzing Interview Data (Knott et al. 2022:8 )

As stated earlier, the interviews served two purposes; to allow the deeper dive into the thoughts and motivations behind decisions relevant for actioning humanitarian principles reconstruct the events and to help reconstruct historical events. The interviews were, therefore, coded for both, themes and context (Appendix IV - Interview Theme Coding and Appendix V - Coding for Context).

I manually coded the interviews by reading through them and mapping the answers and topics/themes that emerged from each interview transcript. I highlighted important thoughts and statements (salient points), coding them as I read them and listing them separately for each interview/KI. I thus ended up with forty-seven different sets of codes, in total exceeding a hundred phrasings. To facilitate the reading, I sometimes reorganized the text of the interview based on the identified themes. At the end of this first process, I ended up with about a hundred codes, of which many appeared sufficiently similar to allow me to merge and combine into a different, sometimes a semantically broader code. Grouping similar codes together helped reduce the number of codes to an analytically manageable number. The codes were sometimes organized laterally and sometimes hierarchically to highlight their inter-relatedness.

Once the data was gathered, and interviews transcribed (and translated to English when needed), my thematic coding and data analysis process was as shown in Figure 4-5.

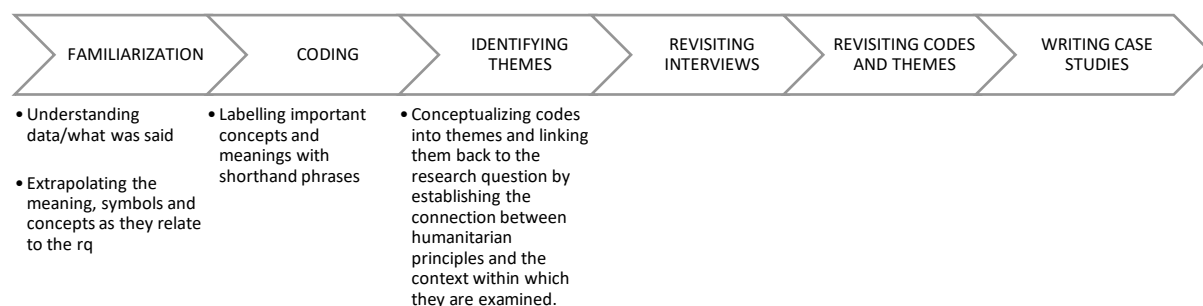


Figure 4-5 – Thematic Coding and Data Processing and Analyzing Schema

### 4.3. Ethical Considerations

As mentioned earlier, I started this research not as a full-time student but as a full-time employee of a humanitarian donor agency (USAID), prior to which I clocked in some fifteen or so years as an international humanitarian and human rights professional. I find that fact to be important for the readers of this dissertation to position my interests, biases, and ethical problems. I have already addressed the issues concerning my interests and consider it prudent to now discuss ethical considerations arising from my continuous employment with USAID, a fact it is reasonable to expect may create a conflict of interest for me or my interlocutors. I understood from the start that my position was rather atypical, offering potentially compromising limitations but also opportunities. For example, as an employee of an organization with a global presence and some degree of involvement in almost all disaster situations, I am privy to at least some communication and information relevant to many world disasters. I may also personally experience relevant decision-making processes that would otherwise take time to research. Some information and processes will clearly be internal to the organization and confidential, and thus of limited use for the research itself, although still valuable for the insights into how certain decision-making may work, or who may be the relevant people to consult. Even if unable to use or cite specific information, those insights could save me time in determining what public evidence I ought to search for and what questions to ask my interlocutors.

My most impactful limitation, however, concerns my employment. As a regional humanitarian advisor, I make funding recommendations on USAID's and US government's humanitarian programs implemented by international organizations within the region assigned to me. Because of that, it is natural to expect that any question I may have for the representatives of those organizations will be answered by me as a donor first and then as a researcher. It might be, therefore, expected that the utility of those conversations was to be, at best, limited. Fortunately, the reality is always more nuanced. For one, the separation of roles in the context of an emergency tends to easily disappear as people forge relationships and friendships across organizational lines. International responses create social environments that erase divisions and produce opportunities for open and uninhibited discussions, arguments, disagreements, and confessions. Amongst themselves or to people they know (and trust), aid workers are not afraid to offer their views honestly and extensively, but they ask that their identities be masked in public documents. The preservation of confidentiality and trust was, thus, the key to this research.

After almost twenty years of moving around in humanitarian circles in various countries and emergency contexts, I believe in having an extensive network of colleagues and acquaintances with vast knowledge and experience and a solid understanding of how the humanitarian system works. My research started with aid workers who were my former and present colleagues with direct knowledge of the three disaster situations I studied and their networks. For elite interviews, I inevitably counted on my current USAID and donor colleagues for their insights and knowledge, understanding that in all cases, I needed to do my utmost to preserve their anonymity and confidentiality. Yet, in some cases, organizations such as Médecins sans Frontières (MSF) and Oxfam, which refrain from accepting USAID's funding and were therefore not concerned about their funding prospects, made my job easier. As they also consider themselves humanitarian advocates, my disclosure, as expected, had no impact on

their views and willingness to be interviewed. On the contrary, they took a keen interest in me as a researcher and, in some cases, used my study as a vehicle for their advocacy.

A word or two about my positionalities and beliefs is now in order. First, after years of working in the humanitarian field, including in some of the countries studied here, I am inherently and unapologetically biased in favor of humanitarian organizations and the work they do, despite the due criticisms, colonial linkages, and the risks inherent in this growingly powerful (and inadequately accountable) enterprise. I believe that the international humanitarian system, within which I worked in many countries across the world, has immense potential to do good in a world of suffering and political callousness.<sup>26</sup> I have experienced time and over again the gratitude for the solidarity expressed in the form of humanitarian goods or attention. Once, as a young national aid worker, I arrived with a convoy of food and medical supplies to the Bosnian central enclave of Usora in the midst of the war of the early 1990s and was met with music and cakes baked to celebrate the first time someone from outside had broken through the siege and pounding grenades. It was not the goods that were needed, but the connection to the outside world. The convoy left the next day and the siege and bombardments continued for another two years. I found the same appreciation internationally, in Iraqi and Syrian internally displaced and refugee camps, in Yemen, in Bangladesh, in Mali... But I also saw the failings and the carelessness and have, with horror, read about sexual and other abuses committed by aid workers. Second, for years I unquestioningly communicated in the language, codes, and shorthand created by international organizations to describe and define who they are and what they do. The humanitarian language is mostly self-directed but is also self-serving; aid organizations provide aid to beneficiaries. The implication is that everyone who receives something benefits, and aid organizations are infallibly competent to know what aid is and how

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<sup>26</sup> I have always unapologetically belonged in the camp of those who, in Rieff's words, believe that there is "no migration but rather xenophobia crisis" (Rieff 2019: 48).

to provide it. This, of course, is far from the truth, but the everyday humanitarian discourse will hardly leave room for doubts. While I am ready to question the way these terms are used, as an aid practitioner, I also understand that some kind of shorthand terminology is needed. The problem, I believe, is not in the language but in the attitudes and assumptions that accompany it, a problem referenced elsewhere in this dissertation. I embarked on this project prepared to have my own research challenge my biases and my beliefs.

## 5. International Humanitarian System and Humanitarian Principles

This dissertation, as stated before, concerns itself with the international humanitarian principles and how these are interpreted and applied by organizations that make up the humanitarian system. It is thus necessary to briefly introduce the humanitarian system and its peculiar set-up. The international humanitarian system is a construct that has been built over recent decades and today represents an organized form of global relief service. Much has already been said about the system by academics and practitioners – some of it will be repeated and summarized in this Chapter. The growing fascination with the system is understandable; we can hardly imagine natural disasters or wars happening without it.

In December 2018, OCHA declared 135 million people in the world, which is one in every seventy people, to be living in situations where international assistance was needed to guarantee their survival or help sustain their livelihoods.<sup>27</sup> Of those, 68.5 million were forcibly uprooted, living within their countries' borders as IDPs or outside those borders as refugees.<sup>28</sup> That was the world's highest number of displaced people since the UN began tracking global

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<sup>27</sup> OCHA. "Global Humanitarian Overview 2018." Available at: <http://interactive.unocha.org/publication/globalhumanitarianoverview>. Accessed June 7, 2021.

<sup>28</sup> OCHA. "World Humanitarian Data and Trends 2018." Available at <http://interactive.unocha.org/publication/datatrends2018/>. Accessed June 7, 2021.

displacement trends in 1951. The UN calculated that in 2017, US\$ 23.7 billion went towards meeting humanitarian needs globally. By comparison, thirty years earlier, in 1990, states contributed around \$1 billion in humanitarian funding worldwide, \$12.4 billion in 2010, and \$22 billion in 2013 (Carbonnier 2016). The UN data also showed that eighty percent of 2017 funds were spent to meet the needs of people living in situations characterized as protracted ‘complex emergencies’ where adverse environmental and political conditions acted as both crisis drivers and causes.<sup>29</sup> In 2017, there were eight such protracted humanitarian crises lasting five or more years.<sup>30</sup>

The numbers used in the above paragraph are credible because they are painstakingly recorded, a novelty compared to the availability of information two or three decades ago. Thanks to the elaborate international humanitarian assistance system, composed (in a majority of cases) of UN agencies, non-governmental organizations, and their donors, we now know not only the number of people forcibly uprooted from their homes, but also understand, in some general terms, their basic situation. The said humanitarian system gets activated in response to disasters, be they slow-onset, such as droughts and, in some instances, armed conflicts, or rapid-onset, such as earthquakes, tornadoes, or volcano eruptions.<sup>31</sup> The system is quite busy and growing. In addition to a handful of protracted crises lasting five or more years, there were, by some count, 438 new disaster events in the world in 2018.<sup>32</sup> Not all disasters, however,

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<sup>29</sup> Ibid.

<sup>30</sup> Ibid.

<sup>31</sup> The IFRC defines disaster or hazard as a threatening event or a “probability of occurrence of a potentially damaging phenomenon within a given time period and area,” and divides them into natural hazards (e.g., geophysical, hydrological, meteorological, climatological, and biological) and technological and man-made hazards (e.g., complex emergencies/conflicts, famine, etc.). More on this is available from IFRC. What We Do. Available at: <https://www.ifrc.org/en/what-we-do/disaster-management/about-disasters/definition-of-hazard/>. Accessed June 7, 2021.

<sup>32</sup> Center for Research on the Epidemiology of Disasters (CRED). 2019. “Natural Disasters 2018: An Opportunity to Prepare.” Université catholique de Louvain. Available at:

require international assistance, and not all states request or agree to receive assistance from international organizations or, in some instances, from specific states (Walker and Maxwell 2008). Iran, for example, hosts international organizations such as UNHCR, Norwegian Refugee Council (NRC), and others but has at times restricted the US government's funding donations to these organizations.<sup>33</sup>

The term international humanitarian system was first introduced in 1991 by UNGA Resolution 46/182, which laid out its structure and components. The Resolution, for example, established the office of the ERC to, inter alia, chair and head the IASC. It also established the in-the-field structure led by a high-ranking UN official, titled humanitarian coordinator, and introduced the country-level consolidated funding appeals and a single funding source for the responding aid organizations. The Resolution proposed a system of pooled financial resources and defined its ethical scope of operation.<sup>34</sup> Many elements of that system would continue to be refined and added to over the years. The IASC proved essential in leading the change. For example, in 2005, when it adopted the "Humanitarian Reform" that organized the sectoral coordination in the field – following the 2004 Indian Ocean tsunami response. Or in 2011, when the "Transformative Agenda" prescribed a set of new measures aimed at strengthening the in-the-field humanitarian leadership and accelerated the deployment of human and material resources

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<https://reliefweb.int/sites/reliefweb.int/files/resources/CREDNaturalDisaster2018.pdf>. Accessed June 10, 2021. The Centre for Research on the Epidemiology of Disasters (CRED) is a project by the School of Public Health. Université catholique de Louvain, founded in 1992 to promote research, training, and technical expertise on humanitarian emergencies, particularly in public health and epidemiology. CRED's focuses on natural disasters and crisis situations caused by civil strife, conflict, or others. More on the Center is available at <https://www.cred.be/>.

<sup>33</sup> By the same token, some parts of the United States Government have in recent decades restricted their own funding from being used in Iran. The United States anti-terrorism legislation and sanctions have also effectively restricted and discouraged some other institutional or government spending in the country.

<sup>34</sup> United Nations General Assembly (UNGA) Resolution 46/182 (1991) [on strengthening of the coordination of humanitarian emergency assistance of the United Nations]. (A/RES/46/182). Adopted at 46<sup>th</sup> session on December 19. Available at: <https://www.refworld.org/docid/3b00f18620.html>. Last accessed September 6, 2023.

in situations of elevated urgencies (termed Level 3 Emergencies) following two other natural disasters: Pakistan floods and Haiti earthquake of 2010.

Composed of self-selected UN agencies and NGOs, the humanitarian system is founded on documents and technical prescriptions regarding the assessments of needs, aid designs and distributions, programs, fundraising, and ‘field’ relationships (for example, the Sphere Project<sup>35</sup>, a voluntary initiative of humanitarian non-governmental organizations that describes and prescribes the minimum of standards to be applied per different lifesaving or otherwise critical services, organized in the so-called sectors). Its greatest strength is predictability; the international humanitarian organizations, when deploying to a disaster, follow a pattern that is by now well recognized and expected.<sup>36</sup> Deviance from the established system is discouraged. Upon obtaining funding, aid organizations deploy to the countries where assistance is required, plugging, as they arrive, into the ‘humanitarian system.’ The system, resembling a loosely run state ministry (M. Barnett and Finnemore 2004), is headed by a humanitarian coordinator presiding over the pyramid that cascades down through the technical clusters and the policy group of senior staff.<sup>37</sup> The technical and policy teams function as self-enforcing mechanisms, reminding each other of the rules and principles pertaining to the form and delivery of humanitarian aid, as well as behaviors and rules of engagement with local civilian and military authorities.

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<sup>35</sup> The Sphere Project was launched in 1997 as an initiative aimed at specifying and standardizing the delivery of humanitarian assistance and services across the globe. The Sphere Project is best known for its major product called the Sphere Handbook, specifying, *inter alia*, the minimum standards of entitlements of aid in each humanitarian sectors. More on the initiative is available at: <https://spherestandards.org/about/members-and-network/>. Last accessed March 25, 2023.

<sup>36</sup> Inter-Agency Steering Committee (IASC). 2010. “Handbook for RCs and HCs on Emergency Preparedness and Response.” Available at: <https://interagencystandingcommittee.org/leadership-and-humanitarian-coordination/documents-public/iasc-handbook-rs-and-hcs-emergency>. Accessed June 15, 2021.

<sup>37</sup> Ibid.



In that sense, the international humanitarian system is, to borrow sociologist Bruno Latour's (see, for example, Latour 2005) terminology, an assemblage where the associations matter more than the elements of the system. The associations are partly prescribed but partly created and re-created across seemingly similar contexts of disasters. What makes the system effective is the system familiarity, forged in rules, and transferability of the rules across disasters. The system is thus enabled by the fact that humanitarian workers shift from one disaster to another; they attend the same meetings and thus possess a fair degree of shared understanding of the culture and rules and may have the same expectations in terms of how the work is done. The nature of expatriate-ness makes the creation of such a fluid transnational community possible.

Familiarity creates coherence maintained by language. Like all technical languages, humanitarian vocabulary is specific, full of phrases and shorthand that are mostly meaningless to the outside world. The humanitarian language is, however, not always technical and harmless. Escobar (1995) and Malkki (1996), for example, noted how certain discourse creates and cements inequality between aid providers and aid receivers, who in aid workers' parlance are referred to as "beneficiaries," to be "in need" or "vulnerable" (the new terminology uses the acronym PIN for "people in need").<sup>38</sup> Inevitably, therefore, the language, to borrow from the theory of discourse, creates positions of power and subordination, such as between the "aid providers' and "people in need." The problem with such discourse is that "members of subordinate social groups sometimes internalize, as their own common sense, the ideas and perspectives embedded in these dominant discourses, even when such ideas may not align with their own interests" (Karlberg 2011: 3).

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<sup>38</sup> See for example any Humanitarian Response Plan (HRP) available on OCHA website: <https://www.humanitarianresponse.info/>. Also, OCHA Somalia. 2011. "Situation Report No. 16." Posted on October 4. Available at: <https://reliefweb.int/report/somalia/somalia-famine-drought-situation-report-no-16>. Last accessed March 25, 2023.

## 5.1. The Origin

Clearly, global charitable and humanitarian initiatives existed long before the current humanitarian aid system was created, although the morphology of the phenomenon is a matter of unresolved discussion. The long history of charitable action was well described by Walker and Maxwell (2008), and Maxwell and Gelsdorf (2019). Instead, included in this chapter are brief considerations concerning the origin and key debates, predominately to situate the humanitarian phenomenon within the broader context of social and historical events and to clarify terminologies, ideologies, and concepts studied in this dissertation.

While charitable initiatives are probably as old as humankind, one event, more than anything, set us up on a path that led to the creation of the modern humanitarian system. That is the battle of Solferino and the creation of the International Committee for the Relief of the Wounded, soon to be renamed the ICRC (Forsythe 2018), the longest-surviving humanitarian organization in the world. The importance of the ICRC for international humanitarian engagement cannot be stressed enough. The ICRC began as a global relief organization, a coordinator of national relief services, and a guardian of international war standards that inspired and encouraged the establishment of similar national associations of volunteers, known today as the Red Cross and Red Crescent societies, first in Europe and then the rest of the world. More than a century later, the ICRC inspired by example, or disagreement, the creation of other non-state organizations, including MSF, founded to counter ICRC's ethical compromises and silence on atrocities in Biafra. More critically for this dissertation, the ICRC inspired and shaped the ethical underpinnings of international humanitarian assistance, and their own humanitarian principles

were adopted by the wider humanitarian community as the core principles of humanitarian action.<sup>39</sup>

The story of the ICRC is a story of chance. It so happened that on his business trip to Italy, a Swiss businessman named Jean-Henry Dunant happened to be in a town not far from Solferino where, on a particular day in June 1859, 300,000 soldiers of the Sardinian and French armies led by Napoleon III on one side and the Austrian army led by emperor Franz Josef I on the other battled in a show of force that killed, maimed, and led to the capture of about 40,000 soldiers (Dunant 1939). The Austrian army lost. Dunant described the aftermath: “When the sun came up on the twenty-fifth, it disclosed the most dreadful sight imaginable. Bodies of men and horses covered the battlefield: corpses were strewn over roads, ditches, ravines, thickets and fields; the approaches of Solferino were literally thick with dead” (Dunant 1939: 41). Medical services of many nearby towns and cities were overwhelmed, and water supplies exhausted. Dunant took it upon himself to organize volunteers to aid the wounded combatants on both sides. Afterward, he published “A Memory of Solferino,”<sup>40</sup> and then, in October 1863, at the international conference of the International Committee for Relief to the Wounded, oversaw the establishment of the ICRC (Blondel 1991). Moreover, the same conference recommended that governments “extend their patronage” and facilitate the work of what would become the ICRC and that “in time of war the belligerent nations [. . .] proclaim the neutrality of ambulances and military hospitals and that neutrality should likewise be recognized, fully and absolutely, in respect of official medical personnel, voluntary medical personnel,

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<sup>39</sup> It needs to be said that through the short history since its creation, the ICRC was not the only organization conducting humanitarian activities across state borders. Christian missionaries, as part of the colonial project of spreading Christianity while providing services, trespassed the globe since the 16<sup>th</sup> century (M. Barnett and Weiss 2008). In the 1950s, the ICRC began to shift away from its Swiss and Christian identity (Moeller 2020), arguably marking the beginning of a shift towards a secular international humanitarianism. Missionaries still do their work in many locations where aid organizations operate but their methods and beliefs are sufficiently different that they hardly acknowledge each other’s existence, let alone coordinate their activities.

<sup>40</sup> First published in Geneva in 1862.

inhabitants of the country who go to the relief of the wounded, and the wounded themselves” (Walker and Maxwell 2008: 23). Thus began the creation of national societies or “committees,” first in each of the ICRC’s initial twelve members, and then elsewhere. By 1910, national Red Cross societies sprang up around the globe, including the first Red Crescent Society in 1911 in Türkiye, creating the first loosely connected network of non-state organizations with a mandate to provide relief and repatriation assistance to war prisoners and combatants. Increasingly, these national societies found themselves on opposite sides of their countries’ conflicts (Durand c1984). Furthermore, numerous faith-based organizations were founded during or immediately after World War I (Durand c1984), including the first global secular non-governmental organization, the Save the Children Fund. The world of transnational institutions was so small at the time that the Save the Children Fund’s founders, sisters Eglantyne Jebb and Dorothy Frances Burton, sought the ICRC to serve as its patron, exercising on its behalf some key functions, such as fundraising (Durand c1984).

Twenty-five years later, destruction, hopeless displacement, and desperation created by World War II triggered the creation of a great many organizations dedicated to relief work not only in their own countries but also internationally. For example, the New York-based International Rescue Committee (IRC) was established in 1942 out of two initiatives aimed at rescuing people from Nazi Germany and Vichy France in 1933 and 1940; the former initiative started at the suggestion of Albert Einstein.<sup>41</sup> In October 1945, twenty-two private, civic, cooperative, labor, and religious organizations established CARE to send surplus American food to the hungry in Europe (M. Barnett 2009a). Then came the formation of several important UN agencies. In 1945, the Food and Agriculture Organization (FAO) was established, and from it, the US Administration engineered the founding of another UN agency, the World Food

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<sup>41</sup> See the International Rescue Committee (IRC) website: <https://www.rescue.org/page/history-international-rescue-committee>. Accessed December 31, 2021.

Programme or WFP, in 1961 (Walker and Maxwell 2008). The UN International Children's Emergency Fund, or the UN Children's Fund or UNICEF as it is known today, was established in 1946. The UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) was created in 1949 as a dedicated UN agency for Palestinian refugees.<sup>42</sup> UNHCR was created in 1951 out of the United Nations Relief and Rehabilitation Administration (UNRRA) and then the International Refugee Organization (IRO) (Walker and Maxwell 2008) to assist with the repatriation and resettlement of the European stateless and refugee populations, whose homes, livelihoods and national identities were irretrievably destroyed and forever changed. Unlike the ICRC, which with some measure of success coordinated and communicated the work of its national societies, the rest of the organizations and agencies had been given no regulations or guidance in their work, apart from what has been written in their founding documents. There was no system yet whereby the relief organizations could coordinate their efforts and keep each other informed. All the major interventions, such as World War II (WWII) relief efforts in Europe; relief efforts in the Biafra war of 1968-1970; Cambodia in 1979-1980 when close to two million people were starved and killed; the refugee response along the border in Thailand; and the response to the protracted drought leading to famine in Africa's Sahel in 1973 (Macalister-Smith 1987) would have seen confusion, duplication, and a waste of resources. It would take another war, the Cold War, or rather the end of it, for humanitarian assistance to begin obtaining its current shape and getting organized in the way we are familiar with today (Rufin 1993; Walker and Maxwell 2008).

The modern humanitarian system was thus born and formed on the world's battlefields. First non-governmental organizations were founded in the aftermath of World War I (WWI), and then even more so in the aftermath of WWII. The carnage of WWI and WWII inspired not only

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<sup>42</sup> See the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) website: <https://www.unrwa.org/who-we-are>. Accessed December 31, 2021.

the emergence of transnational non-state relief efforts but also commitments by the world's governments to define the rules that guide the conduct of armies during wartime, otherwise known as *ius in bello*. Massive destruction of human lives and habitats, as well as some sixty million homeless people on the European continent alone (out of the estimated population of 500 million) left in the wake of WWII, led to the creation of the United Nations and yet more rules to regulate the relationships between states, as well as human rights and the obligations to protect and enable those rights within individual states. By the end of the Cold War in 1990, multilateral and non-governmental aid completely replaced bilateral, i.e., state-to-state, humanitarian assistance, ushering in a new world with a truly universal, organized global relief service.

In parallel to the war-shaped humanitarianism, Walker and Maxwell (2008) emphasize that the international humanitarian system was also molded through a somewhat separate trans-national process that had formed and grown since 1919. In 1919, a group of national Red Cross societies, led by the American Red Cross, created the Committee, soon to be renamed the League of Red Cross Societies, initially comprised of only five national societies (United States, United Kingdom, France, Japan, and Italy). The League expanded to include other national societies and became the League of Red Cross and Red Crescent Societies in 1983 and, finally, the IFRC in 1991. Today, the IFRC, along with the ICRC and the national societies, form what is known as the International Red Cross and Red Crescent Movement. In 2022, the IFRC was the world's largest humanitarian network, with 192 national societies and fifteen million volunteers in all parts of the globe. While formally a part of the IFRC network, national societies maintain relationships and collaborate with the ICRC in conflict situations.

The consideration of the origin of humanitarian assistance is important, if for no other reason than to explain the separation between international humanitarian and development efforts,

oftentimes lumped together as part and parcel of the same phenomenon. The discussion about the similarities and distinctions and the importance of those is a topic of the next sub-chapter.

## 5.2. Current Debates on Linkages with Development Assistance

Humanitarian and development efforts are oftentimes seen as being and doing the same. Their origin is, however, different. We have described the beginning of humanitarian aid on the European battlefield in the 19<sup>th</sup> century. Development aid, on the other hand, is intrinsically linked to colonial projects and then decolonization in Asia, Latin America, and Africa. Starting in 1945, a set of non-humanitarian UN organizations (Mc Whinney 1991), such as FAO, the International Monetary Fund (IMF), and the World Bank Group (WBG), and later, in 1966, the United Nations Development Programme (UNDP) were founded on the Western states' notion of development as a sign of progress and prosperity. Almost one-third of the last generation of British colonial administrators were initially hired to work on development projects in the 1940s and 1950s (Hodge 2010), a figure often cited to show the connection between these two phenomena, colonialism and international development. The world for development actors was thus long divided between the developed and the developing countries, a notion that is changing with the introduction of the sustainable development goals and the UN Secretary-General's 2030 Agenda for Sustainable Development, also known as the 2030 Agenda. This is not to say that humanitarianism, too, had not had a complicated relationship with European colonial "projects," in various ways validating and approving of white racial superiority (Forsythe 2018). Leaving aside the debate about the relationship between the Christian missionaries and European colonial states (Andrews 2009), it has been well established that the conviction in the supremacy of Christianity and the European white "race" marked the ICRC of the 19<sup>th</sup> and the first half of the 20<sup>th</sup> century (Forsythe 2018). The "white

savior” problem, in fact, a legacy of colonial racism, remains acute, plaguing the humanitarian efforts to this day.

If certain unfortunate historical associations and misconceptions appear to be shared, the two fields, development, and humanitarian, do display some important differences. Programmatically, development is about nations, communities, and institutions; humanitarianism is often about individuals. The objectives and methods to achieving those objectives are oftentimes sufficiently different. The post-WWII Marshall Plan, for example, is hailed as the largest singular humanitarian program to date (Said 1979; M. Barnett 2011; Davey *et al.* 2013). While clearly large, exceeding US\$12.4 billion, the Plan had a broad application, with its funds disbursed as loans used for food supplies, as well as long-term rehabilitation and development of urban, agricultural, and industrial infrastructures (Walker and Maxwell 2008: 37). Its application, therefore, is more in line with development goals of strategic and long-term recovery, than humanitarian of emergency and lifesaving, donations versus loans, immediate versus long-term, tangible societal/community progress versus individual survival... Admittedly – as in many other situations – the argument can be made that these kinds of long-term development investments ultimately serve the purpose of saving lives, explaining the tendency to lump them all under the rubric of one or another. As the development activities multiplied in the post-WWII era, to superficial observers these activities all appeared to be a part of the same phenomenon (Macalister-Smith 1987). What added to the perception was that most international organizations, such as CARE, IRC, World Vision, Save the Children, and Oxfam, easily relabeled themselves as international development experts and then concurrently ran smaller humanitarian and larger global development projects (M. Barnett 2009a). With the organizational crossovers, the distinction between the two fields of assistance is not always clear. Both sets of actors (and they, as we said, are frequently the same) perpetuate an unequal relationship between the so-called global North and the global South, with the



supply of knowledge, skills, and goods always running from the direction of the North to the South (Escobar 1995; Duffield 1997; Chimni 2001; Keohane 2002; Kacowicz 2007; de Waal 2018; M. Barnett 2009).

It has long been observed, most notably by aid organizations, that humanitarian projects lack clean-cut closures. Humanitarian assistance as emergency intervention in situations of dire need does not create sustainability or improved resilience and does not elevate people from abject and chronic poverty. In its most rudimentary form, it “only” aims to save lives, which at times appears costly (Ross, Maxwell, and Buchanan-Smith 1994), insufficient, and unsatisfactory for both aid recipients and aid providers. Various initiatives around the ideas of ‘linking relief and development,’ ‘the relief-development continuum,’ ‘the interface between relief and development,’ ‘relief-development strategies,’ ‘famine mitigation,’ and ‘rehabilitation’ have been invented and re-invented, tried, and abandoned, at different times and different situations as solutions to humanitarian shortcomings (Ross, Maxwell, and Buchanan-Smith 1994). “Developmentalism, stated Duffield (1994b: 38), rests on the assumption of the universality of social progress. Development is a normative process of becoming: a series of interconnecting movements leading from poverty and vulnerability to security and well-being. It is part of the myth of modernity. That is, the certainty that shared progress is the normal and long-term direction of all social change.” Humanitarian action and its principles are unburdened by such expectations; progress, if implied or aspired to, is obscured in humanitarian action. Moreover, humanitarian disasters, especially human-made ones, are increasingly protracted in nature, leaving little, if any, space for development actors. Many humanitarian situations shift back and forth between periods of stability and instability, i.e., periods of humanitarian need and ‘progress’ confusing the expectations of a theoretical linear progression where relief and development can safely meet for a clean handover.

Funding allocations are another important difference. There is, in general, more leeway and flexibility, and less conditionality, granted for humanitarian enterprises – especially but not only in the cases of natural calamities – whereas institutional development funding has historically been tied to geopolitical interests, clientelism, or other similar agendas. Development funding priorities have thus changed over time, from post-Colonial and Cold War policies of creating and maintaining strategic political alliances to later years’ tactical interventions to curb the spill-overs of violence and terrorism (Bermeo 2017), as well as migratory refugee and non-refugee flows.

### 5.3. Philosophical and Rights-Based Underpinnings of International Organizations

The organized form of international humanitarian action is also distinguished from other forms of assistance by its willingness to assume certain personnel risks uncommon elsewhere. The notion that relief organizations should find safety in precarious conditions emanates from the theory that humanitarian principles serve as safeguards, which has been repeatedly dispelled. There is a reason why we have researchers recording the number of casualties among aid workers as opposed to development actors, for example. One research group thus reported in 2022 that “attacks against aid workers were more lethal in 2021 despite there being fewer major incidents relative to the two previous years. The 267 reported attacks resulted in 203 aid workers seriously injured, 117 kidnapped, and 140 killed—the most fatalities recorded since 2013. The most violent context for aid workers continued to be South Sudan, followed by Afghanistan and Syria—a ranking that holds for numbers of attacks, victims, and fatalities.”<sup>43</sup> Despite that, there is, at least among some observers, a perception that relief organizations are

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<sup>43</sup> Stoddard, A. *et al.* July 2022. “Aid Worker Security Database: Figures at a Glance 2022.” Online report. Humanitarian Outcomes. Available at: [https://www.humanitarianoutcomes.org/figures\\_at\\_a\\_glance\\_2022](https://www.humanitarianoutcomes.org/figures_at_a_glance_2022). Accessed July 15, 2022.

increasingly becoming risk averse, leading MSF to publish a report in 2014 entitled “Where is everyone?” (Healy and Tiller 2014).

The grand objective of saving lives often proves to be more complicated in other ways as well, most clearly because aid recipients, while spared of diseases and hunger, are still found to be vulnerable or at risk of dying of other causes (Rieff 2002), including being killed intentionally, or as unfortunate bystanders or ‘collateral damage’ in battlefields. Following the Serb genocide in Srebrenica in 1995, MSF summarized the problem in the phrase “well-fed dead,” observing that, despite all the efforts to bring food to the besieged eastern Bosnian town of Srebrenica, 8,000 men and boys died in a massacre perpetrated by the Bosnian Serb paramilitary in July 1995 (Petrila, Hasanović, and Suljagić 2021). That existential question that is getting into the morality and purpose (as well as the limitation) of humanitarian action led to the creation of several philosophies around which aid organizations formed, even though the line between the two is rather blurry.

Most commonly, aid organizations have been divided into two predominant streams: a Dunantist or ‘pure’ humanitarianism, often associated with the ICRC; and the Wilsonian or interventionist stream, practiced by most other international humanitarian organizations (Hansen 2015; M. Barnett 2009). The Dunantists are said to be more traditional in their interpretation of what constitutes strictly speaking humanitarian engagement and are thus likely to be better at adhering to the original iteration of humanitarian principles and more fervently defending the separation of humanitarian space and engagements from other forms of engagements. The Wilsonian stream, on the contrary, promotes the idea that humanitarian aid, to be effective, ought to link to development and human rights, leave a legacy, effect change, contribute to sustainability, etc. In the process, some argued that humanitarian aid became overly political and thus joined the rest of the international assistance world (Rieff 2002). They

thus make compromises by bringing in (non-humanitarian) objectives and purposes. Those streams are more frequently used for INGOs, as they seem more vocal in professing their preferences and ideological convictions, though most seem inclined towards the Wilsonian, broader, and more expansive line of thinking. The division has an inadequately researched geographic and perhaps cultural element; for instance, a majority of US and UK-based INGOs happened to lean towards the Wilsonian line of thinking, while those originating in continental Europe, with some differences between Italian, French, Danish, and others, although many are very small, may be more traditional and thus inclined towards the Dunantist stream. Many UK and US-based INGOs appeal for development and humanitarian funding, and often in the same countries. For example, CARE USA, one of the largest international US-based NGOs and a member of the confederation of organizations bearing the same name, stated in its 2021 Annual Report to have spent forty-four percent of its largest budget yet of \$659 million on humanitarian projects and forty-six percent on development activities globally.<sup>44</sup> Oxfam Great Britain (Oxfam GB), one of twenty-one members of the Oxfam International confederation, reported spending £144.9 million on development and £131.9 million on humanitarian activities in 2020/2021.<sup>45</sup> Development funding is thus marginally larger but critically important for the survival of many global ‘humanitarian’ organizations. Even though both groups claim humanitarian principles at equal measure, the Dunantists, principally the ICRC, is often considered (by other aid organizations) the principles’ ultimate guardian and promoter.

UN agencies that operate in the humanitarian space share more commonalities with the INGOs, which exist more along the continuum of humanitarian-development engagement than they do

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<sup>44</sup> CARE USA. “2021 Annual Report.” Available at: <https://www.care.org/wp-content/uploads/2022/04/FY2021-Annual-Report-Spreads.pdf>. Accessed July 15, 2022.

<sup>45</sup> Oxfam GB. 2021. “Annual Budget 2020/2021.” Available at: <https://www.oxfam.org.uk/documents/540/Oxfam-Annual-Report-and-Accounts-2020-21.pdf>. Accessed July 15, 2022.

with the ICRC. Organizations such as OCHA, UNHCR, WFP, UNICEF, IOM, and in certain circumstances the WHO and the United Nations Population Fund (UNFPA), are usually able to mobilize more funds and enjoy better access to national and international decision-makers, having an advocacy potential and resource that is seen as essential by INGOs, even if not always fully explored or even beneficial. Largely thanks to that capacity to bridge the political and operational, the UN sits at the center of all coordination and policymaking in the international humanitarian system. Most of the UN agencies, of which UNICEF is a good example, boast comprehensive mandates that freely shift between humanitarian and development spheres and philosophies, operating long-term development activities with lifesaving ones concurrently. Perhaps only two debatable exceptions are OCHA and UNHCR: the former is mandated with a range of humanitarian services related to coordination, information management, and civil-military negotiations and representation, and the latter with providing services and protection (including status determination) to the refugees, stateless and internally displaced populations, during displacement and in the process of an early return, thus remaining in the humanitarian realm.

There is a third group of organizations that warrants mention here. They mostly originate in continental Europe. Sometimes referred to as Solidarists<sup>46</sup> or rights-based aid organizations, MSF and Oxfam distinguish themselves by their insistence to integrate human rights concerns and methods into their aidwork. “Our work is grounded in our commitment to the universality of human rights. We uphold and advocate for the implementation of international human rights

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<sup>46</sup> See, for example, Herman, Joost and Dennis Dijkzeul. 2011. A Matter of Principles: Humanitarian Challenges. *Broker* (online magazine), February 9. Available at: <https://www.thebrokeronline.eu/a-matter-of-principles/#:~:text=Dunantists%20advocate%20a%20strict%20division, challenges%20of%20peace%20and%20justice..> Accessed August 31, 2022.

instruments,” states Oxfam International’s webpage.<sup>47</sup> The critics of such an approach assert that Oxfam spends more time on advocacy than programs. MSF’s combining medical assistance while “bearing witness” through the concept captured in the French word ‘*témoignage*,’ is well known within the aid community. MSF’s assertion that *temoignage* is about speaking out on behalf of victims and for victims has begun to garner some re-evaluation and criticism of paternalization and presumptiveness (Gorin 2021).<sup>48</sup> *Témoignage* was in large part what mobilized INGOs (and some UN) to demand military action in Somalia in the 1990s as well as – as discussed in the next chapter – the reason the aid community engaged in the migrant detention centers, a controversial and troubling decision.

#### 5.4. Integration of Human Rights into Humanitarian Action

The last twenty years of humanitarian action have been characterized by a continuous and growing integration into human rights. The concepts of global and universal indivisible human rights that cut across all aspects of international engagement, including the lifesaving one, began to gradually slip into humanitarian action at the very end of the 1990s, only a few years after the humanitarian system was created, through the concept of protection, defined as “all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and spirit of the relevant bodies of law (i.e., human rights law, international humanitarian law, and refugee law).<sup>49</sup> Protection remained for a long time, and to a degree still remains inadequately defined. Two organizations with the longest and best-defined protection mandates

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<sup>47</sup> Oxfam International. What We Stand For. Webpage. Available at <https://www.oxfam.org/en/what-we-do/about/what-we-believe#:~:text=We%20take%20sides%20against%20poverty,for%20just%20and%20sustainable%20solutions>. Accessed September 1, 2022.

<sup>48</sup> Binet, Laurence. 2013. “MSF Speaking Out Case Studies - Somalia 1991-1993: Civil War, Famine Alert and a UN “Military-Humanitarian” Intervention.” September 1. Available at: [https://www.academia.edu/24018128/MSF\\_Speaking\\_Out\\_Case\\_Studies\\_Somalia\\_1991\\_1993\\_civil\\_war\\_famine\\_alert\\_and\\_a\\_UN\\_Military\\_Humanitarian\\_Intervention](https://www.academia.edu/24018128/MSF_Speaking_Out_Case_Studies_Somalia_1991_1993_civil_war_famine_alert_and_a_UN_Military_Humanitarian_Intervention). Accessed September 1, 2022.

<sup>49</sup> ICRC. 1999. “Third Workshop on Protection.” Background Paper. Geneva, January 7.

are the ICRC and UNHCR, the first of which has defined it as a select number of activities aimed to restore and preserve the rights of combatants and civilians as prescribed in the Geneva Conventions, and the second one in terms of status determination and essential support services for refugees and asylum seekers.<sup>50</sup>

In 2004, the protection was expanded to include the consideration of the rights that IDPs are entitled to despite the fact that a host of their civil and political rights have been blatantly violated and continue to be violated for as long as they remain in forced displacement.<sup>51</sup> The Guiding Principles of Internal Displacement, a document drafted in 2004, maintains that the IDPs should enjoy, in addition to the right not to be arbitrarily displaced (also rooted in the IHL), all other rights enjoyed by the citizens of the state they live in, in addition to the right to essential food and potable water, basic shelter, appropriate clothing, and medical services, as well as a freely made choice of their durable solutions option, later to become the bread and butter of UNHCR's IDP work.<sup>52</sup>

In 2012 and 2013, two other documents further expanded the obligations of the humanitarian community and, subsequently, the humanitarian systems to record and report human rights violations. In 2012, the Secretary-General established an Internal Review Panel (IRP) on UN

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<sup>50</sup> O'Callaghan, S. and S. Pantuliano. 2007. "Protective Action: Incorporating Civilian into Humanitarian Action." Policy Brief 29 (December). Overseas Development Institute (ODI) Humanitarian Policy Group (HPG). Available at: <https://cdn.odi.org/media/documents/1712.pdf>. Accessed March 3, 2019.

<sup>51</sup> From 1996 to 2000, the ICRC convened a series of workshops dedicated to the question of protection of civilians. Some fifty or so humanitarian, human rights and academic organizations and institutions participated and agreed to define protection as "... all activities, aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law (i.e. human rights, humanitarian and refugee law). Human rights and humanitarian actors shall conduct these activities impartially and not on the basis of race, national or ethnic origin, language or gender." Droege, Cordula. 2008. "Developments in the Legal Protection of IDPs." Report. ICRC: Ten Years of the Guiding Principles. Available at: <https://www.fmreview.org/sites/fmr/files/FMRdownloads/en/GuidingPrinciples10/droege.pdf>. Accessed August 15, 2023.

<sup>52</sup> Report of the Representative of the Secretary-General, Mr. Francis M. Deng, submitted pursuant to Commission resolution 1997/39, Guiding Principles on Internal Displacement. (E/CN.4/1998/53/Add.2). UN Commission on Human Rights, 22 July 1998. Available at: <https://www.refworld.org/legal/otherinstr/unchr/1998/en/18487>. Accessed August 15, 2023.

action in Sri Lanka following the damning reports of UN inaction in the face of mass atrocities. The Panel concluded there had been a “systemic failure” in meeting UN responsibilities to prevent and respond to serious violations of human rights and humanitarian law and to protect people at risk.<sup>53</sup> The Secretary-General called for action to address the lessons of the past and to ensure the UN fully meets its prevention responsibilities in all countries. That led to the development of the Human Rights up Front (HRuF) Action Plan. The Plan asked that the UN recognize human rights and the protection of civilians as a core responsibility; asked staff to be principled and act with moral courage; demanded that the UN System remain attuned to human rights violations as a situational trend monitoring; and encourage more proactive stance of its staff towards identifying and addressing human rights violations. The following year, another document was promulgated with the intention of clarifying and deepening the role of UN engagement in matters related to human rights. Protection of all persons affected and at risk must inform humanitarian decision-making and response, including engagement with States and non-State parties involved in the conflict. The following year, the IASC issued a statement on the Centrality of Protection for humanitarian actors re-emphasizing the conclusions stated in the HRuF. The document states: “It must be central to our preparedness efforts, as part of immediate and lifesaving activities, and throughout the duration of humanitarian response and beyond. In practical terms, this means identifying who is at risk, how, and why at the very outset of a crisis and thereafter, taking into account the specific vulnerabilities that underlie these risks, including those experienced by men, women, girls and

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<sup>53</sup> Petrie, Charles. 2012. Report of the Secretary-General’s Internal Review Panel on United Nations Action in Sri Lanka. (ST(02)/R425/Sri Lanka). Geneva, November 2012. Available at: <https://digitallibrary.un.org/record/737299?ln=en>. Accessed August 15, 2023.



boys, and groups such as internally displaced persons, older persons, persons with disabilities, and persons belonging to sexual and other minorities.”<sup>54</sup>

Yet, human rights and protection remain one of the most troubling topics in humanitarian action. It has, for example, been noted that humanitarian workers, unlike military actors, for example, are generally unable to physically protect civilians against imminent attack; therefore, the core protective activity is not in the purview of humanitarian actors. Moreover, there is the question of responsibility, i.e., whether any protection action by the international community effectively masks and displaces the responsibility that is inherent in the mandate and obligations of state and relevant state institutions. It is, furthermore, not even clear that the international community has the requisite knowledge and acceptance to offer protection to civilians who may expect it to come from other state organs. Finally, how does it fit with the larger requirement of humanitarian principles? “Protection is a contentious and overtly political form of humanitarian action, and so may have attendant risks for programmes, staff, and beneficiaries.”<sup>55</sup> Human rights have therefore entered humanitarian action in a manner that might largely remain limited to good, unenforceable, intentions. The overall expansion of human rights rhetoric has made it impossible for relief actors to disassociate themselves from it, and thus it is unsurprising that the IASC has been able to make commitments on behalf of the international humanitarian community that at times may seem antithetical to the traditional understanding of humanitarian action as self-contained and neutral.

Where humanitarian assistance and human rights work converge perhaps most clearly is in the Children and Armed Conflict Monitoring and Reporting Mechanism (MRM), set out in UN

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<sup>54</sup> IASC. 2013. “Statement: The Centrality of Protection in Humanitarian Action.” Inter-Agency Standing Committee, December 17. Available at: <https://interagencystandingcommittee.org/system/files/2020-11/The%20Centrality%20of%20Protection%20in%20Humanitarian%20Action%20%28English%29.pdf>. Accessed March 6, 2021.

<sup>55</sup> O’Callaghan, S. and S. Pantuliano. “Protective Action: Incorporating Civilian into Humanitarian Action.”

Security Council (UNSC) Resolution 1612 in 2004 (and then affirmed in subsequent UNSC resolutions). The resolution explicitly establishes responsibility for monitoring and collection of data pertaining to grave violations of specific provisions of the International Convention on Child's Rights. The responsibility for compliance with the Resolution rests in large part with UNICEF, which, alongside the resident coordinator or resident and humanitarian coordinator and the rest of the UN development and humanitarian agencies, including UNHCR and OCHA, participates at the Country Task Force for Monitoring and Reporting (CTFMR), a body tasked to manage all aspects of the MRM at the country level. For UNICEF (and their MRM partners, as well as other relief actors), the human rights developments and guidance, intended to address the humanitarian action's inadequacies and shortcomings, creates a situation where obligations clash with interpretations of neutrality as a form of non-engagement in matters of politics and conflict, leading to, in turn, a host of other problems, such as denied access.

### 5.5. Humanitarian Principles: The Beginnings and the Definitions

It has been stated already that the by-now widely accepted humanitarian principles trace their origin to the ICRC. The organization's long-term fonctionnaire Jean-Luc Blondel (1991) proposed that ideas of humanity, impartiality, and neutrality drove the creation of the ICRC in the 1860s.<sup>56</sup> Blondel thus found humanity expressed in the creation act itself, while impartiality and neutrality were made implicit in the First Geneva Convention for the Amelioration of the Condition of the Wounded in Armies in the Field of August 22, 1864. Declaring, he said, that "wounded or sick combatants, to whatever nation they may belong, shall be collected and cared for," the Convention effectively prescribed that ambulances and medical personnel ought to practice the principle of impartiality and enjoy a status as neutral agents, protected from attack

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<sup>56</sup> It ought to be noted, however, that the very first principles defined by Gustave Moynier, one of the Red Cross (and later Red Crescent) Movement's founders, defined Red Cross societies' four principles as centralization, foresight, mutuality and solidarity, with the ICRC serving as the principles' guardian (Ibid.).

by the belligerents.<sup>57</sup> At the ICRC's 2<sup>nd</sup> International Conference held in Berlin in 1869, Gustave Moynier, co-founder of the International Committee for Relief to the Wounded, a precursor to the ICRC, introduced the concept of universal charity, thus setting a stage for the later definition of humanity.<sup>58</sup> It was in the aftermath of the two global wars of the 20<sup>th</sup> century that these concepts received more attention and began acquiring the shape they have today.

In 1921, the ICRC revised its statutes and set forth the following four fundamental principles for itself: "impartiality, action independent of any political, religious or economic consideration, the universality of the Red Cross and the equality of its constituent members."<sup>59</sup> The "action independent of any political, religious and economic consideration" was more clearly defined thirty-five years later by Jean Pictet (1956), ICRC's subsequent vice-president, in his PhD dissertation and then book *Red Cross Principles*, published in 1956. Pictet noted humanity, equality, due proportion, impartiality, neutrality, independence, and universality as fundamental principles; selflessness, free service, voluntary service, auxiliarity, autonomy, multitudinism, equality of the national societies, unity, solidarity, and foresight were noted as organic principles. From that, nine years later at ICRC's 20<sup>th</sup> International Conference in Vienna in 1965, humanity, impartiality, neutrality, independence, voluntary service, unity, and universality were formally adopted to constitute the International Red Cross seven fundamental principles (Pictet 1979).<sup>60</sup> The International Conference was not a small event – it was attended

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<sup>57</sup> ICRC, Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Geneva Convention), 22 August 1864, Article 6. The Convention, signed by sixteen states, was eventually replaced by the Geneva Conventions of 1906, 1929 and 1949 on the same subject. In 1966, it ceased to have effect when the last state party, the Republic of Korea, acceded to the Conventions of 1949.

<sup>58</sup> Gustave Moynier stated: "... the *raison d'être* of the International Committee is also to act as a moral and historical link between all central committees, to be a guardian, as it were, of the 1863 resolutions which constitute the committees' common charter and embody the great principles of **universal charity** [*emphasis added*] and judicious foresight that are the very essence and the beauty of our work (Blondel, Jean-Luc. August 1991.:349-350).

<sup>59</sup> Ibid.: 353

<sup>60</sup> See, also, ICRC (archive). N.D. The XXth International Conference of the Red Cross. Summary report available in ICRC's online archive at: <https://international-review.icrc.org/sites/default/files/S002086040001130Xa.pdf>. Accessed August 16, 2023.

by 580 representatives of ninety-two national societies and eighty-four governments (Pictet 1979) – out of, by my count, 140 or so UN member states that year.

Given the significance of the principles' definitions for later developments in the international humanitarian assistance space, and their somewhat controversial, but aspirational, character – at least as far as the IFRC and national Red Cross and Red Crescent societies are concerned – it is worth citing the preamble of the Conference report. The preamble, entitled the Proclamation of the Fundamental Principles of the Red Cross, states the following:

“The XXth International Conference of the Red Cross proclaims the following fundamental principles on which Red Cross action is based:

*Humanity.* — The Red Cross, born of a desire to bring assistance without discrimination to the wounded on the battle-field, endeavours — in its international and national capacity — to prevent and alleviate human suffering wherever it may be found. Its purpose is to protect life and health and to ensure respect for the human being. It promotes mutual understanding, friendship, co-operation and lasting peace amongst all peoples.

*Impartiality.* — It makes no discrimination as to nationality, race, religious beliefs, class or political opinions. It endeavours to relieve the suffering of individuals, being guided solely by their needs, and to give priority to the most urgent cases of distress.

*Neutrality.* — In order to continue to enjoy the confidence of all, the Red Cross may not take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature.

*Independence.* — The Red Cross is independent.<sup>61</sup> The National Societies, while auxiliaries in the humanitarian services of their Governments and subject to the laws of their respective countries, must always maintain their autonomy

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<sup>61</sup> The simple statement of independence refers to political, religious, and economic independence, in pursuit of enabling the fulfilment of the neutrality requirement. The ICRC explains that the preservation of its moral mandate rests on its ability to “be sovereign in its decisions, acts and words: it must be free to show the way towards humanity and justice.” The requirement has, however, led many within the organization to ponder how that may ever work for the national societies, serving as their governments’ auxiliaries. Pictet (1979: 137) explained it in the following way: “Is it not hypocritical to proclaim a Charter described as sacrosanct and at the same time to tolerate its transgression? The truth is that nothing in life is absolute. The doctrine of the Red Cross, formulated at a particular moment in history, applies to a living world in never-ending movement, to a society composed of men who have not attained perfection. Sometimes it represents an ideal model to which we may aspire, rather than an unbending and rigorous law.” Without the principles, there is nothing to aim for.

so that they may be able at all times to act in accordance with Red Cross principles.

*Voluntary service.* — The Red Cross is a voluntary relief organization not prompted in any manner by desire for gain.

*Unity.* — There can be only one Red Cross Society in any one country. It must be open to all. It must carry on its humanitarian work throughout its territory.

*Universality.* — The Red Cross is a worldwide institution in which all Societies have equal statutes and share equal responsibilities and duties in helping each other.”<sup>62</sup>

The conference attendees also agreed that the Fundamental Principles of the International Red Cross and Red Cross Movement were to be solemnly read at the opening of each conference, set to take place every four years. In 1961, the principles had already been discussed and adopted by the Council of Delegates, a meeting of national societies (at the time, Red Cross, Red Crescent, and Red Lion and Sun, the latter being an earliest iteration of the Iranian Red Crescent Society) and the League of Red Cross Societies<sup>63</sup> (renamed in 1983 the League of Red Cross and Red Crescent Societies, and eventually in 1991, the IFRC) in Prague. The significance of those events, and especially the international conference attended by world governments, was that it not only inspired the advancement of certain values in the emerging humanitarian sector but it also gave credence to an expectation that if it was possible for ninety-

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<sup>62</sup> Taken from ICRC. 1965. XXth International Conference of the Red Cross. Full conference and proceedings report. Vienna, October 2-9. Preamble. Neue Hofburg. Available at: [https://library.icrc.org/library/docs/CI/CI\\_1965\\_RAPPORT\\_ENG.pdf](https://library.icrc.org/library/docs/CI/CI_1965_RAPPORT_ENG.pdf). Accessed August 31, 2023.

<sup>63</sup> Until 1886, national societies had maintained relationship with the ICRC, but remained uncoordinated. The Commission of Delegates of the Central Committees, made up of representatives of national societies and the ICRC was eventually formed by the decision of the 1886 3<sup>rd</sup> International Conference, held in Geneva. It will take another thirty-three years – in 1919 - before the national societies acquired an umbrella body that evolved and expanded into the present-day IFRC.

two Red Cross and Red Crescent national societies<sup>64</sup> in the world at the time to agree to a set of self-styled rules, it might be possible for all humanitarian organizations worldwide do the same.

Some twenty-five or so years later, several other parallel initiatives important for this discussion on humanitarian principles began to form. One of them aimed to organize and harmonize the work of international organizations globally, which resulted in the creation of the Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organizations (NGOs) in Disaster Relief. The initial impetus was natural and technological disasters<sup>65</sup> (Walker 2005), although the end of the Cold War and the proliferation of conflicts across the globe at the end of the 1980s and into the 1990s, specifically the ones in Sudan, Iraq, Rwanda, Somalia, and the former Yugoslavia, led the drafters to expand the purpose to include conflict (Ebersole 1995; Hilhorst 2005; Walker 2005). Those wars, of which some saw well-funded (by the then standards) international humanitarian responses (Ajami 1996), inspired the birth of new international non-governmental organizations (INGOs); for example, the United Kingdom-based War Child made its debut in the Bosnia war in the 1990s, adding to the overall global visibility of the international humanitarian phenomenon, and even

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<sup>64</sup> The mandate and status of national societies, much like the ICRC as well, underwent a significant transformation in the 160 or so years since first national Red Cross organizations were formed. Initially conceived in the image of the ICRC with the war-time mandate (including to assist wounded soldiers in conflict), their later focus turned to peacetime and natural disasters. Because of the wartime mandate, national societies have been seen close to the frontlines in support of their countries' military medical services. Patriotism at the expense of neutrality of national societies during the First World War is well documented (see, for example, H. Jones 2009). British Red Cross earned formal auxiliary status to the military in 1909 (H. Jones 2009). The difference was thus quickly established between the national societies of belligerent countries versus those acting in neutral capacities. For example, Dutch (see Abbenhuis 2006), Swedish, Danish and Swiss (see (Cotter 2018)) Red Cross Societies sent medical supplies and personnel to both eastern and western fronts and assisted with the repatriation of wounded prisoners. In Oxford in 1946 during the 19<sup>th</sup> meeting of the Board of Governors of the League of Red Cross Societies, national societies were defined as their government's auxiliaries, rather than neutral bodies.

<sup>65</sup> Peter Walker (2005: 324) describes the situation involving humanitarian organizations in the 1990s as follows: "Although humanitarian initiatives were moving centre stage, there was, in the early 1990s, remarkably little debate about the core precepts and content of humanitarianism. Most NGOs did not work in conflict situations. Their focus was on rural development and disaster relief, which usually meant natural disasters or the servicing of refugee populations."

more critically, to the urgency of tidying up the messy arbitrariness of international organizations' charitable ventures.

The idea of the Code of Conduct was conceived in Budapest in 1991 at one of the regular biennial meetings of the Council of Delegates of the International Red Cross and Red Crescent Movement. On a suggestion made by the French Red Cross, the Council decided to set up a group of experts, in consultation with the main relief organizations, "to study the possibility of elaborating a Code of Conduct on humanitarian aid in [natural and technological] disaster situations."<sup>66</sup> The need to coordinate and reach out to other relief organizations was voiced several times during the meeting.<sup>67</sup> The idea was thus shared with the Steering Committee for the Humanitarian Response (SCHR), a network of seven faith-based and secular INGOs as well as the IFRC. Consequently, two SCHR member organizations, the IFRC and Oxfam GB, set out to pen the document (Walker 2005). Two years later, the Council of Delegates met again, in London this time, and approvingly noted the completion of the drafting of the Code of Conduct, "which covers disaster response in natural and technological disasters, and in situations of armed conflict."<sup>68</sup> The Council of Delegates noted, however, that while national societies and states are encouraged to disseminate the Code, for the Council members, ICRC, IFRC, and national societies, "the Fundamental Principles of the Movement and then the Principles and Rules for Red Cross and Red Crescent Disaster Relief have precedence over the Code of Conduct."<sup>69</sup>

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<sup>66</sup> ICRC. 1992. Meeting of the Council of Delegates (Budapest, 28–30 November 1991): II. Proceedings of the Council of Delegates. International Review of the Red Cross (IRRC) No. 286. Published February 1992. Available at: <https://international-review.icrc.org/articles/meeting-council-delegates-budapest-28-30-november-1991-ii-proceedings-council-delegates>. Accessed August 31, 2023.

<sup>67</sup> Ibid.

<sup>68</sup> ICRC. N.D. Resolutions of the Council of Delegates. Report of the Study Group on the Future of the Movement. Available at: <https://international-review.icrc.org/sites/default/files/S0020860400082140a.pdf>. Accessed August 31, 2023.

<sup>69</sup> Ibid.: 495

The Code is a short document of only a few pages that outlines the following ten principles: (1) the humanitarian imperative comes first; (2) aid is given regardless of the race, creed or nationality of the recipients and without adverse distinction of any kind. Aid priorities are calculated on the basis of need alone; (3) aid will not be used to further a particular political or religious standpoint (4) we shall endeavour not to act as instruments of government foreign policy; (5) we shall respect culture and custom; (6) we shall attempt to build disaster response on local capacities; (7) ways shall be found to involve programme beneficiaries in the management of relief aid; (8) relief aid must strive to reduce future vulnerabilities to disaster as well as meeting basic needs; (9) we hold ourselves accountable to both those we seek to assist and to those from whom we accept resources; and (10) in our information, publicity and advertizing activities, we shall recognize disaster victims as dignified human beings, not hopeless objects.<sup>70</sup>

It is often pointed out that the Code of Conduct, unlike the Fundamental Principles, omits to specifically refer to the requirement of neutrality, although the same may be stated for the principle of impartiality as well. In fact, only humanitarian imperative and independence of the four principles are specifically cited in the Code of Conduct. Peter Walker (2005: 324), one of the Code drafters, noted that the Code was written by NGOs predominantly operating in the international development space that did not have an adequate appreciation for neutrality as a guarantor of humanitarian access. Hence the wording that states': "aid will not be used to further a particular political or religious standpoint," and then "[w]e will not tie the promise, delivery or distribution of assistance to the embracing or acceptance of a particular political or religious creed," as opposed to seemingly less ambiguous statements made in ICRC and

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<sup>70</sup> The short, summarized version is provided on IFRC's webpage at <https://www.ifrc.org/our-promise/do-good/code-conduct-movement-ngos#:~:text=What%20is%20the%20Code%20of,principled%20and%20effective%20humanitarian%20action>. Accessed August 16, 2023.



IFRC's third Fundamental Principle: "In order to continue to enjoy the confidence of all, the Red Cross may not take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature"<sup>71</sup> The Code, noted Walker, was a reflection of the times when international organizations appeared more concerned with natural disasters than conflicts, although that was later rectified by the subsequent inclusion of the ICRC and the injection of references to IHL and "apolitical action of NGOs."<sup>72</sup> The Code's preamble clarifies: "In the event of armed conflict, the present Code of Conduct will be interpreted and applied in conformity with international humanitarian law."<sup>73</sup> The Code was eventually endorsed in 1995, at the 26<sup>th</sup> International Conference of the Red Cross and Red Crescent by some 1,200 delegates representing 143 governments, 166 national societies, the ICRC and the IFRC, as well as sixty-eight UN and NGO observers, awarding it prominence and global acceptance.

Multiple other efforts were dedicated to formulating the rules of humanitarian assistance (see also Ebersole 1995). For example, on December 19, 1991, another global entity, the New York-seated UNGA, tabled the discussion on the scope and properties of international humanitarian action. After some debate and unanimous expressions of support at its 46th session, the UNGA members passed Resolution 46/182, declaring: "Humanitarian assistance must be provided in accordance with the principles of humanity, impartiality and neutrality."<sup>74</sup> The omission of independence was rectified thirteen years later, in 2003, when UNGA Resolution 58/114 reaffirmed the first three principles and added: "Recognizing that independence, meaning the autonomy of humanitarian objectives from the political, economic, military or other objectives

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<sup>71</sup> ICRC. N.D. Resolution adopted by the XXth International Conference of the Red Cross. Available at: <https://international-review.icrc.org/sites/default/files/S0020860400011311a.pdf>. Accessed August 16, 2023.

<sup>72</sup> See Code of Conduct. Annex I: Recommendations for the Government of Disaster-Affected Countries.

<sup>73</sup> Code of Conduct.

<sup>74</sup> UNGA Res. A/RES/46/182

that any actor may hold with regard to areas where humanitarian action is being implemented, is also an important guiding principle for the provision of humanitarian assistance.”<sup>75</sup> Resolution 46/182 additionally lays down a few other principles, such as respect for sovereignty, territorial integrity, and national unity of states, and notes that humanitarian assistance must be provided with consent and based on an appeal by the requesting state.<sup>76</sup> The UNGA periodically reaffirm those principles in other relevant resolutions, as does the UNSC, a global body with legislative stature. For example, UNSC Resolution 1502 (2003) affirmed “the obligation of all humanitarian personnel and United Nations and its associated personnel to observe and respect the laws of the country in which they are operating, in accordance with international law and the Charter of the United Nations, [while] underlining the importance for humanitarian organizations to uphold the principles of neutrality, impartiality and humanity in their humanitarian activities.”<sup>77</sup> Later (post-UNGA Res. 58/114) UNSC resolutions make a note of independence, along with the other three principles. UNSC Resolution 1894 (2009) on the protection of civilians in armed conflict, list all four principles of humanity, neutrality, impartiality, and independence, as do multiple country-specific resolutions, such as the ones related to the mandate of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (UNSC Resolutions 2556 (2019), among others) or those

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<sup>75</sup> UNGA Resolution 58/114 [on strengthening of the coordination of emergency humanitarian assistance of the United Nations]. (A/RES/58/114). Adopted at 58<sup>th</sup> session, December 17. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N03/501/42/PDF/N0350142.pdf?OpenElement>. Accessed September 6, 2023.

<sup>76</sup> UNGA Res. A/RES/46/182, Annex, Art. 3

<sup>77</sup> See the preamble to UN Security Council (UNSC) Resolution 1502 (2003) [on protection of humanitarian personnel and the UN and its associated personnel in conflict zones]. (S/RES/1502 (2003)). Adopted at 4814<sup>th</sup> meeting, August 26. Available at: <https://www.refworld.org/docid/3f5359780.html>. Last accessed September 6, 2023.

concerning the cross border assistance in Syria (e.g., UNSC Resolution 2504 (2020)).<sup>78</sup> None of these resolutions defines the principles. When UN agencies attempt to do so they borrow the language from the Fundamental Principles.<sup>79</sup> According to Marina Sharpe (2023), the drafters of Resolution 46/182 had indeed intended their definitions to align with those provided in the Fundamental Principles.

Unlike UNSC resolutions, UNGA ones are not considered legally binding for member states, but they are for UNGA's subsidiary organs. UNGA Resolutions 46/182 and 58/114, among others, oblige and require their upholding by UN agencies, such as OCHA, UNFPA, UNHCR, UNICEF, UNRWA, and WFP. Effectively, as a matter of practice, all four humanitarian principles carry the weight of law in the UN system (Sharpe 2023). With some debatable variations, the commonality to all the documents, the Red Cross and Red Crescent Statutes, the Code of Conduct, and UN resolutions are the four principles of humanity, impartiality, a form of explicit or implicit neutrality, and independence. The fact that, at minimum, these three documents, applicable for the Red Cross and Red Crescent Movement, the UN and NGOs,

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<sup>78</sup> For example, UNSC Resolution 2504 (2020) states: "Recalling the guiding principles of Humanitarian Emergency assistance as set out in the UNGA resolution 46/182 and Reiterating the need for all parties to respect and uphold the relevant provisions of international humanitarian law and the United Nations guiding principles of humanitarian emergency assistance, **emphasizing the importance of upholding the principles of humanity, neutrality, impartiality and independence** [*emphasis added*], in the provision of humanitarian assistance and recalling also the importance of humanitarian deliveries reaching their intended beneficiaries" (UNSC Resolution 2504 (2020) [on the situation in the Middle East]. (S/RES/2504 (2020)). Adopted at 8700<sup>th</sup> meeting, January 10. Available at: [https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_RES\\_2504\(2020\)\\_e.pdf](https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_RES_2504(2020)_e.pdf). Accessed September 6, 2023.

<sup>79</sup> OCHA defines the four principles as follows: Humanity: Human suffering must be addressed wherever it is found. The purpose of humanitarian action is to protect life and health and ensure respect for human beings. Impartiality: Humanitarian action must be carried out on the basis of need alone, giving priority to the most urgent cases of distress and making no distinctions on the basis of nationality, race, gender, religious belief, class or political opinions. Neutrality: Humanitarian actors must not take sides in hostilities or engage in controversies of a political, racial, religious or ideological nature. Operational independence: Humanitarian action must be autonomous from the political, economic, military or other objectives that any actor may hold with regard to areas where humanitarian action is being implemented (see OCHA on Message, Humanitarian Principles. Posted June 30, 2012 on *ReliefWeb*, under News and Press Release at <https://reliefweb.int/report/world/ocha-message-humanitarian-principles-enar>. Last accessed August 31, 2023.

contain a certain degree of coherence and agreement on core ethical principles, is essential for the functioning of the international humanitarian system.

The four principles have by now been cited in many operational and donor documents (Sharpe 2023), leading Stuart Gordon and Antonio Donini (2015) to conclude that humanitarian principles have become a self-identifying feature of humanitarianism, rather than a means to secure access to disaster-affected populations. They note: “[. . .] throughout most of the twentieth century the principles were variously constructed simultaneously as global, permanent and immutable talismans of access and as central motifs qua objectives of the humanitarian discourse. In many ways, this ensured that challenges to classical humanitarianism as a paradigm of action could be routed through criticisms of the principles themselves” (Gordon and Donini 2015: 79)

#### 5.5.1. Ethical Considerations of Humanitarian Principles

Hailed as ethical and normative, the (core) humanitarian principles draw upon ethics, international human rights, refugee conventions, and international humanitarian law (Slim 2015, 1997; Pictet 1979; van Mierop 2015). Humanitarian imperative implies the obligation to offer and the right to receive assistance in certain situations; impartiality requires assistance to be given to all people based on need rather than political affiliation, race, ethnicity, class, gender, or any other category; and neutrality and operational independence<sup>80</sup> oblige those offering assistance to remain politically unaligned and autonomous of (funding) states’ interests or foreign policy agendas (Ebersole 1995; Slim 1997, 2015). Those principles are rooted in practical reasons; namely, their application makes humanitarian assistance global and

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<sup>80</sup> In order to qualify the relevance of independence in the context of the UN, OCHA introduced the term “operational independence.” Operational independence thus refers to “the ‘independence’ of humanitarian decisions” by (UN) humanitarian actors (van Mierop 2015).

globally acceptable, charitable, uncontroversial, and not political, and it ensures that humanitarian practitioners are able to work across division lines without being mistaken for political agents (Terry 2002; Slim 1997). While the humanitarian normative framework appears relatively straightforward, the practice is significantly more complicated.

Humanitarian principles were borne out of real-life questions in disaster response management and thus designed to guide aid organizations' decisions on who, when, and how to receive humanitarian aid (Slim 2015). Deciding on a modality through which limited resources should be expended to as many people as considered appropriate for the quantity of aid available<sup>81</sup> or whether providing aid in situations of extreme human rights violations risks being seen as complicity in atrocities is ultimately about humanitarian principles, i.e., deciding which of the humanitarian principles should take precedence over the others. Hugo Slim (2015: 42) explained it in the following manner: "[The principles] require interpretation in any given context: either because they are relative principles like fairness and proportionality that need specification in a particular situation; or because principles can compete with one another to create moral conflicts, or even a moral paradox whereby when I do one thing right and according to principles, I do something else wrong. Any ethical system that involves more than one principle is bound to experience tensions between competing principles in certain situations. This is certainly true in the practice of humanitarian action." Almost every humanitarian operation in the world is thus expected to have its share of dilemmas involving humanitarian principles, with larger and more complex situations creating more intense and more complex dilemmas for a proportionally greater number of aid actors.

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<sup>81</sup> The argument has been made that in situations where resources are limited, aid ought to be supplied only to those for whom it could have the most effect (Slim 2015). This, in some situations, will necessitate making a decision as to who receives aid and who does not.

Large volumes of treaties, articles, and books dedicated to the four core international principles of humanitarian imperative, impartiality, neutrality, and independence have been written by ICRC and MSF researchers (Kouchner 1989; Durand c1984; Coursier 1955; Slim 2015; 1997; Pictet 1979), as well as other scholars of humanitarian assistance. Explaining their purpose, Walker (2005: 326) noted, “[a]gencies that are of the people—community self-help groups, for instance—have a great deal of legitimacy as they talk from direct and personal experience. Agencies that stand ‘with the affected people’ have slightly less legitimacy but can still talk with authority because they have stood side by side with victims through the suffering. Agencies that speak ‘about’ the victims have a much harder time being credible. They need to be much more rigorous in providing supporting evidence, in ensuring they quickly build trusting relationships with the affected community. The code is implicitly written for these sorts of agencies; for people who are essentially recent guests in someone else’s country.”

Researchers and aid workers mostly make a distinction between the first two principles of humanity and impartiality and the principles of neutrality and operational independence. In his book on humanitarian ethics, Hugo Slim (2015: 40) refers to humanity and impartiality as ‘absolute principles,’ i.e., exceptionless norms to be applied everywhere by all humanitarian actors, and neutrality and independence as “prudential,” political principles defining “humanitarian action’s reasonable accommodation with political power in order to achieve humanitarian goals within the inevitable politics of a given situation” (Slim 2015: 65). Van Mierop (2015) simply considered the last two, neutrality and independence, instruments of making humanitarian action effective. The principles of humanity and impartiality are also singled out for their relevance for humanitarian actors (Pictet 1979; Slim 2015), although the observed instrumentalization or co-optation of humanitarian action in certain places has led some researchers (Donini, Minear, and Walker 2004; Rieffer-Flanagan 2009; M. Barnett and Donini 2012) to question their moral superiority.

Pictet (1979) divided the principles into those with universal, conceptual, and ethical values and those that are prudent and practical. Humanitarian imperative and impartiality, denoting the ultimate good, are the two principles of global morality, whereas neutrality and operational independence are prudent, trust-building measures to ensure that humanitarian action is not refused on the grounds of pursuing political or military interests and that the carriers of humanitarian action are not viewed as spies or political actors<sup>82</sup> (see also Pictet 1979; and Slim 2015). Given the almost universal acceptance that the core principles are different in their ethical value and utility, one may assume that different principles should have assigned different values and may thus need to be measured differently. Yet when analyzing the practice of applying those principles in concrete examples of humanitarian disaster responses, something the practitioners and scholars term humanitarian dilemmas, the analysis of the importance and meaning of that distinction is often missing.

For the proponents of humanitarian exceptionalism, humanitarian principles were, in equal measure, the principles of ethics as they were the practical guidelines for navigating a complex web of political and military realities in disasters (Pictet 1979; Slim 2015). Practitioners and students of humanitarian principles seem to agree that to be effective, the principles ought to be free of political influence and national interests and should not be guided by preferential treatment for political allies or for people of a particular race, gender, or political view (Walker and Maxwell 2008; Doswald-Beck and Henckaerts 2006; van Mierop 2015; Slim 2015; Durand c1984). Moreover, the principle of ‘humanitarian imperative,’ i.e., the obligation to globally extend help to those of us who find ourselves in situations of disaster-caused distress, is the ultimate noble goal of humanitarianism, based on humanity, altruism, and compassion (Slim 2015).

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<sup>82</sup> Code of Conduct.

Humanitarian principles are anchored in the larger phenomenon of humanitarianism, which has progressively become a globally accepted sentiment, beginning at the end of the Cold War and with the creation of a ‘free world’ (Rufin 1993; Slim 1997; Mc Whinney 1991; Kouchner 1989; Minear 1999). Michael Barnett (2009a: 3) wrote, “[i]n fact, it was only recently that I even noticed the existence of an international humanitarian order” starting to take shape at the end of the Cold War and the elevation of the United Nations and the blending of international order with peacekeeping, peacebuilding, and humanitarianism, or humanitarianism and human rights (see, for example, Cabanes 2014) if the restoration of rights, not charity, stands as its intent. From there, some researchers began to explore the connections between humanitarian principles and the world order. Mills (2005: 161) wrote that humanitarian principles had forced themselves “into the general discourse of war and peace.” Two French philosophers, Luc Ferry (1996) and Alain Finkielkraut (2001; 2007), took an interest in the phenomenon of humanitarianism, likening it to a new religion (Ferry 1996) or at least the new global morality, founded on the emotion of pity for a human being in distress (Finkielkraut 2007). “Now, the heart,” wrote Finkielkraut (2001: 87), “not history, guides the way, giving emotions their rights once again.” The moral obligation to provide humanitarian assistance, according to Peter Singer and Thomas Pogge (in Quadrelli, Colt, and Garcia 2011), is such that it may amount to murder if not acted upon. Assistance, therefore, is no longer a charitable act but a moral obligation, with humanitarian principles as its most distinct defining feature.

There are many scholarly articles, studies, analyses, and assessments dedicated to the end results of decisions made on humanitarian principles, especially in situations where those decisions are found to have undesired effects. For example, some studies and evaluation reports argued that humanitarian organizations “abandoned” their ethical principles in Bosnia and Somalia in the early 1990s when they opted to secure their aid convoys by employing armed militias as escorts. On top of it, in Somalia, aid groups appealed to the UN Security Council to



authorize the deployment of military forces in support of humanitarian convoys to famine-stricken areas (M. Barnett 2009; 2009a; 2011). When, under the unfortunately termed UN-mandated “humanitarian intervention,” United States troops engaged in fighting Somali militias, many humanitarian practitioners and researchers declared the aid organizations’ advocacy demanding the deployment of UN-sanctioned armed forces to be an utter debacle and a deep betrayal of humanitarian principles (Clark 1992; Duffield 1994a; Duffield and Stork 1994; Fassin and Pandolfi 2010; Little 2012; Minear 1999; Minear and Weiss 1995; Reinalda and Verbeek 1998; Rieff 2002; Taw 2004). Some years later, one INGO wrote that the move to join humanitarian and military assets in Somalia undermined the confidence of local communities in the international humanitarian actors.<sup>83</sup> In the early 2000s, a handful of organizations, followed by many others, agreed to take funds from the US government to deploy in Afghanistan and Iraq and provide aid to people affected by concurrent US military engagement. Because aid organizations accepted funding from a party to the conflict, deployed their staff alongside the US military, and, in general, failed to distance themselves from the occupying authority of the US and its coalition, researchers criticized their conduct as jeopardizing the *raison-être* and morality of humanitarian principles (Donini, Minear, and Walker 2004). Similarly, a decade later, the ‘global war on terror’ with laws restricting funds and operational freedom of organizations originating in or funded by the United States, United Kingdom, and the European Union has been interpreted as fundamentally altering humanitarian action. Many observers and researchers note that the INGOs’ submission to the new funding regulations and restrictions is a sign of the co-opting of humanitarian organizations into the dominant narratives and foreign policy objectives of donor states (Harmer *et al.* 2003).

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<sup>83</sup> Binet, Laurence. “MSF Speaking Out Case Studies - Somalia 1991-1993: Civil War, Famine Alert and a UN “Military-Humanitarian” Intervention.”

Understanding what constitutes ethical context and dilemmas is critical for this research because humanitarian logic contains an inherent contradiction: its premise is that humanitarian undertaking is a noble task of saving lives and reducing suffering in a principled, ethical approach that reduces harm and remains apolitical, while the reality is a world where suffering outsize humanitarian effort, resources are finite and political interests of funding sources, i.e., governments, and receiving authorities are complex and many. Ethical dilemmas are, therefore, expected. Some practitioner-researchers<sup>84</sup> noted that the reality of operating in disaster situations, each loaded with complexities and idiosyncrasies, requires humanitarians to re-discover the meaning and purpose of humanitarian principles in each disaster anew (Terry 2002).

A moral dilemma, writes Slim (1997: 4), is a “choice between two wrongs,” and ethical humanitarian principles can at times appear to be contradictory, i.e., each carrying its own risks and potential for violating others. The humanitarian imperative of saving lives can stand in stark opposition to the demand for neutrality and operational independence. Does assistance in the Libyan government’s migrant prisons save lives or enable the government’s criminal policy and save the EU’s reputation?<sup>85</sup> Or, how does one save civilian lives in a politically neutral manner in Hutu refugee camps with infiltrated genocidaires?<sup>86</sup> It is of note that not everything is a moral dilemma; some decisions are made out of ignorance or inexperience (Slim 1997) or a messianic sense of responsibility (Rieff 2002; 2003), a distinction of some importance in my research. I frequently returned to the literature on humanitarian dilemmas as I studied how the

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<sup>84</sup> A few humanitarian researchers, such as Mark Duffield and Fiona Terry, came to academia after some years of doing international humanitarian work.

<sup>85</sup> For a practitioner’s view of this dilemma, see, for example, Phillips, Jason. 2019. “Working with Detained Populations in Greece and Libya: A Comparative Study of the Ethical Challenges Facing the International Rescue Committee.” Report for the International Rescue Committee and Stichting Vluchteling. June 2019. Available at: <https://www.rescue.org/sites/default/files/document/3932/ethicalchallengesofworkingwithpopulationsindetention-revisedjune2019.pdf>. Accessed June 17, 2021.

<sup>86</sup> For a longer discussion on this particular situation and humanitarian response to it, see Fiona Terry (2002).

international humanitarian system applied those principles in the crises in Somalia, Libya, and Yemen.

## 6. Somalia: Humanitarian Principles Leading to and Immediately Following the 2011 Famine – Case Study 1



Figure 6-1 – Map of Somalia<sup>87</sup>

<sup>87</sup> Obtained from Worldometer, an online reference website. The map is available at <https://www.worldometers.info/maps/somalia-map/>. Accessed September 12, 2021.

The humanitarian response to Somalia's famine of 2011 is certainly one of the best researched to date. It is, perhaps, also one of the most criticized. Its failures and successes provided a rich data source for analyzing the use and utility of humanitarian principles. The Somalia famine is set in the background of the global El-Niño and the corresponding La-Niña phenomena that in 2011 affected a large east Africa region. In 2011, Somalia, Ethiopia, Kenya, and Djibouti all began to reel under the protracted drought that impacted an estimated eleven million people, but only Somalia – or some parts of it – experienced excess, famine-related mortality at the rate of about a thousand people a day. Mostly, famine-affected regions were in the so-called south-central zone, controlled by Harakat Al-Shabaab, a militant organization and later an al-Qaeda affiliate, as well as IDP camps in and around Mogadishu.

The humanitarian country team declared famine in Somalia first on July 20, 2011. The famine was classified according to the then relatively new Integrated Food Security Phase Classification system (IPC), developed in 2004 by FAO's Somalia Food Security and Nutrition Analysis Unit (FSNAU) (Rubin 2014). Since then, the consensus-based classification system has earned almost universal utility and recognition. The IPC ranks food (in)security in five severity phases: (1) Minimal/None; (2) Stressed; (3) Crisis; (4) Emergency, and (5) Catastrophe or Famine. Each phase is determined by its own set of indicators, and the ones defining famine are: (1) at least twenty percent of households per assessed area face extreme food shortages; (2) global acute malnutrition (GAM) exceeds the WHO's emergency threshold of thirty percent; and (3) excess mortality rates, i.e., mortality over and above the expected or 'normal' rates, shows two or more deaths per population of 10,000 per day.<sup>88</sup> The initial declaration of July 20 for two south-center regions of Lower Shabelle and Southern Bakool was subsequently expanded: on August 3 to Middle Shabelle, Afgoye corridor outside

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<sup>88</sup> For more on the Integrated Food Security Phase Classification (IPC) system, refer to its webpage: <https://www.ipcinfo.org/ipcinfo-website/ipc-overview-and-classification-system/en/>. Accessed April 9, 2023.

Mogadishu as well as Mogadishu itself and then again on September 5 to include Bay region, bringing the number of famine-affected regions to six (Hillbruner and Moloney 2012). The famine declaration lasted for about six months, i.e., until February 3, when the humanitarian coordinator, on behalf of the humanitarian community, formally ended it. Researchers credit a number of factors, including a scaled-up emergency response (by those partaking and not partaking in Somalia's HCT, such as, for instance, Turkish, Qatari and other Islamic countries' aid organizations), temporarily improved humanitarian access and the excellent October–December rains that resulted in an above-average fall/winter (*deyr*) harvest and labor demands, to have contributed to the drop in nutrition and mortality indicators below the famine thresholds (Hillbruner and Moloney 2012; Maxwell and Majid 2016).

The famine killed an estimated 258,000 people, of whom half were children (Checchi and Robinson 2013), and displaced hundreds of thousands of people, many of whom left to the neighboring countries of Kenya and Ethiopia (Seal and Bailey 2013). The protracted drought, deemed the worst in sixty years (Lautze *et al.* 2012),<sup>89</sup> made an estimated 3.7 million people across Somalia - 2.8 millions of whom were in the south-center - critically vulnerable to food, water shortages, and diseases (Seal and Bailey 2013).<sup>90</sup>

The peculiarity of the 2011 Somalia situation was that famine occurred amid an international humanitarian intervention that counted approximately a hundred international and national organizations collectively implementing a program of over US\$400 million. In fact, in 2010,

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<sup>89</sup> Qasim, Maryan. 2011. Why Can't We End Famine in Somalia? Opinion. *Guardian* (London), July 28. Available at: <https://www.theguardian.com/commentisfree/2011/jul/28/somalia-famine-crisis>. Accessed December 4, 2021.

<sup>90</sup> For reference, see, also, UNSC. 2011. UN Secretary-General report to the UN Security Council # S/2011/549. August 30. Available at [https://reliefweb.int/sites/reliefweb.int/files/resources/F\\_Report\\_6.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/F_Report_6.pdf). And FSNAU. 2011. "Famine Declared in Three New Areas of Southern Somalia." September 1. Available at: <http://www.fsnau.org/in-focus/famine-declared-three-new-areas-southern-somalia>. Both accessed December 4, 2021.

Somalia was the seventh largest of twenty international humanitarian operations worldwide.<sup>91</sup> By 2011, Somalia's international humanitarian system was also the longest-lasting, having been in existence continuously since the famine of 1991/92. Even if somewhat smaller in scale than in 1991/92, the international humanitarian system in 2010 and 2011 retained resources, knowledge, and personnel that should have prevented – or at least mitigated – the disaster that unfolded (Hobbs, Gordon, and Bogart 2012). While much has been said about the famine and the factors that led to it (see, for example, Maxwell and Fitzpatrick 2012; Lautze *et al.* 2012; Hobbs, Gordon, and Bogart 2012; Seal and Bailey 2013; Jackson and Aynte 2013; Maxwell *et al.* 2016; Maxwell and Majid 2016), in this case study, I take another look at the events with a view to answering the research question of how the humanitarian system engaged with the principles of humanitarian imperative, impartiality, neutrality, and independence within the context of conflict and drought, all leading to a disaster of immense proportions. To help frame the discussion, I refer to the ethical decision-making framework, examining the system's intent to engage with the principles and the implementation of action and assessment of consequence. The focus of my research is the period prior to, during, and after the declaration of famine.

### 6.1. Climate, Conflict and Humanitarian Baseline

The devastating 2011 famine in Somalia was brought about by a combination of factors, of which the drought, a result of the developing La Niña global climatic phenomenon, was perhaps the most obvious.<sup>92</sup> Preceding all of this, Somalia had already been one of the world's poorest countries, with sixty-five percent of the population depending on livestock and even more on the combination of pastoralism and rain-fed agriculture for income and food (Martin-

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<sup>91</sup> Calculated from information about humanitarian response countries in 2010, available in OCHA FTS: <https://fts.unocha.org/>. Accessed January 8, 2022

<sup>92</sup> Slim, Hugo *et al.* 2012. "IASC Real-Time Evaluation of the Humanitarian Response to the Horn of Africa Drought Crisis - Somalia." Obtained from the United Nations Children Fund (UNICEF) evaluation database available at: [https://www.unicef.org/evaldatabase/index\\_69899.html](https://www.unicef.org/evaldatabase/index_69899.html). Accessed December 4, 2021.

Canavate *et al.* 2020)<sup>93</sup> Over forty percent of the population lived below the extreme poverty line,<sup>94</sup> calculated as purchasing power parity of just over \$1 a day.<sup>95</sup> In 2009, health and nutrition indicators in Somalia were among the worst in the world, with a life expectancy of forty-five years for men and forty-seven for women. One in every seven Somali children died before the age of five, and 13.9 percent of children under fifty-nine months of age suffered from global malnutrition in 2009.<sup>96</sup> Many indicators, such as the rates of poverty and malnutrition and the percentage of people with access to safe drinking water, were to a larger or smaller degree worse off in the south-center, a geographic area that starts with the province of Muduq and continues south. For instance, that same year, the rate of severe malnutrition for children under fifty-nine months was found to be four percent for the whole of Somalia, but 5.9 percent in the south-center, while the stunting of children was 23.2 percent for the country, and 31.6 percent in the south-center.<sup>97</sup> Livelihoods in much of Somalia were and continue to be weather-dependent. The alterations in the regularity of the inter-change of wet *gu* and *deyr* seasons, lasting from April to June and October to December, and the two intermediate dry seasons, *jilaal* and *hagaa*, did (and still do) produce substantial humanitarian effects.<sup>98</sup> And yet, these alterations are frequent. According to the FAO, mild or moderate droughts occur every three to four years, and serious ones every eight to ten years.<sup>99</sup> The drought of 2011 was

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<sup>93</sup> See, also, OCHA. 2006. "Livelihoods in Somalia." News and Press Release, December 6. Available at: <https://reliefweb.int/report/somalia/livelihoods-somalia>. Accessed on November 7, 2021.

<sup>94</sup> Kassim, I., A. Seal, and G. Moloney. 2009. "National Micronutrient and Anthropometric Survey." Nairobi, Food Security Nutrition and Analysis Unit (FSNAU), Food and Agriculture Organization of the United Nations (FAO) & UCL.

<sup>95</sup> Ferreira, Francisco, Dean Mitchell Jolliffe, and Espen Beer Prydz. 2015. World Bank blog. October 4. Available at: <https://blogs.worldbank.org/developmenttalk/international-poverty-line-has-just-been-raised-190-day-global-poverty-basically-unchanged-how-even>. Accessed December 13, 2021.

<sup>96</sup> Kassim, I., A. Seal, and G. Moloney. "National Micronutrient and Anthropometric Survey."

<sup>97</sup> Ibid.

<sup>98</sup> See, for example, OCHA Somalia. 2006. "Situation Report: Overview of Humanitarian Environment in South/Central Somalia." Posted on December 12, 2006. Available at: <https://reliefweb.int/report/somalia/ocha-fact-sheet-south-central-somalia>. Accessed November 1, 2021.

<sup>99</sup> FSNAU. "Food Nutrition and Analysis – Somalia: Analytical Approach - Climate." Available at: <https://www.fsnao.org/analytical-approach/methodologies/climate>. Accessed on November 7, 2021.

one such event that made that year the driest since 1950 (Lautze *et al.* 2012: 43), ultimately leading to one of the greatest famine tragedies of the 21<sup>st</sup> century.

It was not just the Horn of Africa that was affected by the climatic extremes in 2011. The La Niña phenomenon that year was also the strongest on record, producing weather events that affected global food markets. As the Horn of Africa began experiencing severe droughts, excessive rains were recorded in other parts of the world, shrinking global agricultural yields, and escalating food prices. In the Horn, the drought dried out water sources, decimating crops and livestock. In Somalia's south-center, the price of corn and sorghum doubled and tripled, livestock lost sixty-three percent or more in value, and daily labor wages declined between forty-three percent and seventy-five percent (Salama *et al.* 2012), instantly creating extreme food insecurity (Maxwell and Fitzpatrick 2012). The shortage of food and the soaring prices of staples such as corn and sorghum, compounded by the loss of livestock in the communities that had already been battling malnutrition and abject poverty, was alarming.

Yet, famines, it is persuasively argued, are political and not environment-caused phenomena. They are defined by blatant (de Waal 2018), if not criminal (Rubin 2014), intentionality on the part of the power-holders against the marginalized and unwanted groups in the society, and they do not happen in democracies characterized by free media and civil society (Sen 1991). Referred to as a "failed state," Somalia's governing factions were neither democratic nor benevolent. The country's extreme malnutrition and poverty were thus less a function of Somalia's harsh climate than the persistence of political instability, mismanagement, and violence. The violence had been particularly unrelenting in the country's southern half



(McCloskey Rebelo *et al.* 2012).<sup>100</sup> By 2011, Somalia had already experienced twenty or so years of brutal war, with a few short intermissions.

The abrupt slide into chaos started with a coup d'état in 1991 that ended the corrupt dictatorship of Mohammad Siad Barre. The ensuing violence continued for decades: in 2004, after thirteen years of war, the UN brokered a partial agreement and formed the Transitional Federal Government (TFG). For the first three years, the TFG officials governed Somalia from Kenya's capital, Nairobi, rather than Mogadishu. In 2006, under the pretext of containing violence and facilitating the relocation of the TFG to Mogadishu, Ethiopia, with the US and UN support, invaded Somalia. The invasion was in itself a humanitarian disaster, producing hundreds of thousands of externally and internally displaced persons, many of whom remained living in displacement camps through 2011 (see Bradbury, 2010; Majid and McDowell 2012). Moreover, the invasion gave rise to a group called the 'Movement of the Youth', or Harakat al-Shabaab (globally known better as just Al-Shabaab) (Mwangi 2012) that branded itself a defender of Somalia's sovereignty during Ethiopia's occupation, albeit with practices and the manifestations of power, control, and religion resembling those of Al-Qaeda. From 2007 on, Al-Shabaab controlled an increasingly larger swath of Somalia's south-center, including parts of Mogadishu (Norris and Bruton 2011). Al-Shabaab earned a designation of a foreign terrorist organization by the US government in 2008 under the amended Immigration and Nationality Act and amended Executive Order 13224 (first passed on September 23, 2001). Such designations can and do have direct – and often paralyzing - impact on humanitarian

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<sup>100</sup> Also, the Transitional Federal Government (TFG) / Ministry of Planning and International Cooperation. 2010. *Facts and Figures: South Central Somalia*. 2nd Edition. Mogadishu, Somalia: Available at: <https://www.nbs.gov.so/facts-and-figures-south-central-somalia/>. Accessed November 7, 2021.

enterprises.<sup>101</sup> In Somalia, the impact began taking hold towards the end of 2009, the year Al-Shabaab declared its allegiance to Al-Qaeda, formally joining it in 2012.

Among the researchers of international humanitarian affairs, the development of famine was not solely pinned on the local or global environmental conditions or failed governance but also on the US government's anti-terrorism designation, and, to a degree, the humanitarian system. The following chapter examines how the humanitarian community responded to the Somalia situation from the perspective of humanitarian principles by recreating complex humanitarian, socio-political, and military conditions that critically influenced and shaped the perceptions and thinking of the international humanitarian community. Navigating those factors while responding to humanitarian needs ultimately meant balancing and rebalancing the ethical underpinnings of principles of humanitarian action compressed in the four core humanitarian principles of humanitarian imperative, impartiality, neutrality, and independence. The following discussion about the famine and its public declaration is, therefore, done through the prism of humanitarian principles and how they guided (or not) humanitarian decisions.

## 6.2. Humanitarian Operation and Its Challenges

International humanitarian response in Somalia is often criticized for being too slow, uncoordinated, and inadequately strategic (Maxwell and Majid 2016).<sup>102</sup> Relying on available excess mortality data, Checchi and Robinson (2013), for example, concluded that the famine declaration was made after the prevalence of famine had already begun to decline. The excess

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<sup>101</sup> Legal consequences of terrorist designation are, *inter alia*, civil and criminal penalties for anyone engaging in “the making or receiving of any contribution of funds, goods, or services to or for the benefit of individuals or entities designated under the Order. Any transaction by any U.S. person or within the United States that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions in the Order is prohibited. Any conspiracy formed to violate any of the prohibitions is also prohibited.” See US Department of State, Executive Order 13224. Effect of Designation: articles 2-4. Available at: <https://www.state.gov/executive-order-13224/>. Accessed September 8, 2023.

<sup>102</sup> See, for example, IASC-commissioned evaluation carried out by Hugo Slim et al. “IASC Real-Time Evaluation of the Humanitarian Response to the Horn of Africa Drought Crisis - Somalia.”

death due to the lack of food likely began sometime towards the end of 2010, with a steep incline in April and a peak in June of 2011 (Figure 6-2).

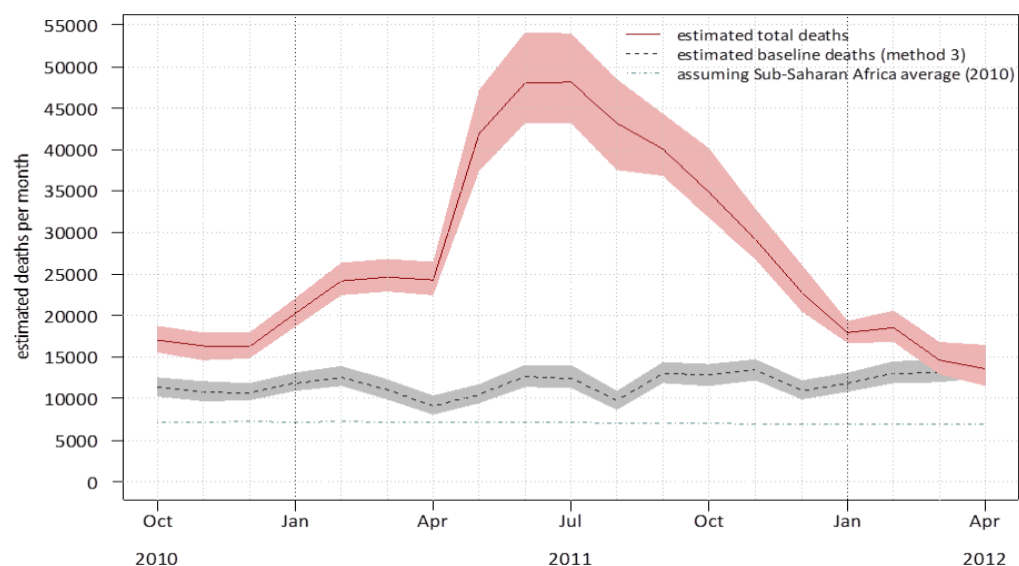


Figure 6-2 – Estimated Number of Excess Deaths per Month From October 2010 through April 2012 (Checchi and Robinson 2013:9)

Understanding what went into those decisions leading to the declaration of famine means reconstituting the understanding and interpretation of the context, limitations, and challenges. In Somalia, the aid organizations' decisions took place in an environment where conflicting and often inadequately understood external considerations had to be made by people who had only minimal, if any, exposure to the country, and in particular, the areas where the famine was fast developing. There was an abundance of critical challenges, such as rampant corruption, fraud, and aid diversion, as well as counter-terrorism legislation potentially criminalizing aid activities. While the widespread violence and personal safety risks justified remote management of humanitarian programs, that affected, in ways not foreseen, the confidence in information and analysis. The contextualization and interpretation of humanitarian principles thus needed to take place against the backdrop of these obstacles. One interlocutor framed it in

the following way: “Because famine is such a big word, all data assurances, and checks-and-balances needed to be in place.”<sup>103</sup>

One of the most defining features of the international humanitarian system for Somalia is that for a decade and a half prior to the outbreak of famine, it operated from outside Somalia, with a broad range of effects on access, decision-making, and humanitarian oversight.<sup>104</sup> Humanitarian (and development) activities trace their origin to the 1970s, but the more formal humanitarian system was set up by UNSC Resolution 733 in January 1992.<sup>105</sup> In parallel to establishing the humanitarian system and the position of humanitarian coordinator at its helm, the UN Security Council also created a UN peacekeeping mission for Somalia tasked to, *inter alia*, protect the humanitarian convoys (Kennedy 1996). When the peacekeeping mandate ended, and the United Nations Operation in Somalia (UNOSOM) withdrew its peacekeeping force from the country, the nucleus of the humanitarian architecture also left Somalia and set itself up in Nairobi. As is the case in many similar situations in the world, the UN humanitarian system was not meant to exist separately from the broader UN engagement and structure in the country, but as part and parcel of the UN political establishment. Consider, for example, UNSC Resolution 751 of April 24, 1992, which established the position of Special Representative for Somalia tasked “to provide **overall direction of United Nations activities** [*emphasis added*] in Somalia,”<sup>106</sup> to include all humanitarian activities on top of the political efforts aimed at creating conditions for a ceasefire and political resolution to the conflict. From the start,

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<sup>103</sup> Interview, coded as Somalia Q. Skype, October 11, 2021.

<sup>104</sup> See DARA. N.D. “Evaluation of the Humanitarian Response to South Central Somalia (SCS) from 2005 to 2010.” Evaluation commissioned by the IASC and undertaken by a team of seven evaluators between March and November 2011. The report is available at: <https://www.oecd.org/countries/somalia/SomaliaDARA.pdf>. Accessed May 20, 2022.

<sup>105</sup> UNSC Resolution 733 [calling for a complete embargo on deliveries of weapons and military equipment to Somalia]. (UNSCR 733 (1992)). Adopted at 3039<sup>th</sup> meeting, January 23, 1992. Available at UN Digital Library: <https://digitallibrary.un.org/record/135713?ln=en>. Accessed May 20, 2022.

<sup>106</sup> UNSC Resolution 751 [on establishment of a UN Operation in Somalia]. (S/RES/751(1992)). Adopted at 3069<sup>th</sup> meeting, February 24, 1992: para 6. Available at: <https://digitallibrary.un.org/record/141599?ln=en>. Accessed May 20, 2022.

therefore, the UN humanitarian agencies and many humanitarian organizations enjoyed the physical protection of the UN peacekeepers, the unintended consequence of which was inevitably the blurring of the political and humanitarian agendas.

As mentioned above, in 1995, the international humanitarian system relocated to Nairobi and from then on operated from a thousand or so kilometers away. Coordination clusters and the HCT, the strategy-setting and coordinating body, thus met in Kenya's, rather than Somalia's capital (see also Donini and Maxwell 2014).<sup>107</sup> The Nairobi-based clusters functioned with some efficiency, i.e., the meetings were held and attended by forty to a hundred expatriate aid workers,<sup>108</sup> but the discussion was described as lacking in urgency or first-hand information.<sup>109</sup> The HC, also based in Nairobi, regularly met and briefed donors about the situation in Somalia. In addition to these formal briefings, there were countless informal gatherings and meetings between many non-Somali UN and NGO staff and their donors dedicated to the humanitarian situation in Somalia. Despite that, those present recollected how by the time the depictions of animal carcasses littering the roads in Somalia reached Nairobi, their potency faded the higher up the decision-making chain they went – from clusters to the inter-cluster and then the HCT.<sup>110</sup> Describing the challenges, the IASC's evaluation of aid operations and coordination from 2005 to 2010 stated the following: "Coordination mechanisms improved over time, but were constrained by the fact that they were often detached from local dynamics inside Somalia. Coordination effectiveness was also hampered by the fact that too little decision-making competencies were placed inside [south-central Somalia] – especially as security concerns

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<sup>107</sup> OCHA Somalia. 2010. "Humanitarian Access Update 01 to 30 September 2010." Available at: [https://reliefweb.int/sites/reliefweb.int/files/resources/01220C5DD7BB07E0492577EC000621EA-Full\\_Report.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/01220C5DD7BB07E0492577EC000621EA-Full_Report.pdf). Accessed November 15, 2021.

<sup>108</sup> DARA. "IASC Evaluation of the Humanitarian Response in South Central Somalia 2005-2010."

<sup>109</sup> Interview, coded as Somalia D. Skype, September 20, 2021. See, also, Kemp, Ellie. 2013. "NGO Voice in the Humanitarian Response in Somalia: Challenges and Ways Forward." The NGOs and Humanitarian Reform Project II, March 2013. Personal copy.

<sup>110</sup> Interviews: coded as Somalia B. Skype, September 6, 2021, and Somalia K. In person. Mogadishu, September 28, 2021. Also, Somalia D.

arose – meaning that often operational decision-making was taken in Nairobi for (dis)approval. Limited accountability mechanisms were in place that would otherwise provide the necessary transparency of assistance intended for the Somali population. Monitoring was hampered by organisations’ lack of access and presence on the ground.”<sup>111</sup>

The expats’ presence is not a *sine-qua-non* for humanitarian operations. It certainly did not affect Somalia’s fund-raising abilities. Some seventy international organizations and twenty or so national organizations comprising the humanitarian system jointly appealed for almost \$600 million through the Somalia Consolidated Appeals Process (CAP) in 2010,<sup>112</sup> which was, by the year’s end, funded at about seventy percent, a percentage that stood then as it does today, among the highest for humanitarian appeals. The programs were implemented by Somali staff and a growing number of small and financially fragile national organizations (S. J. Hansen 2013), whose operational capacities, knowledge of, or interest in humanitarian principles and modalities, as well as reliability and integrity, at best varied.<sup>113</sup> A few stood out as competent and trustworthy,<sup>114</sup> and even they felt disenfranchised and inadequately consulted.<sup>115</sup> Moreover, the accusations of the mismanagement of donor funds by a few influenced the reputation of all national actors. One Kenyan researcher with experience in Somalia at the time described the situation this way: “For seven months, until July [2011], [there was information that] people were dying. But, you know, international NGOs were saying ‘this is not true.’ A lot of data [were] coming out the local NGO statements [saying] that, you know, people are expected to die. But at that point, Somalia was different from today. Now, local NGOs are

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<sup>111</sup> DARA. “IASC Evaluation of the Humanitarian Response in South Central Somalia 2005-2010”: 11

<sup>112</sup> OCHA. 2010. “Somalia 2010 Consolidated Appeal: Mid-Year Review.” Available at: <https://digitallibrary.un.org/record/686511>. Accessed May 2, 2021.

<sup>113</sup> Interview, Somalia D.

<sup>114</sup> Two women’s organization, Saed and Adeso were often cited as two successful and efficient national Somalia organizations, for example in the US Congressional Hearing from August 11, 2011, available at <https://www.c-span.org/video/?300882-1/drought-famine-horn-africa>. Accessed January 13, 2022.

<sup>115</sup> Kemp, Ellie. “NGO Voice in the Humanitarian Response in Somalia: Challenges and Ways Forward.”

listened to, they have access to funds. Back then, the situation was different, local NGOs could not receive funds because of the risks [and] they didn't have the capacity.”<sup>116</sup>

#### 6.2.1. Corruption, Aid Diversion, and Anti-Terrorism Legislation

In addition to operating from Nairobi, the international system was contending with delivering aid in an environment characterized by immense corruption, fraud, and rampant aid diversion, none of which was new but may have been exacerbated by the growing political vacuum in the country, and eventual incapacitating application of the US anti-terrorism legislation and sanctions against Al-Shabaab. Those issues are interconnected.

Confronted with protracted and increasing evidence of aid diversion, in 2008 the UNSC members tasked the UN Monitoring Group for Somalia, a team established by the UNSC to look into all matters of violations of arms embargo and other UNSC resolutions on Somalia, to investigate diversion of humanitarian activities,<sup>117</sup> understood already to be rampant.<sup>118</sup> By early 2010, a bootleg copy of the Group’s report with details, names, and dates was circulated among the UNSC members, confirming what had been seemingly suspected for years already that large quantities of aid, in particular from the humanitarian food assistance program, were co-opted by local groups.<sup>119</sup> WFP was singled out as the largest food aid organization in Somalia at the time. Its contracting and supply chain were specifically noted as problematic given the size of their contracts, worth an estimated \$200 million a year, and the potential for

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<sup>116</sup> Interview, coded as Somalia B. Skype, September 6, 2021.

<sup>117</sup> See the UN Monitoring Group for Somalia report to the UN Security Council of February 26, 2010 (UNSC. 2010. Letter dated 26 February 2010 from the members of the Monitoring Group on Somalia addressed to the Chairman of the Security Council Committee established pursuant to resolution 751 (1992). (S/2010/91). March 10, 2010. Available at: <https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Somalia%20S%202010%2091.pdf>. Last accessed October 2, 2021).

<sup>118</sup> Interview, Somalia R, Skype. October 14, 2021.

<sup>119</sup> See, for example, Gettleman, Jeffrey and Neil MacFarquhar. 2010. Somalia Food Aid Bypasses Needy, U.N. Study Says. *New York Times* (New York), March 9. Available at: <https://www.nytimes.com/2010/03/10/world/africa/10somalia.html>. Accessed December 3, 2021.

funds abuse and profiteering by local contractors. The report alleged that as little as fifty percent of food commodities reached the intended beneficiaries. Later reports suggested that percentage to be as high as seventy percent (S. J. Hansen *et al.* 2012), meaning that more than two-thirds of the humanitarian goods were likely taken to private warehouses and markets and sold for profit.<sup>120</sup>

The report was equally damning of al-Shabaab as it was of the TFG. By January 2010, Al-Shabaab had looted the offices of WFP, WHO, and UNICEF in Baidoa and Baladweyn in the southwest and central Somalia and banned WFP and most of the other international organizations - with the notable exception of the ICRC - from operating in the territory under its control (Svoboda *et al.* 2015). It is well understood that at least until 2010, Al-Shabaab benefitted from the economy created by the aid sector in the south-center. In "The Somali Case," Sorvig and Hansen (in Hansen *et al.* 2012: 14-27) wrote: "In 2009, sources within the Shabab revealed for the research team that 'In the regions where al-Shabab has absolute control, they demand a percentage of the total project cost. It may range from 5 to 15%, depending on the administration and the influence of the local partners implementing the project. Demand is also made on landlords, vehicle owners, and transport working under a contract with the UN or international organizations. 15% of the rent must be paid to al-Shabab if property is leased from an international organization or the UN. Employees are also instructed to reimburse roughly 5% of their salary on a monthly basis.'" Sometime later, OCHA recounted how on August 23, 2010, Al-Shabaab demanded the immediate payment of \$10,000 from aid agencies in Belet Weyne town in the Hiraan Region by that year's Ramadan (which was two weeks out

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<sup>120</sup> Numerous reporting, including Gettleman, Jeffrey and Neil MacFarquhar. 2010. Somalia Food Aid Bypasses Needy, U.N. Study Says. See, also, Rugman, Jonathan. 2009. UN Probe After Aid Stolen from Somalia Refugees. *Channel 4 News* (London), June 15. Available at: <https://www.channel4.com/news/articles/world/africa/un%2Bprobe%2Bafter%2Baid%2Bstolen%2Bfrom%2Bsomalia%2Brefugees/3208557.html>. Accessed December 3, 2021.



at this point) for six months' work permit. After that, Al-Shabaab demanded payments of \$6,000 every six months, in addition to twenty percent of the cost of signed contracts and ten percent of the cost of rented vehicles. Similar instructions were transmitted to aid agencies operating in the Middle and Lower Shabelle, Bay, Bakool, Middle, and Lower Juba regions.<sup>121</sup>

Meanwhile, the US government, the most significant contributor to humanitarian efforts in Somalia with about \$150 million in funding recorded in 2009, had already begun considering action in response to reports of widespread diversion of aid.<sup>122</sup> In November 2009, the beginning of the US fiscal year 2010, USAID's Office of Food for Peace (FFP) was instructed to withhold funding from WFP that had been running the largest food aid pipeline in Somalia.<sup>123</sup> The instruction evoked the US government's sanctions of Al-Shabab which was declared, as mentioned earlier, a foreign terrorist organization in February 2008. Between April and June 2010, the US Department of the Treasury passed additional measures reinforcing the applicability of Order 13224 to Somalia and effectively criminalizing any activity that could be seen as materially aiding Al-Shabaab. The measures were known as the Somalia Sanctions Regulations, regulated under the US Department of the Treasury Office of Foreign Assets Control (OFAC).<sup>124</sup> WFP was immediately impacted, as FFP's contribution to WFP as its largest food provider dropped from over \$124 million in 2009 to \$14.5 million in 2010.<sup>125</sup>

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<sup>121</sup> See DARA. "IASC Evaluation of the Humanitarian Response in South-Central Somalia 2005-2010."

<sup>122</sup> Maxwell suggested an alternative explanation, noting that the cut-off of aid could have been intended to coincide with a planned offensive of the TFG, only to be reinstated in areas retaken by the TFG (see Maxwell *et al.* 2014).

<sup>123</sup> Gettleman, Jeffrey. U.S. Delays Somalia Aid, Fearing It Is Feeding Terrorists. *The New York Times*, October 1, 2009. Available at: <https://www.nytimes.com/2009/10/02/world/africa/02somalia.html>. Accessed August 31, 2023.

<sup>124</sup> United States Department of the Treasury Office of Foreign Assets Control (OFAC). 2014. *Somalia Sanctions Program*. October 3. Available at: <https://home.treasury.gov/system/files/126/somalia.pdf>. Last accessed March 25, 2023.

<sup>125</sup> Compare USAID Bureau for Democracy, Conflict and Humanitarian assistance (DCHA) Office of US Foreign Disaster Assistance (OFDA). 2010. *Somalia – Complex Emergency: Fact Sheet #8*. Report for Fiscal Year (FY) 2010, released on September 28, and USAID OFDA. 2009. *Somalia – Complex Emergency: Situation Report #9*. Report for Fiscal Year (FY) 2009, released on September 23. Available at:

Some months later, in January 2010, Al-Shabaab banned WFP from operating in the south-center.<sup>126</sup> As the US Department of State and USAID decided to apply the sanctions to their humanitarian portfolios, the overall US government's humanitarian envelope reduced from \$100 million in 2009 to just under \$30 million.<sup>127</sup> This was a noticeable reduction, given US funds had amounted to more than twenty percent of all aid financing in Somalia in 2009.<sup>128</sup> As the INGOs, too, began to feel the heat of the OFAC sanctions,<sup>129</sup> the number of viable, at-scale alternatives to WFP was limited.<sup>130</sup> Through 2010, the ICRC reported reaching around 680,000 people with food aid.<sup>131</sup> There was, even within USAID, a "tremendous amount of fear" that continuing to fund aid operations of WFP or other organizations in south-center could risk running afoul of the US law, creating a potential for legal prosecution.<sup>132</sup> The overall humanitarian funding, across all donors, thus declined from \$640.6 million in 2009 to \$491 million in 2010 (Figure 6-3). The implication was that the humanitarian organizations focused

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<https://reliefweb.int/report/somalia/somalia-complex-emergency-fact-sheet-8-fiscal-year-fy-2010> and <https://reliefweb.int/report/somalia/somalia-complex-emergency-fact-sheet-9-fiscal-year-fy-2009>. Both accessed May 20, 2022.

<sup>126</sup> In November 2009, Al-Shabaab's deputy leader Abu Mansur ordered WFP to only deliver locally purchased food on the account that its internationally sourced food distributions were destroying local agriculture markets and serving as "barriers to Somalia's self-sufficiency" (Mohamed, Ibrahim. November 25, 2009. Somali Rebels Order WFP to Halt Relief Food Imports. *Reuters*. Posted on Reliefweb at: <https://reliefweb.int/report/somalia/somali-rebels-order-wfp-halt-relief-food-imports>. Accessed March 25, 2023). Soon thereafter, Al-Shabaab killed a WFP official and raided a WFP warehouse in Lower Shabelle region, burning approximately 300 bags of food, apparently because it was expired and unfit for distribution (Lucivero, Michael. 2010. "Somali Militants Kill Regional WFP Official." Foreign Policy Association, January 4. Available at: <https://foreignpolicyblogs.com/2010/01/04/somali-militants-kill-regional-wfp-official/>. Accessed March 15, 2023). In response, WFP suspended their operation in southern Somalia. By mid-September 2010, Al-Shabaab raided or banned five other NGOs, Mercy USA and another NGO in Afmadow, as well as World Vision International, ADRA and Diakonia, accusing them of propagating Christianity (OCHA Somalia. 2010. "Weekly Humanitarian Bulletin." Issue #39 – September 9-17. Available at: <https://reliefweb.int/report/somalia/somalia-weekly-humanitarian-bulletin-issue-36-9-17-september-2010>. Accessed March 15, 2023).

<sup>127</sup> See OCHA FTS Somalia for 2009 and 2010.

<sup>128</sup> Ibid.

<sup>129</sup> Interview, coded as Somalia R. Skype, October 14, 2021

<sup>130</sup> Interviews: Somalia D and Somalia B. See also Jonathan Rugman. 2009. UN Probe After Aid Stolen from Somalia Refugees.

<sup>131</sup> ICRC. "Annual Report 2010." Available at <https://www.icrc.org/en/annual-report>. Accessed September 21, 2023.

<sup>132</sup> Interview, Somalia R. The interlocutor noted, however, that while US Department of State appeared adamant to "stand on principle" and refuse endorsing a waiver for the pending WFP award, its Bureau for Population, Refugees and Migration (PRM) continued funding UNHCR and the ICRC, both of which operated in the areas under Al-Shabaab control.

on retaining the ongoing program rather than attempting to respond to the newly emerging needs in 2011 (Hobbs, Gordon, and Bogart 2012).

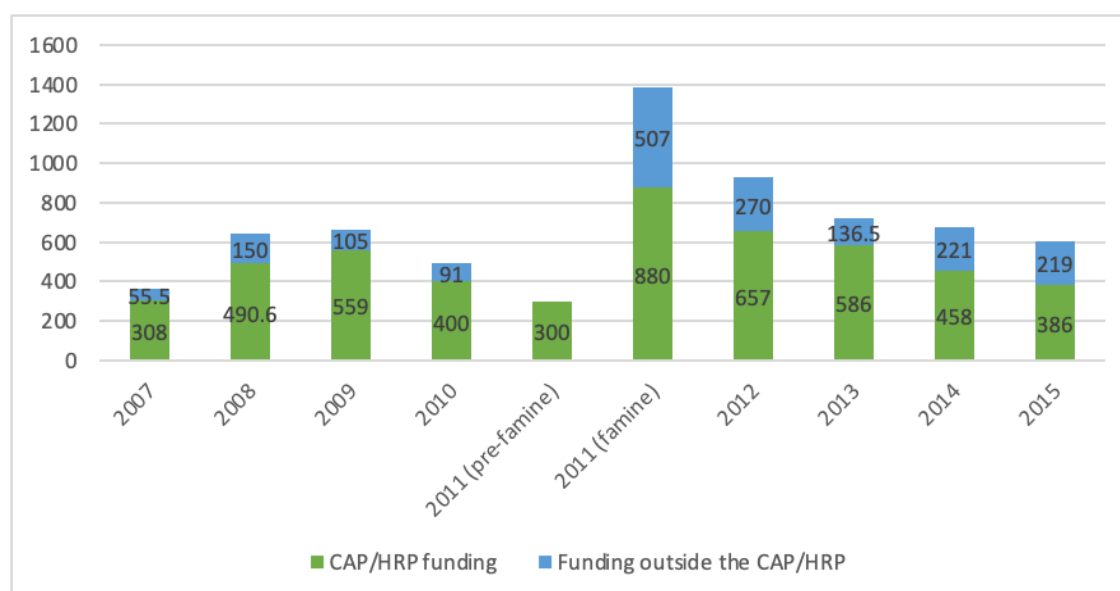


Figure 6-3 – Humanitarian Funding in Somalia from 2007 to 2015

With some notable exceptions, donor representatives had a hard time sifting through the Somali reality from Nairobi, or even worse, Western capitals, and an even harder time reconciling Somalia's situations with the general political apathy at home. Distrust of data and those providing data, including the elusive WFP's leadership (Hansen *et al.* 2012),<sup>133</sup> only grew with time. "Everyone had a reason to exaggerate."<sup>134</sup> The WFP, with a budget of over \$480 million, or sixty percent of the entire UN humanitarian budget, was described as "uncooperative,"<sup>135</sup> presumably referring to the agency's lackadaisical approach to program and funding oversight.

<sup>133</sup> Also: interview, Somalia D and Nicholson, Nigel *et al.* 2012. "Somalia: An Evaluation of WFP's Portfolio Vol. I - Full Report May 2012." Vol. 1 – full report. Evaluation report commissioned by WFP Office of Evaluation Measuring Results, Sharing Lessons. Report number: OE/2012/004. Available at: [https://executiveboard.wfp.org/document\\_download/WFP-0000003130](https://executiveboard.wfp.org/document_download/WFP-0000003130). Accessed September 30, 2021.

<sup>134</sup> Interview, Somalia D.

<sup>135</sup> Interviews: Somalia D and Somalia R. Skype, October 14, 2021. In 2009, Peter Goossens, WFP's Somalia Director, described food for sale as a "minor phenomenon" and noted that "[t]here is no big corruption going on," adding "[r]elative to the environment, we are doing a very good job. And the donors know it." In Jonathan Rugman. 2009. UN Probe After Aid Stolen from Somalia Refugees.

Photos of USAID food packages on top of armed trucks with armed militiamen were received with dismay and outrage in Washington.<sup>136</sup> Reports of large amounts of assistance going to non-existent IDP camps also began to surface.<sup>137</sup> Diversion and misuse of aid appeared omnipresent. Everyone, it seemed, was free to use whatever tactic to get a hold of whatever relief items were available (see, also, Maxwell and Majid 2016 for discussion on “gatekeepers”). With no rules and no way to enforce any, aid became a lucrative business for those who knew how to acquire it, and, at times of despair, there were plenty of ingenious ways to precisely do that.

As the problem of looting and diversion became evident, the aid community, to the extent they believed it to be accurate, struggled to contain such practices and restore their reputation vis-à-vis the donor community. By 2011, the UN instituted rotational visits to Mogadishu but most staff never left the airport in a practice known as “bunkerization” (S. J. Hansen *et al.* 2012). That did little to improve oversight or situational awareness. Having worked as a UN staff member in Iraq under similar conditions in the mid-2000s, I experienced the misplaced illusion that the physical presence in a country under the “bunkerization” arrangement might still allow for sufficient situational insight.

#### 6.2.2. Violence, Safety, and Access

The “bunkerization” plan was, however, not entirely unreasonable. For years leading to the disastrous droughts of 2010 and 2011, Somalia, alongside Afghanistan, ranked as one of the two most dangerous places for aid workers in the world. Between 2006 and 2011, there were

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<sup>136</sup> Interview, Somalia R.

<sup>137</sup> Interview, Somalia D.

as many as 150 security incidents involving aid workers in Somalia.<sup>138</sup> The situation reached its peak in 2008 when forty-six aid workers were killed, fifteen injured, and twenty-five kidnapped.<sup>139</sup> By 2011, aid workers referred to it as a "Mad Max Country."<sup>140</sup> Starting in 2008, having taken an increasingly strict self-styled Islamic posture modeled after that of Al-Qaeda, banning music and prescribing gender roles, appearance, and outfits (S. J. Hansen 2013), Al-Shabaab threatened, attacked, and then expelled international aid agencies,<sup>141</sup> with a notable exception of the ICRC or rather the Somali Red Crescent Society through which the ICRC operated.<sup>142</sup> Al-Shabaab allowed some limited return of aid organizations into Somalia in August 2011 after the declaration of famine but then soon reversed this bit of goodwill and, in January 2012, allegedly outraged over expired food commodities, finally banished the ICRC from the south-center.<sup>143</sup>

Al-Shabaab's reasons for banishing aid organizations appeared at times ideological. For example, on September 16, 2010, the group banned the operations of three international organizations, which they had accused of being linked to the US government and propagating Western ideology.<sup>144</sup> In some other cases, it banned international humanitarian organizations

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<sup>138</sup> Data taken from the Aid Worker Security Database (AWSDB), a non-governmental, research site dedicated to the collection of information on casualties in the international aid sector. Available at:

<https://aidworkersecurity.org/incidents/search?start=2008&end=2008&detail=1&country=SO>. Accessed November 1, 2021.

<sup>139</sup> Ibid. See also *BBC News Channel* (London). 2008. Aid Groups Mull Leaving Somalia. July 14. Available at: <http://news.bbc.co.uk/1/hi/world/africa/7505135.stm>. Accessed December 14, 2021.

<sup>140</sup> Interview, Somalia D.

<sup>141</sup> For example: "On 15 September, Al Shabaab forces occupied several offices of two INGOs in Hiraan, Middle Shabelle, and Lower Juba regions, asked staff to leave the offices and seized assets. As a result of these incidents, the concerned INGOs suspended their operations in central and south Somalia." In OCHA Somalia. "Humanitarian Access Update 01 to 30 September 2010."

<sup>142</sup> There is a disagreement as to the importance of Islamic designation of the organizations that were allowed to remain operational in the South-Center, with some researchers (Jackson and Aynte 2013) arguing that it was the quality of a relationship or willingness to conform to Al-Shabaab's requests that determined who was allowed to stay.

<sup>143</sup> *Guardian* (London). 2012. Red Cross Banned from Areas of Somalia Under Al-Shabaab Control. January 31. Available at:

<https://www.theguardian.com/world/2012/jan/31/red-cross-somalia-al-shabaab>. Accessed October 10, 2021.

<sup>144</sup> OCHA Somalia. "Humanitarian Access Update 01 to 30 September 2010."

for refusing to pay randomly assigned fees and bribes. At first, the banning of international organizations was not seen as particularly unfavorable by the local Somali population, which deemed humanitarian assistance corrupt and inefficient.<sup>145</sup> That had changed with time, especially as the famine took hold and the tribes intensified pressure on Al-Shabaab to change its course and allow aid organizations back in.

### 6.2.3. Protractedness and Acceptance

There is another critical factor to consider in discussing aid organizations' engagement with humanitarian principles in their Somalia operation. By the point of famine, Somalia had been a recipient of large-scale humanitarian aid funded by external institutional and state donors for well over two decades, i.e., since at least the last famine in 1991/92. At times, the volume of external aid surpassed all other humanitarian responses globally. In Somalia, the aid community was, by 2011, responding to adverse climatic conditions, most frequently droughts, and the effects of conflicts almost every year since 1992. In 2006, OCHA reported: "The current drought (March 2006) and depletion of resources (water and pasture) in many areas has led many pastoralists and agropastoralists to move either with their livestock to areas where water and food is available or to abandon their locations altogether."<sup>146</sup> The problem was that the 2010-2011 drought may not have looked different from those in 1998-1999, 2002-2004, or 2006,<sup>147</sup> all of which seemed all too familiar to too many people.<sup>148</sup>

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<sup>145</sup> See for example Warsameh, Abdurrahman. 2011. Somalia: Armed Militia Grab the Famine Business. *InterPress Service* (Rome), September 6. Available at: <http://www.ipsnews.net/2011/09/somalia-armed-militia-grab-the-famine-business/>. Accessed December 1, 2021.

<sup>146</sup> OCHA. 2006. "South Central Somalia." Report. Issued in March 2006. Available at: [https://interagencystandingcommittee.org/system/files/legacy\\_files/South%20Central%20Fact%20Sheet.pdf](https://interagencystandingcommittee.org/system/files/legacy_files/South%20Central%20Fact%20Sheet.pdf). Accessed November 27, 2021.

<sup>147</sup> Interview, Somalia C. Skype, September 11, 2021.

<sup>148</sup> Interview, Somalia Q. Skype, October 11, 2021

Physical distance and the protracted and perceived never-changing nature of Somalia's disasters influenced perceptions and resolve at the critical decision-making levels in states' capitals. Prior to 2011, Somalia had already had 1.4 million internally displaced. "Well, Somalia, it's always, you know, this way, what more can we do with it?"<sup>149</sup> Persistent insecurity and little evidence of change created a sense of hopelessness: "This is Somalia. I was there [also] twenty years ago. It's hopeless."<sup>150</sup> Aid organizations struggled to grasp fully and more critically convince the broader international community that their data constituted a shift from Somalia's norm (see also Hobbs, Gordon, and Bogart 2012).<sup>151</sup> The 2004 Standardized Monitoring and Assessment of Relief and Transitions (SMART)<sup>152</sup> surveys showed the high prevalence of malnutrition among children in Mogadishu, with GAM rates of 13.8 percent, only 1.2 percent lower than in April 2011.<sup>153</sup> One interlocutor remarked: "That was really, really revealing of the mood at that time. Nobody wanted to sweat the effort anymore to try what had been tried so many times."<sup>154</sup> Another interlocutor noted the elections in the US which might have influenced the State Department Secretary at the time not to risk negative press.<sup>155</sup> One observer, however, noted that even without it, the gradual progression of famine allows for the unintentional normalization of the phenomenon: "I'm not saying that that was purposeful, that people like, you know, well, just let it fall to pieces. It's more the gradual reduction of food secure households, all the composite indicators, the analysis that went on

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<sup>149</sup> Ibid.

<sup>150</sup> Interview, Somalia D.

<sup>151</sup> Accustomed to seeing nomadic Somali clans displace and move with their cattle through the seasons, at least some aid organizations and donors were quick to dismiss the displacement in 2011 as regular migratory movements or as conflict displacement that had been taking place for decades already. Two-thirds of Somalia's population live in rural areas, and a majority are pastoralists or agropastoralists with nomadic or semi-nomadic lifestyles (Maystadt and Ecker 2014).

<sup>152</sup> SMART methodology was launched in 2002 principally to improve rapid humanitarian assessments as they relate to measuring the nutrition status of children under five years of age and excess mortality due to malnutrition. Available at: <https://smartmethodology.org/about-smart/>. Accessed November 25, 2021.

<sup>153</sup> FSNAU. 2011. "Nutrition Update March – April 2011." Available at: <https://fews.net/sites/default/files/documents/reports/FSNAU-Nutrition-Update-March-April-2011.pdf>. Last accessed March 26, 2023.

<sup>154</sup> Interview, Somalia D.

<sup>155</sup> Interview, Somalia R.

gradually [that made it difficult for people to decide] 'oh crap, now we're in the Red Sea level five of food insecurity!'"<sup>156</sup> The protractedness and graduality created complacency and opened space for the normalization of suffering (Maxwell and Fitzpatrick 2012).

### 6.3. Reconceptualizing Humanitarian Situation

Given thirteen years of conflict that injected a certain degree of weariness in the way the global community viewed Somalia, declaring famine was about data and establishing, beyond doubt, that its indicators were fully met. Two agencies are often credited for relentlessly driving the process: FAO's FSNAU and USAID-funded Famine Early Warning Systems Network (FEWS NET). Hillbruner and Moloney (2012: 21) noted that "[i]n a typical year, FSNAU and FEWS NET produce a series of 14 food security analysis and early warning reports. These include seasonal assessment technical series following the Gu (April– June) and Deyr (October– December) seasons and four quarterly briefs whose production is led by FSNAU, and four Outlook reports and four Outlook updates whose production is led by FEWS NET. [. . .] Between August 2010 and the July 2011 Famine declaration, FEWS NET and FSNAU produced an additional 16 special products focused on the developing crisis. These products came in four broad phases: August–September 2010 (the earliest warnings), October 2010– January 2011 (implications of Deyr season failure), February–March 2011 (Gu season warnings), and May–July 2011 (lead-up to the Famine declaration). These written products were complemented by more than 50 FEWS NET and FSNAU briefings, primarily in Nairobi and Washington DC, to USAID and other donors, the Somalia Humanitarian Country Team, UN agencies, INGOs, and other partners."

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<sup>156</sup> Interview, Somalia Q.



The prediction of the dry La Niña phenomenon was available as early as mid-2010, but its impact was less easy to forecast: in August 2010, FSNAU auspiciously reported the decline in the overall percentage of vulnerable persons from fourteen to ten, albeit bolding out that there remained two million people in need of external humanitarian assistance, also noting that "[c]urrent Gu cereal production is the best in the last 15 years and exceptionally good across most agricultural livelihoods of the country. The improvement builds on early, above average and well-distributed Gu rains; increased cultivation (harvested area is 118% of Post War Average (PWA)) due to displaced people's involvement in farming (Shabelle particularly) and high cereal prices that drove farmers to produce more for own consumption and for sale."<sup>157</sup> Moreover, the report stated, "rural households in Bay, Shabelle, Middle Juba, Gedo, Bakool and Northwest Agropastoral and a portion of better-off and upper middle wealth groups in Lower Juba have cereal stocks sufficient for 5-10 months. Increased stocks are due to consecutive seasons of good cereal production, including Deyr 2009/10 (121% of PWA), Deyr 2009/10 off-season, Gu 2010 (137% of PWA) and forthcoming Gu 2010 off-season harvest."<sup>158</sup> The August data further showed malnutrition rates to have marginally improved even in the rural areas of Bakool and Bay regions, the epicenters of the famine. This development triggered a twenty-six percent reduction in the number of people in crisis since Deyr 2009/10.<sup>159</sup> The quarterly FSNAU brief, along the same lines, reported that "[t]he decrease in cereal prices in Shabelle, Juba and Bay regions during July-September 2010 has translated into improving trend of household purchasing power in these regions."<sup>160</sup>

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<sup>157</sup> FEWS NET. 2010. "Food Security & Nutrition Special Brief - Post Gu 2010." Analysis. September 6. Available at: [https://fewsn.net/sites/default/files/documents/reports/Somalia\\_FSNAU%20postGu\\_09\\_2010.pdf](https://fewsn.net/sites/default/files/documents/reports/Somalia_FSNAU%20postGu_09_2010.pdf). Accessed November 13, 2021.

<sup>158</sup> Ibid: 16

<sup>159</sup> Ibid: 16

<sup>160</sup> FSNAU. 2011. "Food Security and Nutrition Analysis Unit-Somalia." Quarterly Brief - Focus on Deyr Season Early Warning, published on November 4, 2011. Available at: <https://fewsn.net/sites/default/files/documents/reports/FSNAU-Quarterly-Brief-November-2010.pdf>. Accessed

By January 2011, however, the tone changed. The warnings of greater food insecurity and serious food security concerns were increasingly replaced by more specific phrasing. On January 28, FSNAU's press release noted "dramatic increases in local cereal prices, increased levels of malnutrition (including the highest levels ever recorded among IDPs in the Afgoye corridor and a GAM prevalence greater than twenty percent in six areas of the south), the collapse of cattle markets in the Juba regions, and a twenty percent increase in the size of the population in need of emergency assistance" (Hillbruner and Moloney 2012). FEWS NET's Security Outlook for the first six months of 2011 warned that the impact of the "La Nina phenomenon on October-December rainfall and the early onset of hot and dry long Jilaal season, the food security situation in most areas of the country will likely deteriorate over the coming months, reversing improvements in food security which followed the 2010 Gu season."<sup>161</sup> FSNAU's February report was even more specific – the nutrition gains and the reduction of humanitarian needs from last year were now reversing. The report described the pastoral areas in most of the country to be severely affected by the water crisis caused by largely failed Deyr rains.<sup>162</sup> The cereal production was at eighty percent decline, although the report noted, significantly, not in southern Somalia, where the production was "still at 94 percent of the annual PWA, which is attributed to bumper Gu harvest."<sup>163</sup> In March, FSNAU and FEWS NET recognized that "[f]ood insecurity nationwide in April is worse than anticipated in January

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November 15, 2021. See also, the UN Secretary-General's report to the UN Security Council [on Somalia], S/2010/675 from December 30, 2010, which stated: "There has been a marked, but fragile, improvement of the humanitarian situation in Somalia owing to two good rainy seasons and the resulting exceptionally high harvests. However, these tenuous improvements are threatened by dry weather conditions and an upsurge in conflict which started concurrently in August and continued to intensify until the end of the year." The report is available at: <https://digitallibrary.un.org/record/695987?ln=en>. Accessed November 28, 2021.

<sup>161</sup> FEWS NET. 2011. "Somalia Food Security Outlook: January 2011 to June 2011." Available at: [https://fewsn.net/sites/default/files/documents/reports/Somalia\\_OL\\_01\\_2011\\_final.pdf](https://fewsn.net/sites/default/files/documents/reports/Somalia_OL_01_2011_final.pdf). Accessed November 15, 2021.

<sup>162</sup> FSNAU. 2011. "Food Security and Nutrition Analysis Unit-Somalia. 2011. Special Brief - Post Deyr 2010/11." Analysis, February 15. Available at: [https://fewsn.net/sites/default/files/documents/reports/somalia\\_FSNAU\\_postdeyrbrief\\_02\\_2011.pdf](https://fewsn.net/sites/default/files/documents/reports/somalia_FSNAU_postdeyrbrief_02_2011.pdf). Accessed November 13, 2021.

<sup>163</sup> Ibid.

2011, particularly in pastoral areas of north, southern and central Somalia, due to the extended delay in the start of the Gu rains."<sup>164</sup> On March 15, in its East Africa Food Security Alert, FEWS NET wrote in bold: "In marginal cropping areas of Juba and Hiran (southern Somalia), where humanitarian access is constrained, and the median GAM prevalence had already exceeded 25 percent as of December 2010, localized famine conditions, including significantly increased child mortality, are possible if the worst case scenario assumptions are realized."<sup>165</sup> The evidence and the declarative statement were eventually made three months later, on July 19, in Nairobi, when FSNAU and FEWS NET released their joint report entitled "Famine in Southern Somalia: Evidence for Declaration."<sup>166</sup>

The hard evidence for famine came in the form of the SMART survey, the first one of which was completed in displacement camps in Mogadishu city in April 2011, showing the morbidity at twenty-six percent among the internally displaced children under five years of age and mortality of 2.2 per 10,000 children under five years of age.<sup>167</sup> Over thirty SMART surveys were done in the summer and fall of 2011.<sup>168</sup> Based on the partial survey results, FEWS NET and FSNAU first identified famine in the provinces of Lower Shabelle and Bakool.<sup>169</sup> In August and September, they added four other areas: the provinces of Middle Shabelle and Bay, IDP camps in Mogadishu, and Mogadishu suburb named the Afgooye Corridor with over

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<sup>164</sup> FEWS NET/FSNAU. 2011. "Somalia Food Security Outlook April to September 2011." Available at: [https://fews.net/sites/default/files/documents/reports/Somalia\\_OL\\_2011\\_04.pdf](https://fews.net/sites/default/files/documents/reports/Somalia_OL_2011_04.pdf). Accessed November 13, 2021.

<sup>165</sup> FEWS NET. 2011. "East Africa Food Security Alert." March 15, 2011. Available at: [https://fews.net/sites/default/files/documents/reports/East\\_Regional\\_Alert\\_03\\_15\\_2011.pdf](https://fews.net/sites/default/files/documents/reports/East_Regional_Alert_03_15_2011.pdf). Accessed August 15, 2023.

<sup>166</sup> See FEWS NET/FSNAU. 2011. "Famine in Southern Somalia. Evidence for Declaration." Issued in Nairobi, Kenya, July 19.

<sup>167</sup> FSNAU. "Nutrition Update March – April 2011."

<sup>168</sup> FEWS NET/FSNAU. 2011. "Special Report. Famine in Southern Somalia. Evidence for an Updated Declaration." Issued on September 2. Available at: [https://fews.net/sites/default/files/documents/reports/FEWS%20NET\\_FSNAU\\_EA\\_Famine%20Declaration\\_09\\_0211.pdf](https://fews.net/sites/default/files/documents/reports/FEWS%20NET_FSNAU_EA_Famine%20Declaration_09_0211.pdf). Accessed November 5, 2021.

<sup>169</sup> Ibid.

400,000 displaced<sup>170</sup> sheltering in self-erected makeshift structures. The UN consequently extended the famine declaration to those provinces as well and placed a few others on a famine alert list (Maxwell *et al.* 2012).

It is generally accepted that the early warning system “was timely, accurate, and actionable” but not heeded (Hillbruner and Moloney 2012). Hugo Slim in the IASC-contracted evaluation of the famine response noted the epistemic problems of the humanitarian community writ large with reading the situation, as well as the lack of trust in the quality and veracity of reporting. Slim further noted the entrenched pessimism about donor generosity, saying: “A certain Somalia mindset across donors and humanitarians—steeped in long years of perpetual crisis and constrained engagement—hoped too much for good April rains. When these did not come and FSNAU’s June nutritional data was appalling, the HCT and donors were not sufficiently prepared.”<sup>171</sup> There are others adamant that the claims ‘they did not know the famine was coming are false.’<sup>172</sup> “We hosted briefings with the EU on famine. How many briefings we had!” exclaimed in an interview one high-level USAID official.<sup>173</sup>

#### 6.4. Transforming Humanitarian Response After the Declaration of Famine

Humanitarian assistance to Somalia began to ramp up with the declaration of famine in July 2011 (Maxwell *et al.* 2016; Hobbs, Gordon, and Bogart 2012)<sup>174</sup> and the access by aid

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<sup>170</sup> UNSC. 2011. Report of the Secretary-General on Somalia. (S/2011/549). UN Security Council, August 30. Available through: <https://reliefweb.int/report/somalia/report-secretary-general-somalia-s2011549>. Accessed November 5, 2021.

<sup>171</sup> Slim, Hugo. 2012. “IASC Real-Time Evaluation of the Humanitarian Response to the Horn of Africa Drought Crisis in Somalia, Ethiopia and Kenya - Synthesis Report.” Evaluation and Lessons Learned. Posted on July 18, 2012. Available at: <https://reliefweb.int/report/world/iasc-real-time-evaluation-humanitarian-response-horn-africa-drought-crisis-somalia>. Last accessed on March 24, 2023.

<sup>172</sup> Interview. Somalia Q.

<sup>173</sup> Ibid.

<sup>174</sup> See also media reporting, for example, Warsameh, Abdurrahman. 2011. Somalia: Children on the Verge of Death Left Behind to Save Those Who Had a Chance. *InterPress Reporting* (Rome), July 20. Available at: <http://www.ipsnews.net/2011/07/somalia-children-on-the-verge-of-death-left-behind-to-save-those-who-had-a-chance/>. Accessed December 3, 2021.

organizations to the south-center and diversion appeared (at least temporarily) improved. Al-Shabaab caved under pressure by clans and some of their own proponents of international assistance,<sup>175</sup> although it soon ended up reneging on its previous public statements supporting aid access to the areas under its control (Menkhaus 2012).<sup>176</sup> And thus, while the declaration of famine appeared to have helped the IHS gain the principled standing for a period of time, the gain was short-lived and the context soon again shifted towards instability, and extreme access challenges. The above statement does not negate the efforts that have gone into the declaration-making decisions – such as those by FSNAU and FEWS NET as the most vocal but also others noted elsewhere in this chapter. Indeed, for the system to make a principled decision, moral conviction, and endeavor to act on it by one or more system members is required.

Several critical changes were triggered by the famine declaration: one, the UN and the rest of the international community began to seek ways to re-establish its presence in Somalia;<sup>177</sup> two, the humanitarian appeal was revised from \$561 million to 1.06 billion; three, the humanitarian program was revamped to include broader and better monitored cash assistance, local organizations (Hobbs, Gordon, and Bogart 2012; Haan, Devereux, and Maxwell 2012; Maxwell and Majid 2016), and innovative approaches such as climate-smart agriculture support;<sup>178</sup> and four, the UN took stock of its activities and operational modality including contracting and oversight practices, transferring some oversight (and by extension decision-making) responsibilities from the field over to agencies' headquarters and ultimately the

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<sup>175</sup> Hogendoorn, EJ. 2011. "Somalia Famine and International Response." Op-Ed. International Crisis Group (ICG), August 7, 2011. Available at: <https://www.crisisgroup.org/africa/horn-africa/somalia/somalia-famine-and-international-response>. Accessed September 14, 2021

<sup>176</sup> See, also, UNSC Report S/2011/549.

<sup>177</sup> Interview, Somalia Q.

<sup>178</sup> Interview, Somalia R.

ERC.<sup>179</sup> Most importantly, it started monitoring and diligently recording its supply chain, the volume of commodities, and beneficiaries.<sup>180</sup> In parallel, several other donors and organizations traditionally outside the system, such as the Organization of Islamic Cooperation (OIC), the government of Turkey, and the government of the United Arab Emirates began to engage at levels not seen before (Svoboda *et al.* 2015).

The famine declaration dispelled the world's dismissal of Somalia as an impenetrable problem. In a matter of months, the humanitarian budget soared from \$300 million to over \$880 million.<sup>181</sup> The US Department of the Treasury issued an OFAC license, a waiver from prosecution for USAID and State Department PRM personnel responsible for disbursing funds to their humanitarian partners, thus allowing the re-injection of money into the humanitarian programs. The waiver also addressed the aid workers' vulnerability in the face of criminal liability associated with US terrorism legislation. The Somalia humanitarian response thus became the largest globally: many UN agencies and almost two hundred non-governmental organizations, of whom over a hundred were national organizations, appealed for and received the funds they asked for.<sup>182</sup> Field reports suggested a significant improvement in access to rural areas of south-central Somalia and displacement camps, both most ravaged by famine (Hobbs, Gordon, and Bogart 2012). Around the same time, Al-Shabaab recorded military losses in and around Mogadishu, creating opportunities for these renewed efforts to reach the destitute population in the Agfooye corridor and Mogadishu.<sup>183</sup> As Al-Shabaab withdrew from the

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<sup>179</sup> Interview, Somalia Q.

<sup>180</sup> Ibid.

<sup>181</sup> OCHA. 2011. "Somalia Humanitarian Overview." Vol. 4 Issue 4. Issued in April 2011. Available at: <https://reliefweb.int/report/kenya/somalia-humanitarian-overview-vol-4-issue-4-april-2011>. Accessed June 3, 2022.

<sup>182</sup> OCHA FTS. Somalia 2011.

<sup>183</sup> Hogendoorn, EJ. "Somalia Famine and International Response."

capital, the UN was able to start planning for a greater presence in Mogadishu, albeit still adhering to its "bunkerization" policy.

As stated earlier, the humanitarian gains were short-lived. By the end of 2011, Al-Shabaab had again banned international organizations, including the previously exempt ICRC. In the rest of the country, aid diversion incidents and fake camps resurfaced, as did reports of Somali officials defrauding humanitarian organizations.<sup>184</sup> The food security situation, however, improved as the rains returned in the summer and fall of 2011. In February 2012, the UN declared the end of the famine.<sup>185</sup>

### 6.5. Case Analysis: Humanitarian Principles in Decision-Making

Few other humanitarian operations have been as harshly criticized as the one in Somalia in 2010 and 2011 for inaction and wastefulness. Criticism is perhaps warranted – after all, aid organizations’ own evaluations concluded that the humanitarian system failed,<sup>186</sup> the implication being that it neglected to adhere to some or all of its own core principles: one, to respond timely to life-saving needs (humanitarian imperative); two, to prioritize their assistance according to need without discrimination (impartiality); three, to ensure that no political agendas are advanced through aid and no sides to the conflict are taken (neutrality); and four, to make sure that all decisions are made independently by aid organizations alone based on their own criteria and principles (independence).

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<sup>184</sup> See for example Warsameh, Abdurrahman. 2011. Somalia: Armed Militia Grab the Famine Business. Also, Abokar, Shafi'i Mohyaddin. 2011. Somalia: Food Aid Stolen from Famine Victims. *InterPress Service* (Rome), September 5. Available at <http://www.ipsnews.net/2011/09/somalia-food-aid-stolen-from-famine-victims/>. Both accessed December 4, 2021.

<sup>185</sup> Somalia continued to struggle with conflict and malnutrition and periodic episodes of climate-related large-scale food insecurities. By the time this case study was entering its final editing stages in 2022, the country was on the verge of another faminogenic crisis.

<sup>186</sup> See DARA. "IASC Evaluation of the Humanitarian Response in South Central Somalia 2005-2010."

Indeed, one could argue that the fact that famine occurred during the ongoing humanitarian operation was a failure to mitigate the conditions that led to it. By that metric, Somalia's IHS failed to engage fast enough. Articulating an intent to define a principled ethical position at the system-level was indeed slow, even though that may not be quite the case for all IHS members. The ICRC, for example, continued operating in famine-stricken areas, and so did some national organizations. Two information management agencies seemed most intent on changing the position of the system: FSNAU and FEWS NET. Both engaged in internal advocacy within the IHS and external advocacy with donors before they were able to produce the data that started shifting the narrative.

The question, however, is whether and how much power the IHS had to shift the narrative. Aid organizations argued that acting on a humanitarian imperative was simply impossible given the limitations imposed by the donors (in particular, the anti-terrorism legislation) and Al-Shabaab itself. However, even without those limitations, pumping aid in the economy characterized by corruption and diversion also hardly met the requirement. The longevity of the humanitarian operation, instead of building confidence and nuanced knowledge of the place and the dynamics at play, created a sense of sameness and hopelessness: droughts happen regularly, conflicts never cease, and people migrate for all sorts of reasons, including to avoid droughts. Donor states' counter-terrorism legislation conflated aid programs with other nefarious activities supporting terrorist organizations, thus compromising the safety of aid programs and aid workers. The history of aid diversion, corruption, and lawlessness added to the sensation of the enormous insoluble problem that Somalia appeared to be. Such an environment made it challenging for the humanitarian system's decision-makers (principally, the humanitarian coordinator and the rest of the humanitarian country team members), bearing the ultimate responsibility for its decision vis-à-vis the donors and its own political bodies in New York, to see itself as possessing of the power to make decisions critical of the prevailing political



positions. The intentionality was, therefore, partial: until there was indisputable evidence of the presence of famine, the system remained largely passive, despite the internal advocacy by a few organizations. And still, the advocacy proved fruitful, leading one aid worker to conclude: “Maybe we failed to meet [the requirements of] humanitarian imperative, but we were the only ones trying.”<sup>187</sup> One can criticize the aid organizations for their lack of courage or ideas or lack of foresight, but it still ought to be recognized that the aid organizations and the humanitarian system eventually did manage to shift the narrative, with the famine declaration serving as a critical point at which both Al Shabaab and donors had to concede to humanitarian demands. At least to a degree, they thought realistic and convenient.

The same challenge in assessing whether aid organizations failed to act on the humanitarian imperative principle concerns the principles of impartiality. While there is no evidence that aid organizations intentionally discriminated against beneficiaries, they most certainly did as a function of funding conditionality and access restrictions. Operationalizing other principles was equally problematic. Al-Shabab did not accept the international aid community as neutral - or sufficiently neutral to be harmless to its religious ideals and aspirations (however extreme to some they may seem). Elsewhere, national authorities largely disregarded the aid community’s claims of life-saving mandates and the humanitarian standards and principles, instead viewing external aid as an opportunity. “Government officials positioned themselves as intermediaries in the flow of resources to refugees, diverting much of the relief in what became a lucrative racket. The regime insisted on grossly inflated numbers of refugees—800,000—in order to double the amount of food aid supplies from aid agencies, and expelled foreign diplomats who dared to question government figures” (Menkhaus 2010: 3). In some way, the delivery of aid flew in the face of neutrality and independence, and aid organizations

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<sup>187</sup> Interview. Somalia Q.

faced the dilemma of pursuing the humanitarian imperative or retracting their aid to reclaim neutrality and independence. When the WFP did precisely that in January 2010 in response to Al-Shabaab's conditions (some of which, such as local food sourcing, may not have been entirely unreasonable), Al-Shabaab responded by not allowing the organization later to return, depriving many people of the much-needed food.

Aid organizations' neutrality was also compromised elsewhere. Changing the perceptions would have been hard given the history of aid organizations' association with the UN peacekeeping forces and the blending of political and humanitarian agendas for years before.<sup>188</sup> Moreover, in Somali eyes, international organizations were a part of the same world as Ethiopian and Kenyan invaders – referring to UN-authorized military interventions of 2007 and 2011 - legitimized through the United Nations resolutions and never sanctioned for the committed atrocities. Because the aid organizations failed to speak out or disassociate themselves from the atrocities committed by forces executing the UN-sanctioned mandate, the aid organizations too were seen by local actors as political actors or their spies (S. J. Hansen and Gaas 2011). The international organizations also clearly aligned themselves with the Western states that provided most of their funding. When USAID decided to enact its Al-Shabaab sanctions in 2009, most INGOs caved in, in fear of violating their major donor's laws, earning them a reputation as silent, uncoordinated, divided, and consequently weak.<sup>189</sup> Only the ICRC, still funded by the US Department of State, continued their operation in the south center. The ICRC operated through the Somalia Red Crescent Society which often sourced the

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<sup>188</sup> Slim, Hugo. "IASC Real-Time Evaluation of the Humanitarian Response to the Horn of Africa Drought Crisis in Somalia, Ethiopia and Kenya - Synthesis Report."

<sup>189</sup> In 2013, one researcher wrote: "[. . .] NGO advocacy has been falling short of its potential to influence. Negative perceptions of NGOs inside Somalia, and their relative reticence on engaging with the [government] compared to donor governments and the UN, have dented their credibility. External stakeholders have been dismissing NGOs as divided, reactive and out of touch. The voice they wanted to use on behalf of Somalis in need has not been coherent and authoritative enough to be reliably heard" (in Ellie Kemp. "NGO Voice in the Humanitarian Response in Somalia: Challenges and Ways Forward").

delivery further down to local groups and persons thus minimizing exposure and risk of being seen as an “external” actor. What worked for the ICRC did not work for WFP, which also sourced its implementation and supply chain to local groups and individuals but found itself in the middle of the diversion scandal. At the end, not even the ICRC was spared – in early 2012, the ICRC was banned by Al-Shabaab from operating in the south-center.

UN agencies also struggled to establish themselves as neutral agents for other reasons. Differentiating between UNICEF as a UN agency and UNSC as a member states’ political body of the highest order, or UNDP as a development organization and UNHCR as a humanitarian one, was tricky and meaningless, especially when the mandate and rules of engagement for operational organizations come from the same place as sanctions and approvals for UN Charter Chapter VII interventions.

Equally problematic was the notion of operational independence. For one, the aid organizations appeared to have their hands tied by different parties in different ways. First, the US government’s sanctions and anti-terrorism legislation pertaining to al-Shabaab abruptly stopped a much-needed funding stream, and equally importantly, created fears of legal implications for non-complying aid organizations. While the sanctions were limited to the US government’s assets, personnel, and organizations funded by the US government, their reach was significantly larger, and no organization (regardless of whether the US government funded them)– or donor – was willing to risk jeopardizing their good standing by violating the sanctions. That also affected the ability of aid organizations to determine aid prioritization based on needs versus availability of funding. Second, in all parts of Somalia, the scarcity of resources made external aid extremely valuable, and its widespread accessibility made it easy prey for both armed groups and governments alike. Without the predetermined, agreed-upon controls, the aid appeared more like a “free-for-all” commodity than anything structured or

reasoned. It did not take much force or threat to cause the diversion of aid, perhaps proving it right that “those with guns never go hungry” (LeRiche 2004: 105).

None of the principles is an absolute category, free of context and political environment, personal concerns of safety, and the consideration of risks versus opportunities. If measured by action, much could have been done differently (not necessarily better or worse) or faster. But the action eventually happened, changing the equation for many Somalis. Hypothetically speaking, the humanitarian system may have more efficiently responded to the emerging famine had it not been for a whole slew of conditions and factors that affected humanitarian calculations: one, the humanitarian community’s remote set-up that affected its ability to confidently build the argument about the conditions on the ground; two, Al-Shabaab’s access restrictions and rampant corruption and diversion in other parts of the country; three, key donors (the US government in particular), anti-terrorism legislation, and funding conditionality; four, global approach to Somalia characterized by defeatism and complacency (apart from Al-Shabaab containment efforts); and five, apparent lack of humanitarian community’s confidence in its own ability to challenge the status-quo.

#### 6.5.1. The Significance of the Famine Declaration

Previous chapters described how the declaration of famine brought some significant changes on the ground, from improving the aid organizations’ accessibility to people in need of assistance<sup>190</sup> to increasing state funding contributions (Lautze *et al.* 2012; Lindley 2014). More than anything, the declaration improved the ability of aid organizations to lobby states and legislators to release their funds and remove legal obstacles impairing aid operations in the

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<sup>190</sup> United Nations Political Office for Somalia (UNPOS). 2012. “SRSG for Somalia Moves to Mogadishu after 17 Year Absence.” Media release, January 27. Available at: <http://unpos.unmissions.org/Default.aspx?tabid=9744&ctl=Details&mid=12667&ItemID=11579&language=en-US>. Accessed February 17, 2022

country.<sup>191</sup> But the decision to declare famine was not an easy one to make. It took some organizations' initiative to pursue their efforts to convince the reticent UN and their donors that evidence of famine was sufficient for the humanitarian coordinator to, with HCT consent, make the call. FEWS NET and FSNAU were most probably driven by their agencies' mandates and sense of duty rather than the more explicit effort to improve on the humanitarian imperative or other principles, but in effect, their efforts resulted in precisely that. From the outcome perspective, the two agencies forced the humanitarian system to reclaim the space for itself to make humanitarian decisions. In that regard, some measure of neutrality and independence, along with humanitarian imperative and impartiality, was achieved, at least for a period of time.

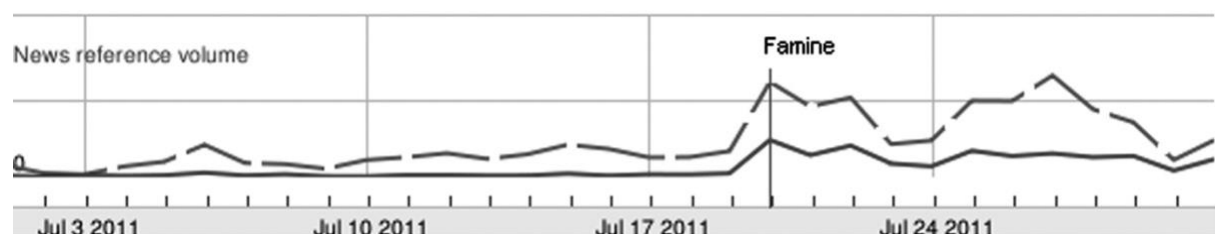
Once the declaration was made, Somalia earned its place in Western media again, achieving what had been termed a "CNN effect" (Lindley 2014) (Figure 6-4). Addressing the United States Congress in August 2011, Mercy Corps Senior Director of Policy and Advocacy, and later Director of USAID's Office of US Foreign Disaster Assistance (OFDA),<sup>192</sup> Jeremy Konyndyk stated: "The FY2012 [US fiscal year 2012] outlook is not encouraging, with the House of Representative proposing to slash the very accounts that are financing the US government response: Food for Peace (a 30% proposed cut below FY11 levels, and 50% below FY08 levels); International Disaster Assistance (a 12% proposed cut below FY11 levels); and Migration and Refugee Assistance (an 11% proposed cut below FY11 levels). Enacting such cuts in the face of the worst famine the world has seen in several decades would be disastrous, and I would urge the Senate to ensure that these accounts are protected in the FY2012 budget deliberations. But I suspect that even more must be done. In years past, a disaster of this magnitude would have been cause for a supplemental – like the three billion dollar

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<sup>191</sup> See for example, US Senate African Affairs Subcommittee hearing on August 03, 2011, available at <https://www.c-span.org/video/?300882-1/drought-famine-horn-africa>. Last accessed March 25, 2023.

<sup>192</sup> Currently, USAID's Bureau for Humanitarian Assistance (BHA).

supplemental that was passed last year to support the Haiti response. I would urge the Congress to consider a supplemental budget appropriation to address this crisis.”<sup>193</sup> The advocacy worked – USAID increased its contribution to \$135 million that year.<sup>194</sup> The UN instituted a rigorous system of reporting requiring clusters and aid organizations to provide weekly progress activities, putting enormous pressure on the aid system.<sup>195</sup> In February 2012, the UN staff, led by the UN Special Representative of the Secretary-General, relocated to Mogadishu after seventeen years. Consequently, Somalia’s aid operation became, to date, the largest known cash transfer operation in the world (Lindley 2014). It seems possible to conclude that the declaration of famine and the newly gained access enabled in part through advocacy created a moment when all core humanitarian principles were met, albeit briefly. Adequately responding to the famine was not solely about responding to the humanitarian imperative in Somalia but also about meeting the impartiality criterion and reclaiming a degree of neutrality and independence.



\*Note: ‘Somalia’ = punctuated line; ‘famine’ = unbroken line.

Figure 6-4 – Media References to Somalia and Mortality Data (Rubin 2014: 13)\*

<sup>193</sup> US Senate African Affairs Subcommittee hearing on August 03, 2011.

<sup>194</sup> USAID. 2011. *Horn of Africa Drought. Fact Sheet #11*. Fiscal Year (FY) 2012. Released on December 15. Available at: [https://pdf.usaid.gov/pdf\\_docs/PA00J4G1.pdf](https://pdf.usaid.gov/pdf_docs/PA00J4G1.pdf). Accessed August 31, 2023.

<sup>195</sup> Interview. Somalia Q.

## 6.6. Conclusion

Humanitarian assistance is rarely ever a solution, and it certainly cannot be thought of as a panacea for a whole slew of conditions leading to famine, some involuntary as in the case of climatic or environmental changes, others intentional, as in the case of wars and starvation (de Waal 2018). The circumstances surrounding Somalia's 2011 famine were complex, fluid, and unpredictable, while the country was so fragmented and divided that access was almost exclusively possible only to those who belonged to a specific territory and those controlling it. The absence of unified, competent authorities was an immensely complicated factor for aid organizations that established themselves instead in Nairobi, complicating information flow and delaying critical decision-making by the aid organizations and their system. Diversion, corruption, lawlessness, and lack of basic security guaranteed to aid organizations dominated the political landscape, undermining trust in the knowledge, information, and data emanating from the field. Moreover, the international political climate was that of apathy and risk aversion, reinforced by international anti-terrorism and legal (anti-terrorism) hurdles. Still more problematic were domestic woes: Al-Shabaab did not welcome or accept external aid, nor did it accept its values as universal and without an ulterior motive. Elsewhere, Somali authorities also did not care for its rationale, although they 'appreciated' the personal benefits humanitarian aid offered them. Minimizing the risks and threats and maximizing utility was the aid community's greatest challenge. Somali context, i.e., the scale and magnitude of challenges and limitations, shaped the ability and the perception of that ability by the international humanitarian system to influence the policy and affect the change.

From the perspective of international relations, Somalia is an example of the subservience of international organizations (except for the ICRC) to the broader power structure enjoyed by states and the political priorities set out by the states with a vested interest in that part of the world. But the tragedy of it was a confluence of political factors that played out domestically

and internationally, paralyzing and confusing the inadequately prepared and empowered humanitarian system. That is, at least until the moment the tide changed, and the humanitarian system felt it in its power to re-engage in the global political arena. Data, in the form of SMART surveys, changed the equation for the aid organizations, formulating the situation Foucault (Foucault and Rabinow 1997) termed power-knowledge.

While humanitarian principles played a limited role in defining humanitarian response prior to the famine – except for the mere fact that aid operations were implemented, albeit at a distance and with minimal contextual adjustments – humanitarian principles did appear to come together to form an ethical response after the declaration of famine. The answer, therefore, to whether humanitarian principles guided (or not) the aid operation in Somalia is that they sometimes did, most clearly when the famine was called. Famine-related advocacy was critical for the aid system to reclaim its ethical space: to evoke humanitarian imperative in demanding access and resources, adjust impartiality, and salvage its neutrality and independence by taking the position that belonged to nobody but humanitarian organizations implementing life-saving activities.



## 7. Yemen: Humanitarian Principles and Access in War of 2015 – Case Study 2



Figure 7-1 – Map of Yemen<sup>196</sup>

In 2015, aid organizations declared Yemen to be the world's worst humanitarian crisis teetering on the brink of famine.<sup>197</sup> Purposefully coined to make an effect on the larger political and donor community, this unflattering title was likely well deserved given the scale of assessed humanitarian needs across most parts of Yemen. Yemen's long history of environmental degradation and mismanagement of natural resources, harsh and inhospitable climate and landscape, rampant corruption, and persistent conflicts produced chronic countrywide poverty

<sup>196</sup> Obtained from Worldometer at: <https://www.worldometers.info/maps/yemen-map/>. Accessed March 27, 2023.

<sup>197</sup> See, for example, Kouddous, Sharif Abdel. 2015. Yemen is Now the World's Worst Humanitarian Crisis. *Global Post*, December 22. Available at: <https://www.pri.org/stories/2015-12-22/yemen-now-world-s-worst-humanitarian-crisis>. Accessed February 3, 2021

with staggering malnutrition rates. Writing for the Middle East Institute, Gerald Feierstein remarked: “There is no ten-year period in Yemen’s history since the 1960s that has not witnessed violent conflict, coups, or civil insurrection.”<sup>198</sup> Described as a failed state, vulnerable to violence, political upheavals, and anarchy,<sup>199</sup> the country has traditionally produced very little food for domestic consumption and was dependent on imports for almost everything. The Arab Spring of 2011 eventually put a nail in the coffin to the twenty-two-year autocratic rule of Ali Abdullah Saleh, who was, as part of the Gulf Cooperation Council (GCC)-negotiated peace agreement, replaced by his deputy Abdrabbuh Mansur Hadi in September that year. Hadi held the post of president of Yemen for the next ten years, but only first three from Sana’a. In 2014, capitalizing on the absent and weak government, Al-Houthi, a militant group based in the Sa’ada governorate, expelled President Hadi and the government from Sana’a, establishing control over northern Yemen. The following year, at the invitation of the exiled president, the KSA and its coalition of mostly GCC member states, with support from the US and UK, declared war on Al-Houthi. The escalation had almost an immediate effect on the humanitarian access as the KSA sealed off Yemen’s maritime and aerial borders, inhibiting the flow of food and other essential goods into the country. While the aid community contended with the blockade, the situation on the ground was getting additionally complicated as a result of aid diversion, insecurity, and aid instrumentalization.

By 2015, the humanitarian coordination structure had been in place for about seven years, focused predominately on malnutrition, refugees, and internal displacement. Access to IDPs in the Sa’ada governorate, but also much of central and eastern Yemen and Al-Qaeda-controlled communities in the east and south, was a challenge for a variety of reasons related to security

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<sup>198</sup> Feierstein, Gerald M. 2019. “Yemen: The 60-Year War.” Policy Paper 2019-2. Middle East Institute. Page 3. Available at: <https://www.mei.edu/sites/default/files/2019-02/Yemen%20The%2060%20Year%20War.pdf>. Accessed September 22, 2023.

<sup>199</sup> Ibid.

due to localized conflicts, corruption, and demands for bribery. Responding to humanitarian needs meant constantly renegotiating the terms of humanitarian delivery. The reconsideration of humanitarian scope and delivery frameworks became particularly relevant when the conflict expanded in terms of geography, number of people affected, and the level of violence. The topic of this chapter is the humanitarian organizations' response to the change in the context created by the conflict intensification, the expansion of the Houthi influence, and the entry of the KSA and its coalition into the war, given its implication on humanitarian programs. In Yemen, I was interested to learn how the international humanitarian system responded to the situation of widespread and rising needs and the increasingly complicated political situation.

### 7.1. Humanitarian Baseline and International Aid

*I thought of the Arabian coasts stretching on either hand: - three hundred miles to Aden; how many to Muscat in the other direction? the Indian Ocean in front of me, the inland deserts behind: within these titanic barriers I was the only European.... A dim little feeling came curling up through my sleepy sense; I wondered for a second what it might be before I recognized it: it was Happiness, pure and immaterial; independent of affections and emotions, the aethereal essence of happiness, a delight so rare and so impersonal that it seems scarcely terrestrial when it comes (Freya Stark (2001: xi), writing from Hadramawt in Yemen, 1934).*

Even though one of the world's poorest countries, Yemen is paradoxically also known as "Arabia Felix" or happy Arabia. I experienced that as an aid worker in Yemen in 2011 and, again, in 2013 through the Yemeni self-deprecating humor and the propensity to portray grave situations as comical. Elsewhere in my peculiar line of work, I have seen people wanting to be taken seriously. I had mistakenly expected the same from the country with such extreme paucity of resources and rampant malnutrition.

The country's landscape is dominated by bare and rugged mountains, which in the north reach over 3,000 meters in altitude. In the south and west, the mountains descend into a long and

narrow semi-desert coastal plain - known as the Arabian Peninsula Coastal Fog Desert for its frequent thick, low visibility fogs. Yemen has no permanent rivers. Its climate is arid and semi-arid, with long dry spells intercepted by heavy rains once or twice a year in some parts of the country. Climate change has increased the variability and intensity of rains with utterly devastating effects on the rural populations, their dwellings, and farms. Nonetheless, due to a long history of unsustainable water exploitation, Yemen is rapidly running out of underground water reserves. Yemen is also running out of land for cultivation. According to the World Bank, in 2015, only 2.91 percent of the land was arable, and less than 0.6 percent planted with permanent crops.<sup>200</sup> Yet, seventy percent of the Yemeni population, or close to 18.5 million people, depend on agriculture for income.<sup>201</sup> Over half of the economically active population works on farms, most of which are only about a hectare in size.<sup>202</sup> The shrinking of the arable land means that the domestic production of cereals, vegetables, and fruits has decreased, making Yemen dependent on food imports.<sup>203</sup> It does not help that many farmers prefer to grow qat, a plant that is chewed for its light stimulant effects by ninety percent of the adult population, even though its cultivation requires significant irrigation and the plant itself possesses no known nutritional value.<sup>204</sup>

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<sup>200</sup> World Bank. 2015. "The Republic of Yemen: Unlocking the Potential for Economic Growth. A Country Economic Memorandum." Middle East and North Africa Region Macroeconomics and Fiscal Management Global Practice Report No. 102151-YE. Also, Library of Congress, Federal Research Division. 2008. *Country Profile: Yemen*. August 2008. Available at:

<https://web.archive.org/web/20150316210128/http://lcweb2.loc.gov/frd/cs/profiles/Yemen.pdf>. Accessed February 5, 2021.

<sup>201</sup> Data taken from the Yemeni Ministry of Agriculture website, available at:

<http://agricultureyemen.com/page.php?lng=arabic&id=64>. Accessed February 7, 2021.

<sup>202</sup> World Bank. 2015. "The Republic of Yemen: Unlocking the Potential for Economic Growth. A Country Economic Memorandum," and FAO. 2008. "Country Report - Yemen." Aquastat Report. Rome, Italy: Food and Agriculture Organization of the United Nations. Available at: <http://www.fao.org/aquastat/en/countries-and-basins/country-profiles/country/YEM>. Accessed February 7, 2021.

<sup>203</sup> Ibid.

<sup>204</sup> World Bank. "The Republic of Yemen: Unlocking the Potential for Economic Growth. A Country Economic Memorandum."

Data on the demographics are only available as of the mid-seventies, coinciding with the arrival of international organizations. The first census undertaken in 1975 painted a dire picture: only 4.6 percent of households had electricity, none had access to running water inside their homes, and nineteen percent of people lived in huts, tents, caves, or ‘temporary dwellings’ (Allman and Hill 1978: 160). Moreover, ninety-seven percent of girls and women and sixty-three percent of boys and men ten years and older were illiterate (Allman and Hill 1978: 161). In the mid-1980s, the discovery of oil and natural gas triggered local investment, which, coupled with sizeable international development efforts, brought about improvement of some social and economic indicators. For instance, by 2000, literacy rates rose to thirty-eight percent, and progress was achieved in increasing life expectancy and reducing infant mortality rates (Choueiri *et al.* 2002) while by 2004, the percentage of households with access to electricity increased to forty-five percent.<sup>205</sup> Until about 2010, international development was substantial, reaching close to ten percent of national GDP. Much of the international development was dedicated to improving nutrition status and a substantial portion of that came from the GCC countries,<sup>206</sup> in particular KSA, which reported \$348 billion in development funding to Yemen between 2005 and 2014.<sup>207</sup> Nonetheless, national surveys from 2012 showed as many as forty-six percent of children five years of age or younger to be stunted, i.e., low weight for their age, sixteen percent wasted, i.e., a low weight-to-height ratio, and thirty-seven percent underweight, i.e., low weight for age (Al-Zangabila *et al.* 2021). Moreover, as only about fifteen percent of

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<sup>205</sup> World Bank. 2004. Project Performance Assessment Report - Yemen: Multi-Mode Transport (Credit 2177-YEM); Transport Rehabilitation (Credit 2819-YEM); Privatization Support (Credit 3298-YEM); Public Works II (Credit 3168-YEM). Available at: <https://www.oecd.org/countries/yemen/35302953.pdf>. Accessed February 7, 2021.

<sup>206</sup> Calculated from OECD DAC. Available at: <https://www.oecd.org/dac/development-assistance-committee/>.

<sup>207</sup> United Nations Development Programme (UNDP). 2016. “Partnership in Development and South-South Cooperation: Official Development Assistance of the Kingdom of Saudi Arabia.” Available at: [www.undp.org/dam/saudi\\_arabia/docs/publications](http://www.undp.org/dam/saudi_arabia/docs/publications). Accessed June 4, 2021.

the road network was paved,<sup>208</sup> the country's predominately rural population, counting close to seventy percent of the population, was isolated and often without adequate access to the market economy and public services.<sup>209</sup> By the end of this research, Yemen was among the least developed countries in the region and one of the world's poorest.

Yemen also has had a long history of insecurity and violence. Inter-clan conflict is not uncommon, and from 2004 to 2010,<sup>210</sup> the country was engulfed in a civil war in and around the northern province of Sa'ada, home of Al-Houthi, also known as Ansar Allah, a religious movement formed in the 1990s among Sa'ada's Yemeni Shi'a population. In 2014, Al-Houthi expanded its control to the rest of northern Yemen, including the capital city.<sup>211</sup> In February 2015, President Hadi fled Sana'a to the southern port of Aden, declaring it a temporary capital. On March 24, he invited Saudi Arabia, the United Arab Emirates (UAE), Bahrain, Oman, Kuwait, and Qatar to join the war against Al-Houthi on the side of the government. The following day, he and other government ministers fled Yemen altogether. In April 2015, the UNSC adopted Resolution 2216, recognizing Hadi as the legitimate president of Yemen, and adding an arms embargo to the 2014 sanctions regime against Al-Houthi. The war that started

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<sup>208</sup> As a UNHCR staffer in Yemen in 2011, I frequently traveled between Sana'a and the largest Yemeni port city of Hodaydah, and those trips, the distance of which was just over 225 kilometers, lasted between eight to ten hours. The poor state of mobility and access to services impacted Yemeni population's resilience to environmental and political shocks and made them highly vulnerable and aid-dependent during protracted disasters.

<sup>209</sup> According to the World Bank: "Girls and women in rural areas must often walk for hours each day to collect water for their households" (World Bank. "Project Performance Assessment Report - Yemen.")

<sup>210</sup> There were six rounds of wars waged in the northern governorate of Sa'ada: 1) June to September 2004; 2) March to May 2005; 3) November 2005 to February 2006; 4) January to June 2007; 5) March to July 2008 and 6) August 2009 to February 2010 (Boucek 2010).

<sup>211</sup> Until 2003, Al-Houthi was a religious movement. In 2003, reacting to the US invasion of Iraq, the group's leadership, brothers Mohammed Al-Houthi and Hussein Al-Houthi, turned to politics, staging protests over the United States' invasion of Iraq and calling for the "death to America" and "death to Israel." The Yemeni government responded by sending military troops to Sa'ada. In 2007, the armed forces encircled and besieged the 700,000 residents of Sa'ada governorate, displacing 50,000 people and obstructing transports and delivery of food and other necessities (Freeman 2009). Without support and supplies, Sa'ada infrastructure and public services crumbled. Shortly thereafter, UNHCR began reporting on the effects of the conflict on the local Sa'ada population, raising for the first time the profile of the Sa'ada crisis in the international media. The troops fought Al-Houthi until the cease-fire in 2010, but remained staged around the province until January 2011, when the embattled president recalled them to Sana'a to suppress the growing Arab-spring movement.

in 2014 and intensified in 2015 is in many ways only a continuation of the conflict that had begun in Sa'ada in 2004.

## 7.2. Context Shift and Humanitarian Reaction

The international humanitarian coordination system was set up as a modestly sized endeavor in 2008. Prior to that, humanitarian interventions were small, temporary, and focused on rapid relief and rehabilitation following flooding, droughts, or communal violence events.<sup>212</sup> For example, in 1989, when torrential rains displaced 30,000 people and caused over a hundred million US dollars in infrastructure damage, the United Nations Disaster Relief Organization (UNDRO), a precursor to OCHA, mobilized \$6 million worth of food, medicines, blankets, and shelter support. Likewise, when in June and July 1995, heavy rainfall, hailed as the worst in seventy years, caused the loss of human lives, displacement of 250,000 people, and \$200 million worth of infrastructure damage, UNDRO, and UNDP obtained \$14 million in donations for food, medicines, blankets, emergency medical and temporary shelter support.<sup>213</sup> Among the donors, one finds Syria and Sudan, themselves large aid recipients in later years.<sup>214</sup> In between drought and flood responses, two other relatively small humanitarian initiatives took place as well: one was UNHCR's status determination and "care and maintenance" program for 60,000 to 70,000 refugees and asylum seekers, and the other European Community's limited humanitarian health and water project in remote areas.

In 2008, prompted by UNHCR's reports of 130,000 IDPs from Sa'ada, revised later to 350,000 IDPs living in squalid conditions in temporary shelters and camps,<sup>215</sup> the international

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<sup>212</sup> Smith, Kerry, and Lydia Poole. 2009. "Yemen Aid Fact Sheet 1995-2009: Trends in Overseas Development Assistance." Global Humanitarian Assistance. United Kingdom: Development Initiatives. Available at: <http://devinit.org/wp-content/uploads/2017/06/Yemen-factsheet.pdf>. Accessed June 4, 2021.

<sup>213</sup> Ibid.

<sup>214</sup> Ibid.

<sup>215</sup> In OCHA. 2010. "Yemen Humanitarian Update." Issue 7. May 7, 2010. Personal copy.

community, composed at the time of about a dozen organizations, released the first joint humanitarian funding appeal, focused almost exclusively on the multisectoral support to the IDPs.<sup>216</sup> That triggered setting up a coordination structure, which began to attract international organizations into Yemen. Once the international humanitarian system, with a coordination structure, was in place, the aid community began to expand and fundraise in a more organized fashion, with funding requests and state contributions steadily but sharply increasing every year from 2008 (

Figure 7-2). In 2009, the aid community comprised sixteen international organizations, twenty-one in 2011, and in 2014, fifty or so organizations, implementing a budget of about \$430 million. As remained the case in almost every subsequent year (except for 2015, when UAE Red Crescent Society surpassed WFP in terms of received funding), food security was the largest sector and WFP the largest humanitarian actor, absorbing as much as thirty-four percent of the overall humanitarian budget in 2014.<sup>217</sup>

On March 26, 2015, at the invitation of the Yemeni government, most of whom fled to KSA, Saudi fighter jets began bombing targets in Sana'a and Sa'ada in response to Al-Houthi expansion and ousting of Yemeni government from Sana'a a year earlier. The air-raids marked the new phase in this conflict and sparked the immediate mass evacuation of international organizations and their expatriate staff. Most of 460 foreign aid workers left the country within a matter of days. By March 28, the UN and INGOs evacuated almost all international aid workers by planes, boats, and traditional Yemeni *dhow*s. Two months later, as Al-Houthi abandoned their intention to capture Aden, entrenching themselves firmly in large parts of

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<sup>216</sup> OCHA. 2009. "Yemen: 2009 Flash Appeal." Consolidated Appeals Process (CAP). Sana'a, Yemen. Available at:

[https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/flash\\_2009\\_yemen.pdf](https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/flash_2009_yemen.pdf). Accessed June 4, 2021.

<sup>217</sup> See OCHA FTS Yemen 2014.



northern Yemen, and the conflict entered a somewhat steadier phase, the UN announced their essential staff were returning, first to Sana'a, then Aden, and then other major locations in Yemen. INGOs followed soon thereafter. On July 1, the IASC activated Level 3 (L3) emergency, calling on the humanitarian community to “deliver a rapid, concerted mobilization of capacity and systems to enable accelerated and scaled-up assistance and protection over a short and focussed duration.”<sup>218</sup> Later that year, the humanitarian country team requested \$1.6 billion in funding support through the HRP, an amount that exceeded the previous year’s request four times. The request itself was funded fifty percent, at about \$870 million, while a comparable amount of \$871 million, not included in the HRP, came from the UAE as the largest donor, followed by the KSA, for activities along the development-humanitarian spectrum, not planned for in the HRP. In 2015, the UAE Red Crescent Society was the largest, and WFP the second largest, humanitarian implementer.<sup>219</sup> The UAE funneled its entire humanitarian budget through its Red Crescent Society for activities in southern Yemen, i.e., parts of the country not controlled by Al-Houthi.

Yemen’s humanitarian budget continued to increase over the next few years. In 2018 and 2019, the aid community increased its funding request again, bringing it to \$3.1 billion and \$4.2 billion, respectively. The number of aid organizations also increased from fifty-eight in 2015 to 153 in 2018 and at least two hundred in 2020, lifting Yemen out of the international obscurity

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<sup>218</sup> Inter-Agency Humanitarian Evaluation (IAHE). 2022. “Interagency Humanitarian Evaluation of the Yemen Crisis.” Final report, commissioned and funded by the Inter-Agency Humanitarian Evaluation Steering Group, an associated body of IASC. July 13, 2022. Available at: <https://interagencystandingcommittee.org/system/files/2022-07/Yemen%20IAHE%20Final%20Report%2C%2013%20July%202022%20%28English%29.pdf>. Accessed October 3, 2023.

<sup>219</sup> See OCHA FTS Yemen for 2015.

it had experienced twenty-five or so years ago and earning it the status of the largest humanitarian response in the world (competing only with Syria at the time).<sup>220</sup>

In 2015, the aid community recategorized vulnerability and needs in the country, declaring almost eighty percent of the population to be affected by the conflict and in need of some form of humanitarian aid.<sup>221</sup> The argument for it rested on the KSA's closure of Sana'a air space and tightening of maritime and land borders, limiting commercial trade and the importation and transportation of humanitarian goods to Yemen's north, inhabited by about eighteen million out of Yemen's population of twenty-eight or so million. The anticipation was that the lack of food would affect malnutrition and lead to famine. Given Yemen's poor nutrition and health and water access data, the threat seemed real and imminent.

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<sup>220</sup> Consider, for example, that the humanitarian impact of Yemen's 1990 Unification War had gone unnoticed despite the displacement of over 50,000 people. There simply were no aid organization in the country at the time. This, of course, may not be relevant any more as social media has most certainly diminished the role of international organizations in disaster awareness.

<sup>221</sup> OCHA. 2015. "Yemen Humanitarian Response Plan — Revision." June 19, 2015. Available at: <https://www.unocha.org/publications/report/yemen/yemen-humanitarian-response-plan-2015-revision-june-2015-enar>. Accessed March 10, 2021.

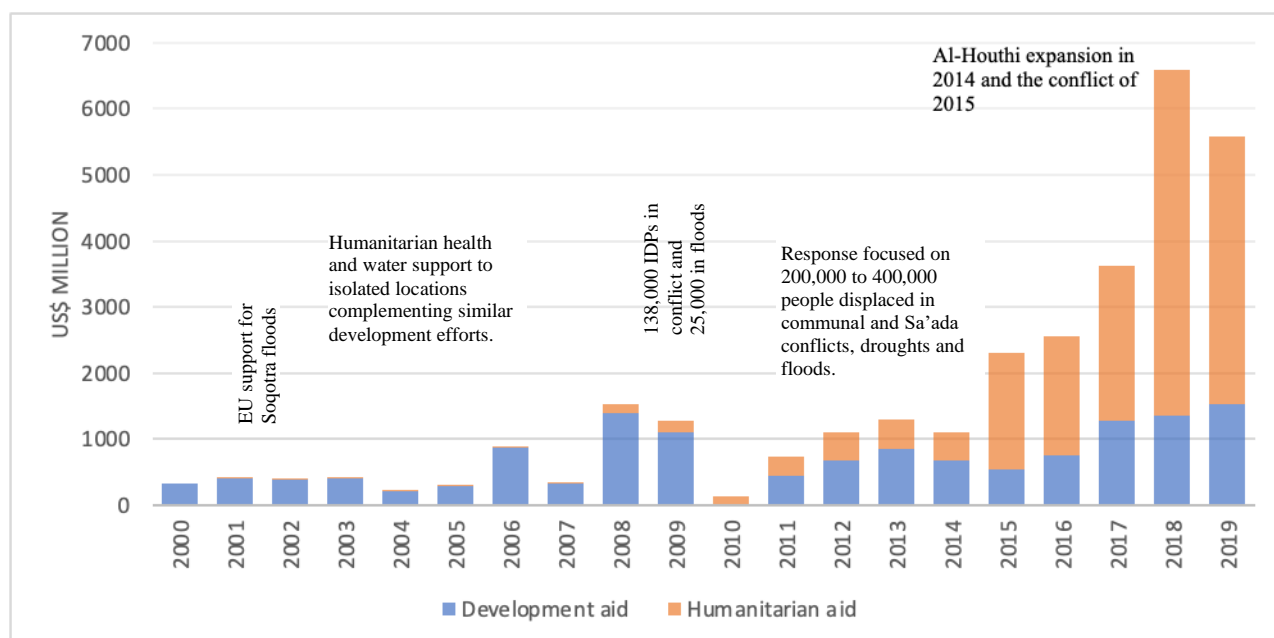


Figure 7-2 – Development and Humanitarian Funding in Yemen 2000-2019<sup>222</sup>

### 7.2.1. Increase in Humanitarian Needs Amidst Safety Concerns

Yemen had always been characterized as insecure with certain parts of it completely inaccessible to non-local populations, including Yemeni. The insecurity, threat of kidnapping, looting and other forms of violence increased over time. Roads were mined and dangerous: there were seventy-five aid workers kidnapped in the first six months of 2016 alone.<sup>223</sup> In 2015, the ICRC evacuated fourteen expatriate staff from Aden after the office was attacked and looted and staff held at gunpoint.<sup>224</sup> The power vacuum was particularly acute in southern Yemen. Elsewhere, there were airstrikes, destruction, and fighting. The destruction of infrastructure

<sup>222</sup> Information extrapolated in the following manner: for development data, from OECD DAC (<https://www.oecd.org/countries/yemen/>); for humanitarian data, from UNHCR's Annual Omnibus reports (<https://www.unhcr.org/about-unhcr/governance-and-oversight/united-nations-general-assembly>), the World Bank reports (<https://www.worldbank.org/en/country/yemen>), OCHA FTS Yemen (<https://fts.unocha.org/countries/248/summary/2019>); and European Commission reports ([https://civil-protection-humanitarian-aid.ec.europa.eu/where/middle-east-and-northern-africa/yemen\\_en](https://civil-protection-humanitarian-aid.ec.europa.eu/where/middle-east-and-northern-africa/yemen_en)). All accessed March 8-10, 2021.

<sup>223</sup> Insecurity Insight. 2016. "Aid in Danger: Aid Workers Reported Kidnapped Between January 2015 and June 2016." Infographics, August 16. Available at: <https://reliefweb.int/report/world/aid-danger-aid-workers-reported-kidnapped-between-january-2015-and-june-2016>. Accessed October 7, 2023.

<sup>224</sup> ICRC Yemen. 2015. "ICRC Office in Aden Attacked." August 25. Available at: <https://www.refworld.org/docid/55e983dc4.html>. Accessed October 7, 2023.

further isolated communities. Hundreds of thousands of people were rendered homeless in airstrikes.<sup>225</sup> Sites such as IDP camps, aid organizations' offices and warehouses, mobile health clinics, and trucks transporting relief items were destroyed as war's collateral damage or directly targeted by one or another side. On March 30, 2015, twenty-nine people were killed, and forty-one, of whom fourteen were children, were injured in an airstrike on an IDP camp.<sup>226</sup> MSF staff and patients were killed and injured, and their health facilities were destroyed in airstrikes on five different occasions between March 2015 and November 2019. Thirty-one Yemeni and three international aid staff were killed in the line of duty from March 2015 to January 2021.<sup>227</sup> Concern for personal safety coupled with roadblocks, lack of approvals for movements, and active warfare had significantly shrunk the operational space. In one humanitarian assessment, coverage of IDP sites was assessed as generally poor, with less than half of the sites being assisted, and within those, only about half or less were able to receive some aid.<sup>228</sup> There were difficulties accessing frontline communities or crossing the lines of conflict. Obtaining movement permits was particularly challenging and time-consuming.

The point of mobilization for the aid community was the imposition of maritime blockades over two northern ports of Hodaydah and Saleef, following the aerial space closure over northern cities and Sana'a. By the time the Yemeni Ministry of Foreign Affairs decreed in April 2011 a prohibition of entry of commercial, military, and humanitarian vessels into Yemen without its authorization, the Saudi and Egyptian vessels were already in Bab al-Mandab,

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<sup>225</sup> OCHA. 2015. "Yemen: Escalating Conflict." Situation Report #1, March 31, 2015. Available at: <https://reliefweb.int/report/yemen/yemen-escalating-conflict-situation-report-no-1-31-march-2015>. Accessed January 31, 2021.

<sup>226</sup> Ibid.

<sup>227</sup> Data taken from AWSD: <https://aidworkersecurity.org/incidents/search?detail=1&country=YE>. Accessed March 16, 2021.

<sup>228</sup> IAHE. "Interagency Humanitarian Evaluation of the Yemen Crisis."

effectively controlling the entrance to the Red Sea.<sup>229</sup> The implementation of this prohibition was delegated to the coalition.<sup>230</sup> The impact was immediate: in early April 2015, the coalition prevented a vessel containing more than 47,000 metric tons of wheat from entering the port of Salif and delayed another ship's docking for days. By June, the number of commercial ships calling to ports of Salif and Hodaydah halved,<sup>231</sup> affecting food, petrol, and cooking fuel imports. By the second week of May, petrol stations had no fuel, and wheat flour was in multiple locations across the country only sold on the black market.<sup>232</sup> The prices of food and fuel, the two commodities that were in short supply, skyrocketed. Aid organizations projected that national supplies of food and fuel would run out without new imports in six months.<sup>233</sup> The Yemeni government eventually returned from the self-exile in Riyadh to the southern port of Aden, but its control hardly extended beyond the eponymous governorate. The rest of the country, with the two largest seaports of Hodaydah and Salif, remained under Al-Houthi's control. Looking to increase its advantage in the war that proved more difficult than initially anticipated; KSA's war efforts increasingly turned to creating complete isolation of Al-Houthi controlled areas, hoping to thusly enforce the surrender. The two northern ports of Hodaydah and Salif appeared to stand in the way.

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<sup>229</sup> *Al-Arabiya*. 2015. Warships Move in Key Strait as Airstrikes Widen in Yemen Saudi Arabia and its Allies are Aiming to Push Back the Shiite Rebels. March 27. Available at: <https://english.alarabiya.net/News/middle-east/2015/03/27/Warships-move-in-key-strait-as-airstrikes-widen-in-Yemen>. Accessed October 7, 2023.

<sup>230</sup> See, for example, Saudi Ministry of Defense Daily Briefing, Operation Decisive Storm from April 15, 2015. Available at: <https://www.saudiembassy.net/press-release/saudi-ministry-defense-daily-briefing-operation-decisive-storm-5>. Accessed October 5, 2023.

<sup>231</sup> *Reuters (London)*. 2015. Yemen Critically Short of Food, Fuel Imports as War Cuts Supply Lines. July 8. Available at: <https://www.reuters.com/article/us-yemen-security-shipping-idUSKCN0PI1QD20150708>. Accessed March 11, 2021.

<sup>232</sup> WFP. May 2015. "Yemen Market Price Update." Available at: [https://documents.wfp.org/stellent/groups/public/documents/ena/wfp274919.pdf?\\_ga=2.68789201.1505667711.1615660620-123890547.1612408005](https://documents.wfp.org/stellent/groups/public/documents/ena/wfp274919.pdf?_ga=2.68789201.1505667711.1615660620-123890547.1612408005). Accessed March 11, 2021

<sup>233</sup> In April 2015, the Yemeni government announced their food reserves were only good for about six months. See WFP. 2015. "Food Security Report – Yemen Monthly Market Watch: March - April 2015." Available at: <https://documents.wfp.org/stellent/groups/public/documents/ena/wfp273764.pdf>. Accessed March 11, 2021.

From March to mid-2015, the aid community revised its assessments and financial requirements up from 8.2 million vulnerable people requiring humanitarian support worth \$747.5 million to 21.1 million vulnerable people requiring US\$1.6 billion in humanitarian aid.<sup>234</sup> In 2014, WFP was planning to support 6 million people across Yemen over two years, but by 2017, it was feeding 6.5 million every month.<sup>235</sup> International donors played it both ways: tacitly approving of and, in some cases, assisting Saudi military actions in Yemen (as in the case of the US and UK, for example), while also generously funding aid organizations' efforts.

#### 7.2.2. Restricted Humanitarian Access and the Potential Loss of Hodaydah and Salif

Hodaydah and Salif were considered of critical importance to aid organizations. Yemen imported as much as ninety percent of its staple foods, including eighty-five percent of cereals, with local production amounting to only about twenty percent of the overall food requirements.<sup>236</sup> At the end of the 1990s, Yemen was the world's largest flour importer, according to the International Grains Council.<sup>237</sup> Of the country's eight ports, the three largest and most important for food imports were the Red Sea ports of Hodaydah, its neighboring Salif, and the southern seaport of Aden.<sup>238</sup> The Saudi government and the Yemeni government in exile, later operating from Aden, insisted that all commercial and humanitarian traffic be

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<sup>234</sup> UN. 2015. "Revised Humanitarian Response Plan for Yemen." Released on June 9. Available at: [https://reliefweb.int/sites/reliefweb.int/files/resources/yem\\_hrp\\_190615\\_final.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/yem_hrp_190615_final.pdf). Accessed February 2, 2021.

<sup>235</sup> WFP. 2017. "Yemen: Country Brief. September 2017." Available at: [https://documents.wfp.org/stellent/groups/public/documents/ep/wfp285740.pdf?\\_ga=1.195774188.1785065870.1480060278](https://documents.wfp.org/stellent/groups/public/documents/ep/wfp285740.pdf?_ga=1.195774188.1785065870.1480060278). Accessed October 2, 2023.

<sup>236</sup> FAO. 2015. "Executive Brief: Escalating Conflict Yemen." November 27. Available at: [http://www.fao.org/fileadmin/user\\_upload/emergencies/docs/FAOExecutiveBrief\\_Yemen\\_27112015.pdf](http://www.fao.org/fileadmin/user_upload/emergencies/docs/FAOExecutiveBrief_Yemen_27112015.pdf). Accessed December 6, 2020.

<sup>237</sup> Alexander, Melissa. 2001. "Country Focus: Yemen." The International Grains Council, September 30. <https://www.world-grain.com/articles/9996-country-focus-yemen>. Accessed December 12, 2020.

<sup>238</sup> See, for example, FEWS NET. 2015. "Yemen Food Security Alert." June 18. Available at: [https://fewsn.net/sites/default/files/documents/reports/FEWS%20NET%20Yemen%20Alert\\_061815.pdf](https://fewsn.net/sites/default/files/documents/reports/FEWS%20NET%20Yemen%20Alert_061815.pdf). Accessed December 12, 2020.

redirected to Aden. Consequently, they instituted punitive measures that made it difficult and costly to carry out trade through the two northern ports. Aid organizations saw the move as politically motivated. Aden port, argued WFP, was unfit to handle the required quantities of cereals, other foods, or fuel.<sup>239</sup> As the Saudi government threatened to block Hodaydah's maritime access and obliterate the port in airstrikes, the aid organizations, through the WFP-led logistics cluster, fought back with data.<sup>240</sup> WFP's Logistics Cluster thus argued that Aden port's monthly handling capacity was 280,000 metric tons, which is just over half the amount of goods passing through Hodaydah and Salif. Moreover, WFP argued, Aden's milling capacity was 2,400 metric tons a day; Hodaydah and Salif's 8,000 metric tons.<sup>241</sup> The country's minimal food import levels were set at 350,000 metric tons a month, and milling needs at 8,400 metric tons a day. Therefore, to meet those needs, the aid community argued, Yemen needed all three ports, but in particular the two northern ports, to be operational at all times.<sup>242</sup> Out of 220,000 metric tons of cereals WFP distributed in 2015<sup>243</sup>, and 340,000 metric tons in 2016,<sup>244</sup> ninety percent were imported through Hodaydah. For a while, even with the sustained damage, Hodaydah and Salif were the ports of choice for most commercial and humanitarian shippers,

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<sup>239</sup> World Bank. 2010. "Project Appraisal Document." Report No.: AB4381, May 25. Available at: <http://documents1.worldbank.org/curated/en/987641468182639349/pdf/Project0Inform1isal0Stage0March010.pdf>. Accessed December 12, 2020.

<sup>240</sup> WFP. 2012. "Logistics Capacity Assessments for Hodaydah and Aden." August 2012. Available at: <https://dlca.logcluster.org/display/public/DLCA/Yemen>. Accessed December 12, 2020.

<sup>241</sup> Ibid.

<sup>242</sup> OCHA. 2017. "Ensuring Yemen's Lifeline: The Criticality of All Yemeni Ports." November 13. Available at: [https://www.Hodaydah/ochayemen\\_ensuring\\_yemens\\_lifeline\\_13\\_nov\\_2017\\_0.pdf](https://www.Hodaydah/ochayemen_ensuring_yemens_lifeline_13_nov_2017_0.pdf). Accessed December 13, 2020.

<sup>243</sup> WFP. 2015. "Supply Chain Annual Report 2015." Available at: [https://documents.wfp.org/stellent/groups/public/documents/communications/wfp286738.pdf?\\_ga=2.93562845.1505667711.1615660620-123890547.1612408005](https://documents.wfp.org/stellent/groups/public/documents/communications/wfp286738.pdf?_ga=2.93562845.1505667711.1615660620-123890547.1612408005). Accessed March 14, 2021.

<sup>244</sup> WFP. 2016. "Supply Chain Annual Report 2016." Available at: [https://docs.wfp.org/api/documents/WFP-0000068358/download/?\\_ga=2.101764673.1505667711.1615660620-123890547.1612408005](https://docs.wfp.org/api/documents/WFP-0000068358/download/?_ga=2.101764673.1505667711.1615660620-123890547.1612408005). Accessed March 14, 2021.

who invested a great deal of their business capital in those ports' infrastructure.<sup>245</sup> For years, the aid community stood firmly by its assessments of needing Hodaydah and the smaller port of Salif for the import of humanitarian goods.

The calculation of port capacities began to change in 2018, when the Saudi government further tightened the restrictions on commercial shipping in Hodaydah by instituting additional inspection delays, refusing, or delaying docking permits, thus causing the shippers to incur prohibitive expenses. Termed a blockade, although some traffic still appeared to pass through Hodaydah, the humanitarian community by and large argued that the KSA's measures intended to create pressure of starvation on the civilian population and that food was used as a bargaining tool and an instrument of war.<sup>246</sup> In an effort to de-incentivize the use of northern ports, the Saudi government allocated \$2 billion to the Aden-based (versus Sana'a-based) Central Bank of Yemen (CBY), which issued letters of credit for the purchase and import of wheat, rice, sugar, milk, and cooking oil but only if imported via Aden port.<sup>247</sup> The conditionality placed on CBY's letters of credit as well as costly and time-consuming inspections helped change the balance of imports between Hodaydah and Aden for both commercial and humanitarian shipping. In 2018, the number of ships docking at Aden port substantially exceeded those at

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<sup>245</sup> Based on private notes and an interview with a Yemeni shipping company in 2018. For analysis of the challenges associated with food importation during the war, see Mercy Corps and ACAPS. 2020. "Thematic Report: Yemen Food Supply Chain." December 16, 2020. Available at: [https://www.acaps.org/sites/acaps/files/products/files/20201216\\_acaps\\_yemen\\_analysis\\_hub\\_food\\_supply\\_chain.pdf](https://www.acaps.org/sites/acaps/files/products/files/20201216_acaps_yemen_analysis_hub_food_supply_chain.pdf). Accessed March 14, 2021.

<sup>246</sup> See, for example, the UN Panel of Experts' report to the UNSC, dated January 26, 2018 (Letter dated 26 January 2018 from the Panel of Experts on Yemen mandated by Security Council resolution 2342 (2017) addressed to the President of the Security Council. (S/2018/68). Available at: [https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_2018\\_68.pdf](https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2018_68.pdf). Accessed September 25, 2023.) Also: Letter dated 25 January 2019 from the Panel of Experts on Yemen addressed to the President of the Security Council. (S/2019/83). Available at: [https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_2019\\_83.pdf](https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2019_83.pdf). Accessed September 25, 2023.

<sup>247</sup> Ibid.



Hodaydah.<sup>248</sup> That, however, did not diminish humanitarian advocacy to maintain Hodaydah open and functional, at whatever level.

The aid community's preference for Hodaydah and Salif was rooted in another reasoning. Approximately seventy-one percent of the people with urgent humanitarian needs in Yemen were estimated to live in Al-Houthi-controlled areas closer to Hodaydah than Aden. Northerners also suffered more frequent and deadly cholera outbreaks than their southern compatriots.<sup>249</sup> From the perspective of needs, the aid organizations argued, Hodaydah was irreplaceable. To reach the populations in need from Aden was complicated, expensive, and dangerous. The checkpoints and road destruction stretched the normal eight hours' drive between Hodaydah and Sana'a to two days, while the distance of some three hundred kilometers between Aden and Sana'a required five to six days, contingent on the number of and arbitrary procedures at checkpoints. The argument put forward was that the longer the much sought-after commodities and their guardian-drivers spent on the road, the greater the risks of looting, kidnapping, or getting caught in the crossfire.<sup>250</sup>

In 2017 and later, the ICRC began exploring other transporting routes into Yemen. Most UN agencies and some INGOs set their satellite offices in Riyadh for civil-military coordination and deconfliction<sup>251</sup> and the liaison with KSA's King Salman Relief Center, as a potential donor. The ICRC established its office in Salalah, in neighboring Oman, from where it piloted land transport of humanitarian goods. Yet operating land convoys from Oman to western

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<sup>248</sup> Ibid.

<sup>249</sup> OCHA. "Ensuring Yemen's Lifeline: The Criticality of All Yemeni Ports."

<sup>250</sup> Based on a confidential INGO report. For the size of food imports at the time, see WFP. N.D. "WFP in Yemen: Working to End Hunger." Online report. Available at: <https://documents.wfp.org/stellent/groups/public/documents/newsroom/wfp263462.pdf>. Accessed October 18, 2023

<sup>251</sup> Deconfliction is a US military terminology adopted by OCHA and the humanitarian community to mean the process of notifying state and non-state parties to the conflict of humanitarian civilian sites and movements for the purpose of protecting them from attack.

Yemen would come at a great cost, given the distance, tolls and passage fees, expectations of bribes and risks of pillage and abduction (Coppi 2018). More problematic was perhaps the fact that most of eastern Yemen was unsafe and controlled by Al-Qaeda in the Arab Peninsula (AQAP), increasing the risk for transportation companies, donors, and international organizations. On the suggestion of KSA (and some of their allies), a few aid organizations briefly considered routing their shipments through Saudi-Yemen border of Al-Walid, but that, too, proved risky, costly, and inefficient.

### 7.3. Humanitarian Response to the Risks of Losing Port Access

When the Saudi government declared the war on Yemen at the end of March 2015, many aid organizations, joined by human rights organizations, turned to global advocacy. In April 2015, MSF issued eight press releases on the Saudi action's humanitarian consequences, Oxfam issued six, Save the Children and CARE four each. A predominant concern, and hence the point of advocacy, was the effect of the import restrictions imposed by the Saudi Coalition on the humanitarian situation. The ICRC, in a somewhat atypical fashion, allowed itself a public statement that said the following: “The harsh restrictions on imports imposed by the coalition for the past six weeks, added to the extreme fuel shortages, have made the daily lives of Yemenis unbearable, and their suffering immense.”<sup>252</sup> More pointed was Oxfam in its contemporaneous statement: “If the fighting, the fuel shortages, the lack of medical supplies, lack of sleep due to bombing, and the spiralling prices were not enough, now nearly two-thirds of Yemenis are at risk of being without clean water or sanitation services. This is equivalent to the populations of Berlin, London, Paris and Rome combined, all rotting under heaps of

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<sup>252</sup> The statement is attributed to the ICRC which, significantly, broke for the occasion its own institutional pledge not to criticize countries for their military conduct publicly. Available in *Reliefweb*. 2015. Fuel Shortage Leads to Yemen Hospital Shutdowns. May 5. Available at: <https://reliefweb.int/report/yemen/fuel-shortage-leads-yemen-hospital-shutdowns>. Accessed February 2, 2021.

garbage in the streets, broken sewage pipes and without clean water for the seventh consecutive week.”<sup>253</sup> Some months later, Oxfam gave another denunciation of the Saudi involvement in Yemen: “Since the start of the conflict, nearly 25,000 additional people are going hungry each day in Yemen as the blockade and fighting restrict food, fuel, and other vital supplies. One in two people – nearly 13 million people - are now struggling to find enough to eat, and half of them are on the brink of starvation. This is an increase of 2.3 million people since the escalation in fighting and the beginning of the blockade imposed by the Saudi-led coalition in March 2015. In a country that has historically faced food shortages, this is the highest recorded number of people living in hunger.”<sup>254</sup>

Even the organizations that did not have the capacity for or interest in individual public advocacy campaigns readily lent their support to joined advocacy efforts. Forty-seven organizations signed off on a joint INGO Forum message that called on all parties “to immediately open land, sea and air routes into the country in order to facilitate the delivery of life-saving aid to the millions of people who continue to



Figure 7-3 – Photo Published by UNICEF, Press Release, May 2015

suffer from the impact of the violence. Reliant on imports to meet 90 percent of national food consumption, the continued closure of land, sea, and air routes is exacerbating the unfolding humanitarian catastrophe.”<sup>255</sup> Across the board, aid workers agreed that Hodaydah port was

<sup>253</sup> Oxfam. 2015. “Two-Thirds of People in Conflict-Hit Yemen Without Clean Water.” Press release, May 26. Available at: <https://www.oxfam.org/en/press-releases/two-thirds-people-conflict-hit-yemen-without-clean-water>. Accessed January 29, 2021

<sup>254</sup> Oxfam. 2015. “Yemen Situation Report #9.” October 26, 2015. Available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/Yemen%20External%20Sitrep%20261015.pdf>. Accessed February 2, 2021

<sup>255</sup> INGO Forum. 2015. “Yemen’s INGO Forum Steering Committee Calls for an Urgent End to All Hostilities and Full Humanitarian Access.” Press release, April 25, 2015. Available at: <https://reliefweb.int/report/yemen/yemen-s-ingo-forum-steering-committee-calls-urgent-end-all-hostilities-and-full>. Accessed March 15, 2021.

critically important for the continued provision of humanitarian life-saving commodities.<sup>256</sup> On August 18, 2015, the port in Hodaydah was hit in the airstrikes, which destroyed storage facilities and at least four dockside cranes, prompting Oxfam to state in their press release: “These airstrikes follow the ports closure to vessels carrying vital commercial supplies for nearly a fortnight. Resuming supplies coming through Hodeidah, like other Yemeni ports, is essential.”<sup>257</sup> Photos of emaciated children and destruction accompanied the discourse (see Figure 7-3). On August 19, 2015, UNICEF wrote in its press release: “An average of eight children are being killed or maimed every day in Yemen as a direct result of the conflict gripping the country.”<sup>258</sup>

The advocacy was successful in raising the profile of the crisis. Concerns over how aid was getting to different parts of Yemen were regularly debated in peace negotiations and other high-level political meetings.<sup>259</sup> The discussions also included the status and future of Hodaydah, and the impact its closing it may have on the projected rising levels of malnutrition. Referencing the increasing enclosure and control over maritime borders, which slowed the trade of commercial goods to a standstill at times in 2017, FEWS NET noted: “even if throughput [through Aden] improves significantly, famine will remain likely, once stocks are depleted, in areas that had relied on food imports from [Hodeidah] ports, but that are less able

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<sup>256</sup> Skype interview with an organization that did not have organizational public advocacy engagement. Coded as Yemen H. January 25, 2021.

<sup>257</sup> Oxfam. 2015. “Bombing of Yemen Port is a Condemnable Attack on a Civilian Target.” Press release, August 19, 2015. Available at: <https://www.oxfam.org/en/press-releases/bombing-yemen-port-condemnable-attack-civilian-target>. Accessed March 15, 2021.

<sup>258</sup> UNICEF. 2015. “Yemen Conflict: Over a Thousand Child Casualties So Far.” Press release, August 19, 2015. Available at: [https://www.unicef.org/media/media\\_82940.html](https://www.unicef.org/media/media_82940.html). Accessed February 2, 2021.

<sup>259</sup> For example, the participants in the June 2016 peace talks in Kuwait also discussed humanitarian situation and access (See UN Department of Global Communications Press release published in *ReliefWeb*. 2016. The UN Special Envoy Reiterated the Insistence of Humanitarian Agencies on the Establishment of Humanitarian Corridors in Order to Alleviate the Suffering of Civilians: Update on Yemen Peace Talks. Press release, June 6, 2016. Available at: <https://reliefweb.int/report/yemen/update-yemen-peace-talks-5-june-2016-enar>. Accessed March 15, 2021.)

to shift towards Aden as a source of staple food.”<sup>260</sup> Indisputably, all of this had an effect on the Saudi government. When in mid-April 2015 the UN requested US\$274 million in humanitarian aid to meet the needs of 7.5 million people affected by the airstrikes and conflict, Saudi Arabia pledged to fund the entire request on the same day. The aid community was not thrilled, suggesting that multiple donors should finance the appeal instead.<sup>261</sup> In 2017, the Saudi-led coalition lifted the blockade of Hodaydah port after the intensive humanitarian campaign and accusations of intentionally withholding food for the starving population. The campaigns succeeded in maintaining Hodaydah operationally, but the import of cereals and foodstuffs was still cut in half between 2014 and 2016.<sup>262</sup>

The Saudi government claimed that Al-Houthi used Hodaydah to smuggle in arms and Iranian ballistic missiles into the country. The United Nations Panel of Experts, tasked to investigate the breaches of the 2014 arms embargo, did not establish the veracity of the Saudi claim, but it did note that Al-Houthi authority most certainly profited from customs and trade passing through the Red Sea ports.<sup>263</sup> To what degree Hodaydah served as Al-Houthi’s income

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<sup>260</sup> In Slemrod, Annie. 2017. Editor’s Take: Yemen Needs Commercial Imports to Avoid Famine. *The New Humanitarian*, November 22, 2017. Available at: <https://www.thenewhumanitarian.org/news/2017/11/22/editor-s-take-yemen-needs-commercial-imports-avoid-famine-lettradein>. Accessed March 15, 2021.

<sup>261</sup> The UN was less than welcoming of having the Saudi fund the entire amount, issuing an instantaneous plea to all donors to make their contributions. At the end, the appeal was so minimally funded that the UN folded it into the larger US\$1.7 billion humanitarian response plan request.

<sup>262</sup> Data for the comparison between the years 2014 and 2016 are taken from the Observatory of Economic Complexity (OEC), available at: <https://oec.world/en/profile/country/yem?yearSelector2=importGrowthYear25> and compared with the data in Centre d’Études Prospectives et d’Informations Internationales (CEPII), Research and Expertise on the World Economy ([http://www.cepii.fr/CEPII/en/bdd\\_modele/presentation.asp?id=37](http://www.cepii.fr/CEPII/en/bdd_modele/presentation.asp?id=37)) based on data directly reported by each country to the United Nations Statistical Division. Accessed March 15, 2021.

<sup>263</sup> The UN Panel of Experts was established by UNSC Resolution 2140 (2014) to monitor and report the violations of sanctions and activities designed to undermine the political process. In 2017, the Panel found “the increased use by the Houthis of battle - winning weapons, such as anti-tank guided missiles that were not in the pre-conflict Yemeni stockpile,” covertly shipped from Oman, rather than Hodaydah (see UN Security Council, Final Report of the Panel of Experts on Yemen, UN Doc. S/2017/81, January 27, 2017, available at: [https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_2017\\_81.pdf](https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2017_81.pdf). Accessed March 15, 2021.) In 2019, the Panel found no evidence that a short-range ballistic missile of the type fired at Riyadh had been transferred to Al-Houthi by Iran through Hodaydah and accused the coalition of using the 2015 UNSC Resolution intended to prevent arming Al-Houthi “as justification for obstructing the delivery of commodities that are essentially civilian in nature” (Slemrod, Annie. Editor’s Take: Yemen Needs Commercial Imports to Avoid Famine.)

generation was not established. Some income was certainly to be made from their control of Sana'a as Yemen's economic capital and their ability to tax commercial and humanitarian imports. Privately, one aid worker acknowledged the Saudi concerns and intimated that humanitarian advocacy had also been driven by a view of the unjustifiability of the war itself.

On June 12, 2018, the Saudi government dispatched the ground troops in the defiant move to capture Hodaydah after two years of negotiating its intent with the international community. The move re-ignited advocacy and earned an expected condemnation from humanitarian actors. The same day, nine United States senators wrote a letter to Secretary of State Michael Pompeo and then-Secretary of Defense James Mattis, stating, "We are concerned that pending military operations by the UAE and its Yemeni partners will exacerbate the humanitarian crisis by interrupting delivery of humanitarian aid and damaging critical infrastructure. We are also deeply concerned that these operations jeopardize prospects for a near-term political resolution to the conflict."<sup>264</sup> Clearly, the world was not impervious to reports and photos of malnourished Yemeni children. On June 30, 2018, UNICEF reported that the ongoing deterioration of health facilities in Yemen was devastating the country's ability to vaccinate against and treat preventable disease, and "[a]n estimated 2.6 million children under the age of 15 are at risk of contracting measles, 1.3 million children are at risk of exposure to acute respiratory infections, and more than 2.5 million children are at risk of diarrhea due to poor water, sanitation and hygiene (WASH) conditions—an increase of over 1 million children since the escalation of the conflict in late March. Health centers are unable to keep vaccinations and other medicines cold in storage due to a loss of electricity and fuel, and parents state that because of the conflict,

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<sup>264</sup> Congressional Research Service. 2020. *Congress and the War in Yemen: Oversight and Legislation 2015-2020*, # R45046. Available at: <https://fas.org/sgp/crs/mideast/R45046.pdf>. Accessed June 15, 2021.

they are too frightened to travel to health care facilities.”<sup>265</sup> A joint INGO statement in September 2018 pleaded: “The ongoing escalation around the port city of Hodeidah jeopardises the safety of civilians and threatens the channels for critical fuel, food and medical supplies to the rest of the country. It is crucial that this remains open. The lives of millions of Yemeni women, men and children hang on this lifeline.”<sup>266</sup> On December 13, 2018, the Yemeni government (still mostly operating out of Riyadh rather than Aden) and Al-Houthi authorities reached an agreement in Stockholm on the ceasefire and mutual withdrawal of their forces from Red Sea ports of Hodaydah, Salif, and Ras Isa. The UNSC then passed resolution 2451 (2018), setting up the Redeployment Coordination Committee (RCC) to oversee the ceasefire and the redeployment of forces, and the United Nations Mission to Support the Hodaydah Agreement to oversee the implementation of the Stockholm Agreement.<sup>267</sup> By mid-May 2020, both the Saudi and Al-Houthi seemingly completed their part of the bargain. The Hodaydah Agreement was undoubtedly inspired and made possible by persisting humanitarian campaigning.

#### 7.4. Aid Instrumentalization and Stifling Domestic Operational Conditions

From about 2017, aid organizations began to feel the heat from Al-Houthi authorities, who increasingly asserted themselves in decisions related to needs assessments and selections of aid and beneficiaries.<sup>268</sup> Other forms of interferences and controls were reported to stifle relief organizations’ mobility and accessibility, as well as their ability to oversee their programs.

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<sup>265</sup> UNICEF. 2018. “Millions of Children in War-Torn Yemen at Risk of Disease and Malnutrition.” Press release, June 30. Available at: <https://www.unicef.org/mena/press-releases/children-in-yemen-at-risk-of-disease-and-malnutrition>. Last accessed April 18, 2023.

<sup>266</sup> Joint NGO Statement on Yemen, reported at 73<sup>rd</sup> UN General Assembly on September 18, 2018 and available at: <https://www.intersos.org/wp-content/uploads/2018/10/2018.09.24-Joint-NGO-Statement.pdf>. Accessed February 3, 2021.

<sup>267</sup> United Nations Political and Peacebuilding Affairs (UNPPA) and United Nations Mission to Support the Hodaydah Agreement (UNMHA). 2019. “Hodaydah Agreement.” Published on January 16, 2019. Available at: <https://dppa.un.org/en/mission/unmha-hodaydah-agreement>. Accessed March 27, 2021.

<sup>268</sup> Interview coded as Yemen B. In person. November 10, 2020.



Then, the aid organizations alerted their donors.<sup>269</sup> In May 2019, WFP made the following announcement: “As WFP strives to deliver on our humanitarian mandate we face daily challenges due to the unrelenting fighting and insecurity in Yemen. And yet, our greatest challenge does not come from the guns, that are yet to fall silent in this conflict – instead, it is the obstructive and uncooperative role of some of Al-Houthi leaders in areas under their control. Humanitarian workers in Yemen are being denied access to the hungry, aid convoys have been blocked, and local authorities have interfered with food distribution, and – most importantly, there have been repeated obstacles placed in the way of our independent selection of beneficiaries . . . .”<sup>270</sup> The obstructions and incidents of intimidation during aid deliveries were, to a degree, always present in Yemen. Even prior to their expansion, Al-Houthi restricted international actors and their programs in the Sa’ada province. Now a de-facto authority with the seat of power in Sana’a, Al-Houthi began to place restrictions on international organizations country-wide (at least in northern parts of Yemen). In late May 2017, eight INGOs were given closure or warning letters from the Al-Houthi-controlled Ministry of Planning and International Cooperation (MoPIC). The INGO Forum, an informal and voluntary INGO coordination structure, which had been in existence since 2009, was ordered to shut down and its non-Yemeni staff to depart the country. In 2018, Al-Houthi inhibited humanitarian assessments, preventing WFP, UNICEF, and FAO from updating their emergency food security and nutrition assessment (EFSNA) despite its importance for humanitarian planning and fundraising. The same assessment undertaken country-wide (except Taiz and Sa’ada) in 2016 showed the increase of over forty percent in poor food consumption, and three times as many

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<sup>269</sup> See also the UN Panel of Experts’ report to the UN Security Council. S/2018/68.

<sup>270</sup> WFP. 2019. “World Food Programme to Consider Suspension of Aid in Houthi-Controlled Areas of Yemen.” News report, May 20, 2019. Available at: <https://www.wfp.org/news/world-food-programme-consider-suspension-aid-houthi-controlled-areas-yemen>. Accessed February 3, 2021.



people experiencing extreme food deprivation and hunger since 2014.<sup>271</sup> Three or more years into the conflict, given all the challenges associated with getting food and nutrition supplies to people, the projections of malnutrition rates were not good. In 2018, Save the Children reported that over 84,700 children with severe acute malnutrition (SAM) might have died between April 2015 and October 2018, and added: “After almost four years since the brutal conflict in Yemen escalated, the UN says that up to 14 million people are at risk of famine.”<sup>272</sup> Stunting was found to be “critical” or “serious” in all but two governorates.<sup>273</sup>

In January 2018, the UN Panel of Experts identified the following instances of obstructions of humanitarian by Al-Houthi: aid diversion; delays or refusals that affect timely distribution; arrests, detentions, intimidation and torture of humanitarian staff and confiscation of equipment; interference in the selection of beneficiaries, areas of operation and implementing partners; declaration of areas as military zones, making them inaccessible to humanitarians; extortion and demands for payment under threats of violence; obstruction of the delivery of cholera response material; issues relating to customs clearance; and delays in clearing the importation of medicine from Sana’a International Airport. The Panel of Experts also noted that these obstacles were compounded by the non-payment of public sector salaries and visa restrictions for humanitarian workers, a result of Sana’a authority’s budget deficits.<sup>274</sup> The Sana’a authorities demanded to know the details of humanitarian procurement and to control aid distributions, delaying or denying aid deliveries in Taiz and other areas outside of Al-

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<sup>271</sup> WFP, UNICEF and FAO. 2017. “Emergency Food Security and Nutrition Assessment (EFSNA).” Yemen, June 2017. Available at: [https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/yemen\\_efsn\\_a\\_-\\_full\\_report\\_final\\_2016.pdf](https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/yemen_efsn_a_-_full_report_final_2016.pdf). Accessed February 3, 2021.

<sup>272</sup> Save the Children. 2018. “Yemen: 85,000 Children May Have Died from Starvation Since Start of War. Press release, November 21.” Available at: <https://www.savethechildren.net/news/yemen-85000-children-may-have-died-starvation-start-war>. Accessed February 16, 2021.

<sup>273</sup> WFP, UNICEF and FAO. “Emergency Food Security and Nutrition Assessment (EFSNA).”

<sup>274</sup> UN Panel of Experts’ report to the UN Security Council. S/2018/68.

Houthi's control.<sup>275</sup> The humanitarian coordinator, on behalf of the aid community, insisted that aid planning and allocations ought to have enjoyed autonomy from political interferences and were carried out based on the assessments of needs as per the established vulnerability criteria. Instead, aid organizations found themselves increasingly coerced to adjust their program goals and distribution sites or risk losing registration and operating permits. Local officials demanded to monitor aid distributions and had their per-diem, travel, and accommodation costs covered by the program funds. The organizations that proved stingy in their accommodation of local officials' requests received unflattering feedback, which threatened their registrations and permits. In one district, the organization faced municipal leaders who constantly injected their friends and families into the beneficiary lists intended only for the most vulnerable people. In response, the organization discontinued its program and left the area. The consequence of such action upon those who might have needed that assistance and stood some chance of getting it is not known.<sup>276</sup> Eventually, the INGOs, supported by the broader IHS group and the humanitarian coordinator, had had enough, turning to their (Western) donors for support.<sup>277</sup>

Some countries, predominately in the so-called global West, have institutionalized humanitarian giving and have set up specialized offices for that purpose. Those offices' relationships with INGO and UN staff have been fostered over many crises in the past decades. Aid organizations in Yemen thus knew well their major donors, and those knew well both their implementing partners and the humanitarian system with its standards and principles. Persuading the donors was thus not a major task. European donors, especially those able to travel to Yemen, agreed to relay diplomatic messages to the Sana'a authority on the

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<sup>275</sup> Ibid.

<sup>276</sup> Interview. Coded as Yemen H. Skype, January 25, 2021.

<sup>277</sup> Interview. Coded as Yemen A. Skype, January 17, 2021

humanitarian organizations' practices and principles.<sup>278</sup> Most of it concerned food distribution. In 2019, WFP ran the monthly feeding program for twelve million people at the cost of \$175 million a month or a whopping \$2.1 billion a year by contracting out food distributions to international and local organizations, including government ministries, over which it exercised only minimal oversight. Food trucks were shot at and destroyed or seized at checkpoints, and drivers were kidnapped or intimidated. The sheer scale of diversion led WFP to threaten suspending their activities should the trends have continued, which they invariably did.<sup>279</sup>

By mid-March 2020, the IHS members: UN, INGOs, as well as humanitarian donors drawn from Western countries, such as the EU, US, and UK, but also some others, formed a technical monitoring committee chaired by the humanitarian coordinator, that agreed on the type of adjustments Al-Houthi were required to do to improve humanitarian access. The committee tasked itself with monitoring the progress on those benchmarks.<sup>280</sup> When, shortly thereafter, Al-Houthi showed no intention to adjust their conduct and controls over aid operations, and relax visa and domestic travel permit procedures, the funding for new projects began to slow down or, for some donors, USAID for example, halted altogether. The threat may or may not have been truly felt by the authorities or people on the ground in the same way the aid organizations would have experienced it – by some accounts, there was still about \$2 billion in humanitarian funding available in the country. Reflecting on donors' withholding funds as part of the deal, some aid workers opined that they were caught in the situation of their own making – the advocacy failed to produce the sufficient pressure on Al-Houthi, who, by and large, ignored the warning, while aid organizations willingly transferred their autonomy to their donors. Meanwhile, the threat of widespread starvation continued to loom large.

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<sup>278</sup> Interview. Yemen B.

<sup>279</sup> WFP. "World Food Programme to Consider Suspension of Aid in Houthi-Controlled Areas of Yemen."

<sup>280</sup> Interview. Yemen B.

### 7.5. Case Analysis: Humanitarian Principles in Decision-Making

This research was set in the 2015-2019 timeframe to explore how the humanitarian system and its member organizations responded to the challenges posed by the intensification of conflict that started in 2015 with the declaration of war by the KSA and its coalition of states on Al-Houthi on behalf of the Yemeni exiled government. Two distinct conditions threatened humanitarian operations: land, air, and maritime blockades deemed crucial for the importation of humanitarian goods on one hand, and in-country obstructions to and interference in aid deliveries and services on the other. It was generally thought, though evidence (in the form of humanitarian assessments such as SMART surveys and EFSNA) was inconclusive, that the KSA's de-facto blockade and the stifling of trade and importation of commercial and humanitarian goods, including food, exacerbated the humanitarian situation in Yemen. The evidence is equally scant to show to what degree Al-Houthi's politicization of aid might have prevented aid workers from reaching their beneficiaries and alleviating the rising food insecurity and the prevalence of malnutrition.

Running a humanitarian program in Yemen was undoubtedly a complex and unsafe affair. In addition to rampant corruption and the presence of AQAP in certain parts of the country, Al-Houthi as the de-facto northern Yemen authorities maintained a tight grip on humanitarian organizations, obstructing the implementation of their programs, creating safety risks, and delaying or diverting deliveries. Meanwhile, humanitarian operations were constantly threatened by the Saudi blockade or imposition of rules deemed unacceptable and unethical to aid organizations.

Wary of further deterioration of humanitarian indicators, the international aid community in Yemen mobilized to affect the policy change on two fronts: the closing of the major seaports of Hodaydah and Salif, the lifeline for relief commodities, and the restriction in access to

potential aid beneficiaries by Al-Houthi. In both cases, the aid community evoked the concept of humanitarian principles, particularly humanitarian imperative, as the unequivocal *raison d'être* that justified and validated humanitarian action. In both situations, the role of the IHS was of critical importance, as the IHS appeared able to consistently and with a distinct sense of urgency and immediacy marshal their members around humanitarian principles irrespective of the conditions on the ground, as well as to articulate the elements of advocacy in defense of humanitarian principles. The intentionality and action were thus accelerated and concurrent. The successive line of humanitarian coordinators willing to engage publicly and privately in the defense of humanitarian access was to credit for the initiatives. Once the IHS and its members were mobilized and issues identified, the advocacy interventions were many and done through a variety of means, targeting a broad spectrum of decision-makers in more than one country. On the first issue, the aid community was able to reap some successes. Out of concerns about their international reputation, the Saudi government delayed and eventually abandoned the plan to fight to capture Hodaydah. The concerted humanitarian advocacy also influenced at least some Saudi allies. The United States negotiations about arms deals with the KSA in 2017 and 2018 were contested in the Senate, which, on December 13, 2018, passed a resolution directing the US president to remove American military forces from Yemen, except where they were engaged in fighting Al Qaeda.<sup>281</sup> In 2018, the UK government proposed an emergency closed-door meeting of the UN Security Council on the Hodaydah situation, and forty members of UK Parliament publicly appealed for the cessation of Saudi attacks on Hodaydah.<sup>282</sup> Moreover, following the UK-based Campaign Against Arms Trade (CAAT) legal case against the UK government for its arms sales to Saudi Arabia on humanitarian grounds, in June 2019,

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<sup>281</sup> Congressional Research Service. 2020. Congress and the War in Yemen: Oversight and Legislation 2015-2020. #R45046: 14.

<sup>282</sup> Wintour, Patrick. 2018. Pro-Government Forces 'Breach Defences' at Crucial Yemen Port. *Reuters (London)*, June 14. Available at: <https://www.theguardian.com/world/2018/jun/14/yemen-attack-un-to-hold-urgent-talks-as-battle-rages-around-crucial-port>. Accessed March 27, 2021.

a UK court ruled that the \$5.9 billion worth sale of arms was illegal because the UK failed to consider “Saudi Arabia’s laws-of-war violations in Yemen before licensing arms sales.”<sup>283</sup> On the second issue advocacy efforts were less fruitful: the authorities were simply unmoved by aid organizations’ arguments, insisting on their own beneficiary lists, developed on the basis of patronage, not need.<sup>284</sup>

The engagement and advocacy on humanitarian access encapsulated the principle of humanitarian imperative but also that of impartiality, as defending access to identified beneficiaries can be about defending the right to impartial assistance. Impartiality presupposes intentionality and deliberation to avoid discrimination and bias in humanitarian programs, and even though there is little indication that such deliberations were done at the level of the IHS, the principle would at any rate be skewed by aid delivery obstructions and delays. There were other attempts to politicize humanitarian aid at the expense of impartiality. The official Yemeni government maintained that a better proportionality ought to have been given to the south vis-à-vis the north, a claim countered by humanitarian assessments that suggested that the needs in the north of the country surpassed by some number the needs in the south. But the evidence of that, like everything else, was mostly anecdotal, affected by the mobility and access constraints.

In a politicized environment such as Yemen, neutrality and independence requirements were bound to require nimbleness and responsiveness to the ever-shifting situation. The IHS in Yemen understood the neutrality requirement as taking the public stance on the way the KSA conducted warfare in Yemen: the militarization of Hodaydah and the air, land, and maritime

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<sup>283</sup> HRW. 2019. “UK: Arms Sales to Saudis Suspended After Landmark Ruling Court Holds Government Failed to Consider Violations in Yemen.” Report, June 20, 2019. Available at: <https://www.hrw.org/news/2019/06/20/uk-arms-sales-saudis-suspended-after-landmark-ruling#>. Accessed February 18, 2021.

<sup>284</sup> Personal notes.

blockades were denounced for violating IHL (even if the interpretations of which conventions and IHL regulations applied to the situation were at times unclear)<sup>285</sup> and disproportionately affecting civilian populations. At some point, the Saudi humanitarian agency, the King Salman Relief Center, offered to fund UN and INGO humanitarian programs in Yemen, the proposal some INGOs immediately accepted, and others refused on the grounds of needing to remain operationally independent from the parties to the conflict. Those challenging that countered that almost all aid organizations (MSF excluded) are also funded by the US government, and not only in Yemen but also Iraq and Afghanistan during the occupation. ‘What difference would the Saudi funds make anyways,’ surmised one INGO worker, ‘when the aid organizations were receiving large sums of money from the United States and the United Kingdom, both of which participated in the conflict on the Saudi side.’<sup>286</sup> From the financial point of view, it may not have mattered – the Saudis were too slow and mostly faltered on their pledges, making no difference in the country’s overall funding situation. Moreover, the Yemeni population did not appear to care. Al-Houthi authorities did not either. “As long as the aid comes, we are fine,” said one ministry official to an INGO.<sup>287</sup>

One aid worker noted that humanitarian advocacy focused more on the Saudi involvement in the Yemeni war than it did on demanding the unimpeded humanitarian access from Al-Houthi. The lack of balance was also frequently noted by the Saudi and Yemeni governments.<sup>288</sup> Note,

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<sup>285</sup> See, for example, International Commission of Jurists. 2018. “Bearing the Brunt of War in Yemen: International Law Violations and their Impact on the Civilian Population.” Briefing Paper. Geneva, Switzerland: July 2018. Available at: <https://www.icj.org/wp-content/uploads/2018/09/Yemen-War-impact-on-populations-Advocacy-Analysis-Brief-2018-ENG.pdf>. Accessed February 26, 2024.

<sup>286</sup> Interview. Coded as Yemen C. Skype, January 18, 2021.

<sup>287</sup> Ibid.

<sup>288</sup> See, for example, Saudi-Led Coalition Accuses UN of Bias in Yemen. *The Jordan Times*. August 28, 2018. Available at: <https://jordantimes.com/news/region/saudi-led-coalition-accuses-un-bias-yemen>. Accessed August 27, 2023. Such accusations were practiced by both sides. See, for example, Houthis Ban U.N. Special Envoy from Yemen for Alleged Bias. *Reuters (London)*. June 5, 2017. Available at: <https://www.reuters.com/article/us-yemen-security-un/houthis-ban-u-n-special-envoy-from-yemen-for-alleged-bias-idUSKBN18W2D0>. Accessed August 27, 2023.

for example, that the Panel of Experts listed Al-Houthi violations but refrained from providing details. This could have been a result of a different strategy employed against Al-Houthi from that directed at the Yemeni or Saudi Governments. The calculation was reportedly made as to where advocacy may work as opposed to where it may simply lead to losing access or other humanitarian privileges (visas, for example).<sup>289</sup> Criticizing the Saudi could have in theory meant that too, but the expectation was that the coalition partners, especially Western countries, would be more prudent and responsive to aid organizations' demands. Indeed, the aid community did turn to donor-states for support at one point.

After years of unsuccessfully negotiating with Al-Houthi, in 2019, INGOs enlisted the support of their donors, essentially outsourcing their negotiations with local powerbrokers to their donors, a decision that was as unfortunate as it was ineffective. Feeling cornered, INGOs argued with Al-Houthi that they could not give in to their demands because of the funding conditionality, effectively proposing that aid donors, rather than aid implementers, were the guardians of their principled aid approaches. As this yielded no progress with Al-Houthi at any level, the donors agreed to make good on the threat of withholding funding if their demands were not heeded. The strategy failed. Instead, Al-Houthi remained steadfast in their ways, while the aid organizations saw their funding streams slipping. This may not have been anticipated, or even welcome.<sup>290</sup> As the flow of finances dwindled, the aid organizations turned to resource mobilization advocacy, employing the same strategies, and evoking the same principles to reverse the course of action. Starting with 2021, the major donors, such as USAID, reverted their contributions to pre-2019 times.

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<sup>289</sup> Personal notes.

<sup>290</sup> Interview. Yemen B.



There is one more benefit of the united advocacy effort undertaken by the IHS that cuts to the core of the principle of independence. While by no means the only indication of the humanitarian situation, the IDP situation and numbers were the easiest to quantify to show the fluctuation in humanitarian needs. In general, the increase in internal displacement correlates with larger needs in response to a disaster, and the IDP return indicates an improvement in the overall situation. In Yemen, the rise in the IDP numbers was followed by humanitarian funding in some non-linear fashion (see Figure 7-4). For example, reports of the internal displacement in 2008 and 2009 triggered the increase in humanitarian funding from \$9 million to over \$100 million and then again to \$300 million following the displacement of an additional 225,000 people in 2011. Four years later, the number of IDPs was close to 1.5 million, and the funding requirement exceeded \$1.6 billion. Reliable data on malnutrition and diseases are more difficult to obtain, although they appear to have worsened over the years. Suggestions<sup>291</sup> that funding dictated operational decisions, and by extension, that funding states dictated the humanitarian organizations' action were not apparent. On the contrary, the opposite is evident: aid organizations enforced funding levels based on their interpretations of the situation on the ground and the consequent solutions.<sup>292</sup> They thus enforced their humanitarian space and the ability to make and revisit their decisions relevant for their humanitarian programs, thanks to their willingness to utilize various forms of advocacy.

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<sup>291</sup> Such suggestions were made by some aid workers as well. Interview. Yemen C.

<sup>292</sup> A separate but related question is what kind of programs donors choose the fund once they decide on allocating their funding for a particular humanitarian response. This is an important question but not the one this thesis set out to answer.

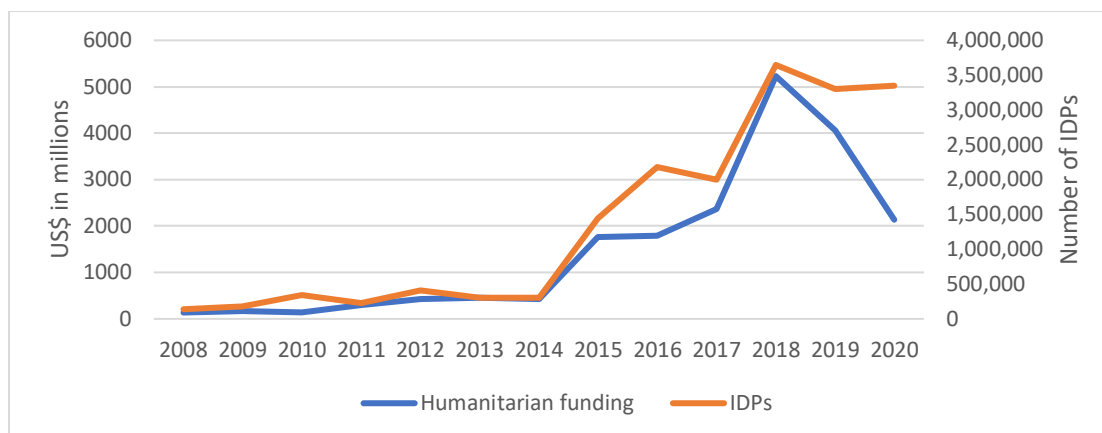


Figure 7-4 – Internal Displacement and Humanitarian Funding in Yemen 2008-2020<sup>293</sup>

## 7.6. Conclusion

Operating aid programs in Yemen had always been extremely challenging due to poor infrastructure and low baseline humanitarian indicators, as witnessed by the aid community, which managed to retain its presence in the country despite the insecurity and intensifying conflict. The IHS and its members commitment to “stay and deliver” was thus indisputable and the strength, consistency, and confidence of advocacy that the aid community embarked on could be credited to that commitment.

Problems and obstacles to humanitarian deliveries came in many forms, but the two most substantial ones were the potential of incapacitating Hodaydah and Salif ports and Al-Houthi instrumentalization of aid through diversion and interferences – all threatening to exacerbate humanitarian needs and lead to famine. The Yemen case study showed the IHS as a proactive advocacy network of organizations that spoke about the issues of access with a relative unanimity. Immediately following the escalation of conflict, the aid community aggressively sought to retain Hodaydah and by extension less important Salif as demilitarized zones for the

<sup>293</sup> Sources: The International Displacement Monitoring Center (IDMC), a service run by the Norwegian Refugee Council (NRC), with data available at [www.internal-displacement.org](http://www.internal-displacement.org), and OCHA FTS, available at <https://fts.unocha.org/countries/248/summary/2021>.

purpose of commercial and humanitarian imports. Those positions were justified by IHL's obligations to ensure free passage of impartial humanitarian assistance. The advocacy worked to a degree, even though both ports saw their relevance diminished over time. On the question of Saudi blockade, the aid community took positions and approaches to defend those positions that were sometimes criticized for being one-sided, i.e., overly critical of one side versus the other, and compromising of their neutrality. While aid organizations framed their advocacy in terms of the requirement to maintain their humanitarian access<sup>294</sup> to Hodaydah and Salif for reasons related to operational practicalities and exigencies, the argument was about maintaining the aid community's autonomy over decision-making on access and programmatic decisions.

Interferences and aid diversion and intimidation, while always present, began to drastically increase sometime in 2017. After a few years of testing quiet diplomacy and negotiations, the aid community began lobbying more openly, seeking donors' interventions, and in the process temporarily relinquishing their neutrality. Resorting to advocacy again, the aid community reverted their stance and reclaimed their position as decision-makers on matters related to humanitarian posturing vis-à-vis the political actors, both local and international. Outspoken or more carefully directed at their most trusted donors, advocacy was thus in all cases recognized as an effective defense of humanitarian principles and the tool to protect that humanitarian space in global and local (Yemeni) affairs.

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<sup>294</sup> The term humanitarian access denotes the ability of aid to reach populations requiring relief support. Humanitarian access may mean the ability of aid organizations to access the areas of needs or the ability of the people to reach aid distributions or service sites at the time of need. Therefore, humanitarian access is contingent on a wide range of physical, political, and administrative conditions that allow aid organizations to exercise program flexibility and expedient mobility of staff and goods. Notwithstanding the technological advancements, human contact is still a requirement for most of humanitarian planning and programming.

Thanks to the careful employment of advocacy, the aid community recalibrated and shifted its discourse and interpretations of humanitarian principles, thus effectively responding to the shifting context. One aid worker noted that the humanitarian system in Yemen was “largely principled,” adding “seventy percent” after some reflection.<sup>295</sup>

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<sup>295</sup> Interview, Yemen C.

## 8. Libya: Humanitarian Principles in 2016-2019 Response to Detained Migrants – Case Study 3



Figure 8-1 – Map of Libya<sup>296</sup>

In examining the aid organizations' engagement with humanitarian principles, the international humanitarian response to migration in Libya from 2016 to 2019 is especially instructive. Legal and illegal migration has existed in Libya for decades, tracing its origin to the discovery of oil and the resulting economic boom in the late 1950s (Tsourapas 2017). For the most part – except for a limited refugee determination program by UNHCR, responding to migration as a humanitarian concern was new to Libya.

<sup>296</sup> Obtained from Worldometer at: [https://www.worldometers.info/img/maps/libya\\_physical\\_map.gif](https://www.worldometers.info/img/maps/libya_physical_map.gif). Accessed March 26, 2023.

Migrants are not a recent phenomenon in Libya. In fact, Libya's economy had depended on skilled and unskilled, legal and illegal, migrants since the oil discoveries in the 1950s (Tsourapas 2017). Prior to the civil war of 2011, half of Libya's workforce across all economic sectors was made up of non-Libyans, the numbers of whom may have reached or exceeded 2 million (Tsourapas 2017; Elgazzar *et al.* 2015). In 2004, for example, the European Commission estimated that in addition to approximately 5.5 million inhabitants, Libya had 600,000 legal foreign workers and between 750,000 and 1.2 million illegal, undocumented immigrants.<sup>297</sup>

The 2011 Arab Spring uprising that morphed into a civil war affected Libya's migrants in the most profound ways. Legal and skilled migration dissipated, discouraged by the general state of insecurity, while the political vacuum created space for the proliferation of smuggling and trafficking of illegal migrants (Tinti and Westcott 2016). Chaos and political vacuum of subsequent years made Libya a migrant transit zone and a major point of departure from north Africa to Italy. Smuggling groups proliferated, resulting in an unprecedented number of migrants transiting the Mediterranean in 2014.<sup>298</sup> Alarmed by the prospect of mass immigration, in 2016, European countries enacted a series of measures and allocated substantial funds to Libyan migration institutions as well as international organizations operating in Libya. One of the effects was the promulgation of Libya's official and unofficial detention facilities, where neglect and abuse were commonly practiced. This case study is about the humanitarian response to the situation of migrants caught in the circular system of smuggling, sea rescue, and detention in Libya.

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<sup>297</sup> European Commission. 2005. *Technical Mission to Libya on Illegal Immigration 27 November - 6 December 2004*. Report dated April 2005. Available at: <https://images.derstandard.at/20080429/eureportlibya.pdf>. Accessed May 17, 2020.

<sup>298</sup> UNHCR recorded 170,100 arrivals in Italy in 2014, 153,842 in 2015 and 181,436 in 2016 (UNHCR. 2017. Mediterranean Arrival Data 2017. Excel sheet dated February 23, 2017. Available at <https://data2.unhcr.org/en/documents/details/53876>. Accessed April 17, 2023).

## 8.1. Descending into Chaos

After forty-two years, Libya's regime led by Muammar Gaddafi was overturned in the Arab Spring uprising of 2011. The uprising started in February 2011 in the eastern city of Benghazi as a protest against political detentions and for the release of human rights activist and lawyer Fadhi Terbil (Anderson 2011; Bellin 2004).<sup>299</sup> The regime's reactions were threats, arbitrary killings, mass arrests, and disappearances.<sup>300</sup> Within days, the protests transformed into a full-scale armed insurgency (T. G. Carpenter 2018; Kuperman 2013) that lasted until August that year.

During the six months-long violence, many Libyan nationals<sup>301</sup> and legal and illegal migrant workers fled abroad. IOM recorded as many as 796,915 migrants fleeing Libya that year, mostly crossing the borders into Egypt and Tunisia but also, to a lesser degree, Algeria, Chad, and Niger. Over 150,000 migrants were assisted with transportation to their home countries that year.<sup>302</sup> At the height of the 2011 civil war, IOM reported moving 4,000 people by boat, bus, or air every day, an operation that would have been logistically and diplomatically

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<sup>299</sup> Also, Human Rights Watch (HRW). 2012. "Rights Trends in World Report 2012: Libya." Report. Available at: <https://www.hrw.org/world-report/2012/country-chapters/libya>. Accessed June 4, 2021.

<sup>300</sup> Ibid. See, for example: *BBC News* (London). 2011. Libya Protests: Defiant Gaddafi Refuses to Quit. February 22. Available at: <https://www.bbc.co.uk/news/world-middle-east-12544624>; or Fahim, Kareem and David D. Kirkpatrick. 2011. Qaddafi's Grip on the Capital Tightens as Revolt Grows. *New York Times* (New York), February 22. Available at: <https://www.nytimes.com/2011/02/23/world/africa/23libya.html>; or Rojas, John Paul Ford. 2011. Muammar Gaddafi in His Own Words. *Telegraph* (London), October 20. Available at: <https://www.telegraph.co.uk/news/worldnews/africaandindianocean/libya/8838644/Muammar-Gaddafi-in-his-own-words.html>. All last accessed March 23, 2023.

<sup>301</sup> In June 2011, UNHCR reported that over 59,000 Libyans had crossed into Tunisia using official and over 7,000 using unofficial border crossings. Most self-drove into Tunisia and did not require shelter assistance – they rented apartments or hotels or were hosted by families, friends or relatives. A small number of Libyan displaced persons sought shelter in pre-set refugee camps but only for a limited period of time. As the situation in their hometowns improved, Libyans returned home. Besides those who crossed the international borders, UNHCR estimated that in August 2011 there were about 218,000 Libyan IDPs, and that an estimated 10,000–15,000 people had been killed in violence across the country. (UNHCR. 2011. *UNHCR Chief Returns to Tunisia to Meet Refugees from Libya*. News article, June 17, 2011, available at: <https://www.unhcr.org/news/latest/2011/6/4dfb43b09/unhcr-chief-returns-tunisia-meet-refugees-libya.html>; and UNHCR. 2011. "UNHCR Southern Tunisia Weekly Update." Weekly Update Issue 2, available at: <https://www.unhcr.org/4e37c5356.pdf>. Both accessed September 7, 2020).

<sup>302</sup> IOM. 2011. "Humanitarian Response to the Libyan Crisis February to December 2011." Report. Available at: [https://publications.iom.int/system/files/pdf/final\\_mena\\_10\\_months\\_compressed.pdf](https://publications.iom.int/system/files/pdf/final_mena_10_months_compressed.pdf). Last accessed March 27, 2023.

complex under the best of circumstances. In Libya, IOM negotiated, organized, and managed multiple lines of transportation during a civil war and conditions that were dangerous for the migrants and IOM staff alike. But not everyone was being repatriated: that same year, IOM described how an undetermined number of people (“boats full of migrants”) had sailed towards Italy<sup>303</sup> - 62,000 people arrived on boats to the Italian islands of Lampedusa, Linosa, and Sicily in 2011; 27,000 people arrived from Libya and the remaining 35,000 from Tunisia (Cuttitta 2014). Due to the proximity, most migrants, over 51,000, disembarked in Lampedusa, an island of some twenty square kilometers and a population of 8,000.<sup>304</sup> It was also estimated that, despite the war, possibly as many as 1.2 million migrants remained in the country.

In August 2011, Muammar Gaddafi was captured and executed, and violence subsided – for a while. On September 16, the UNSC passed Resolution 2009, which established the UN Support Mission in Libya (UNSMIL) tasked to facilitate the political reconciliation process and set up new governance structures.<sup>305</sup> The UN declared the end of the humanitarian response on November 22, and dissolved its coordination structure in early 2012. A handful of international organizations remained, but only because they were able to redirect their programs from lifesaving to more long-term, development, governance and stabilization-type activities. Barely a year later, the political process was failing. The very first elections, held in July 2012, resulted in lawlessness despite them being initially hailed as “extraordinary accomplishment.”<sup>306</sup> In September 2012, the US ambassador was killed in Benghazi, and in

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<sup>303</sup> Ibid.

<sup>304</sup> While not entirely without the precedence, the arrivals of migrants to Lampedusa exceeded all past numbers, including the peak of 30,657 people recorded to have arrived by boats in 2008 (Cuttitta 2014).

<sup>305</sup> UNSC Resolution 2009 (2011) [on establishment of the UN Support Mission in Libya (UNSMIL)]. (S/RES/2009 (2011)). Adopted at 6620<sup>th</sup> meeting, on 16 September 2011. Available at <https://digitallibrary.un.org/record/710980?ln=en>. Accessed September 7, 2020.

<sup>306</sup> The elections were described as an “extraordinary accomplishment” by UN Special Representative of the Secretary-General Ian Martin in his briefing to the UN Security Council on July 18, 2012 (see Briefing by Mr. Ian Martin SRSG for Libya - Meeting of the Security Council 18 July 2012. Available at: <https://unsmil.unmissions.org/briefing-mr-ian-martin-srsg-libya-meeting-security-council-18-july-2012>. Accessed September 8, 2020).



April 2013, Al-Qaeda in the Islamic Maghreb (AQIM) staged an attack on the French embassy. In 2014, regional and factional differences dragged the country into another round of conflict which eventually, after another failed attempt at holding elections, on October 31 divided the government and the country into East and West, creating thereafter the country's new volatile political reality. Libya's House of Representatives moved its headquarters to Tobrouk in the east and established the Libyan National Army (LNA) under the command of General Khalifa Haftar, while the executive branch, General National Council, created by the UN in the post-elections power vacuum, was established in Tripoli in the west. Between 2,089 and 2,383 civilians were killed and 1,380 injured in the post-election violence from May to December 2014, while an estimated 340,600 people were displaced (Bellal 2015).<sup>307</sup> In mid-July 2014, the UN international staff evacuated from Libya to Tunis,<sup>308</sup> where they remained until 2018. In 2019, they evacuated again, instituting rotational visits<sup>309</sup> until the ceasefire of 2020. One of the few organizations to retain more regular presence in Libya was MSF. The ICRC international staff operated from Tunis since the murder of an ICRC staff member of Swiss nationality in Sirte in June 2014. International NGOs also based themselves in Tunis.

## 8.2. Humanitarian System: Second Iteration

Libya's conflict did not evoke the typical images of distress in the international media, as seen in Syria, Iraq, or Bangladesh when almost a million Rohingya were expelled from Myanmar

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<sup>307</sup> See also "Overview of Violations of International Human Rights and Humanitarian Law During the Ongoing Violence in Libya." Joint report by Office of the UN High Commissioner for Human Rights (OHCHR) and United Nations Support Mission in Libya (UNSMIL). Published on September 4, 2014, and available at: [https://www.ohchr.org/Documents/Countries/LY/OverviewViolationsLibya\\_UNSMIL\\_OHCHR\\_Sept04\\_en.pdf](https://www.ohchr.org/Documents/Countries/LY/OverviewViolationsLibya_UNSMIL_OHCHR_Sept04_en.pdf). Accessed September 7, 2020.

<sup>308</sup> UN Security Council. Department of Public Information. News and Media Division. July 17, 2014. Libya Violence Forces Airport Shut-Downs, Evacuation of United Nations Staff, Security Council Informed in Briefing. Meeting notes from 7218<sup>th</sup> meeting # SC/11478. Available at: <https://press.un.org/en/2014/sc11478.doc.htm>. Accessed October 5, 2023.

<sup>309</sup> See UNSC. 2019. UN Secretary-General report on UNSMIL. (S/2019/19). Report, January 7, Available at: [https://unsmil.unmissions.org/sites/default/files/sg\\_report\\_on\\_unsmil\\_s\\_2019\\_19e.pdf](https://unsmil.unmissions.org/sites/default/files/sg_report_on_unsmil_s_2019_19e.pdf). Accessed October 3, 2023.

in 2017, or images of starving children as seen in Yemen. That may have been in part because the Libyan economy continued to function throughout the war years. From 2015 to 2019, Libya continued to produce and export oil and gas, and even managed to increase oil production to reach pre-2011 levels of over one million barrels a day, keeping it among the twenty largest oil producers in the world. Moreover, foreign assets from Gaddafi's era were estimated at tens of billions of US dollars (Ali and Harvie 2013).<sup>310</sup> While the number is elusive, estimates are that some seventy percent of the population were on the government payroll in the years leading to the conflict and then continued to receive salary despite the conflict, political divisions or any other circumstance that may have affected their employment or led to their displacement (Bellal 2015). That being the case, it is to be expected that a vast majority of the Libyan families likely had at least one member employed and were guaranteed some form of income, however minimal, throughout the years of conflict.<sup>311</sup> When the aid organizations engaged in 2011 and re-engaged again in 2015, they had to reckon with a country that was, on average, doing significantly better than many others, such as Somalia or Yemen, where conflict was generating widespread malnutrition and hunger, diseases and death. That may explain why the rollout of the international humanitarian system in 2015 was – similarly to 2011<sup>312</sup> - relatively slow and

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<sup>310</sup> For a few years prior to the fall of the Moammar Gaddafi regime in 2011, Libya's economic and human development prospects looked the most promising ever. In 2011, UNDP ranked Libya fifty-third on the human development index which measured and compared 169 countries' indicators of health, education, and the standard of living. When the Arab Spring protests of 2011 turned into widespread violence, many Libyans drove their families to Egypt and Tunisia where they sought to find safety and respite in hotels or rented apartments, rather than tented camps that UNHCR had set up for them (see IOM. 2012. *Migrants Caught in Crisis: The IOM Experience in Libya*. Available at: <https://publications.iom.int/books/migrants-caught-crisis-iom-experience-libya>. Also, Vuco, Ivana. 2011. "End of Mission Report (PROCAP) - Libya Operation, South Tunisia 14 June-16 July 2011." Post-Mission Evaluation Report. Geneva: Global Protection Cluster (PROCAP), July 2011. Available at: [https://www.globalprotectioncluster.org/assets/files/field\\_protection\\_clusters/Libya/files/ProCap\\_Libya\\_End\\_Mission\\_Report\\_2011\\_EN.pdf](https://www.globalprotectioncluster.org/assets/files/field_protection_clusters/Libya/files/ProCap_Libya_End_Mission_Report_2011_EN.pdf). Both accessed March 27, 2023).

<sup>311</sup> An INGO study on IDP profiles published in 2017. Personal copy.

<sup>312</sup> This is a personal observation from the time I deployed to the border of Libya as a UNHCR staffer in June 2011. At least one humanitarian article noted the same, see: Aly, Heba. 2011. Funding Dilemma. *New Humanitarian* (online magazine), December 5. Available at: <https://www.thenewhumanitarian.org/report/94394/libya-funding-dilemma>. Accessed March 27, 2023.

reluctant, and the size of the humanitarian response targeting the Libyan population relatively modest.

The establishment of the IHS was gradual and it took several years. The 2014 conflict displaced some 340,000 Libyans and negatively affected the livelihoods of many more. About three months into the conflict, the UNSMIL's deputy special representative of the UN Secretary-General assembled a small international community, forming an HCT and working groups out of no more than eight international non-governmental organizations and a handful of UN agencies that were present in the country and enjoyed a long-standing relationship and familiarity with international humanitarian systems.

In September 2014, Libya's HCT released the Humanitarian Appeal that requested \$35 million to fulfill the basic life-saving needs of over 300,000 people: 287,318 IDPs, 36,984 refugees, and an estimated 7,000 migrants.<sup>313</sup> The HRPs of subsequent years became increasingly ambitious, and the funding request increased in four years from the said \$35 million in 2014 to \$313 million in 2018 (Figure 8-2). The reason for an increase concerned migrants and their incorporation into humanitarian programs. In 2018, \$159.5 million, or more than half of the overall request, was intended for migrants and refugees. While the number of migrants and refugees remained constant (approximately 800,000 to 900,000 migrants and 50,000 to 60,000 refugees) through the years, the number of those among them henceforth considered in need of

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<sup>313</sup> The Appeal drafters anticipated questions about their inclusion of migrants in the Appeal and noted: "This group [i.e., the 7,000 migrants] has been identified as a target group for assistance by partners and is part of the overall beneficiary caseload. However, information on this group is currently not available, partners will seek to address this information gap as part of this appeal and through further missions and assessments in Libya." Cited in 2014 *Libya Humanitarian Appeal, September 2014-February 2015*. Prepared by the Humanitarian Country Team and released on September 19, 2014, in Tunis. The document is available at <https://www.humanitarianresponse.info/en/programme-cycle/space/document/libya-humanitarian-appeal-2014>. Last accessed March 27, 2023.

assistance increased thirty-fivefold, from 7,000 in 2014 to around 350,000 in 2018.<sup>314</sup> Most of the funds and efforts were, however, expended on the transit and incarcerated migrants. In parallel, the size of the HCT and the humanitarian community as a whole increased, and the designation of the resident and humanitarian coordinator helped formalize the humanitarian structure in Libya. Migrants, and especially incarcerated migrants, thus became a priority for the humanitarian community, surpassing other humanitarian agendas, such as non-migrant populations. How and why those decisions were made is important from the perspective of humanitarian principles. As explored in subsequent chapters, formulating a response in line with humanitarian principles in Libya was complex and required course corrections to rebalance the principles' requirements against a shifting and complicated political reality.

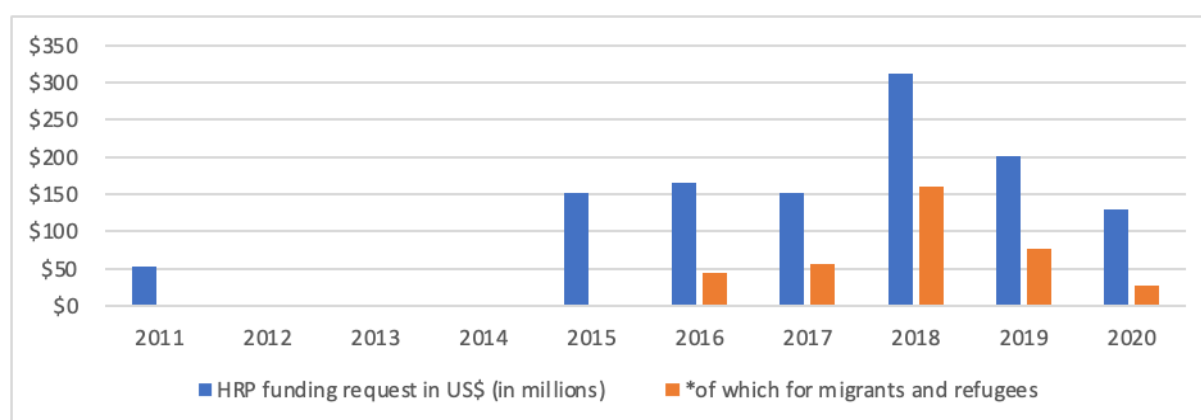


Figure 8-2 – Humanitarian Funding Requests for Libya 2011-2020<sup>315</sup>

### 8.3. Conceptualizing Migrants as a Humanitarian Caseload

In Libya, the phenomenon of migration had to be reconceptualized after large groups of people from Syria, but also Afghanistan and other countries, began to arrive in Europe, creating

<sup>314</sup> UN. 2018. “Humanitarian Response Plan Libya 2018.” Page 41. Available at: <https://reliefweb.int/report/libya/2018-libya-humanitarian-response-plan-january-december-2018>. Accessed September 10, 2021.

<sup>315</sup> This includes planned assistance to Libyans and migrants at different proportions. Calculated from OCHA FTS – Libya, from different years. Available at: <https://fts.unocha.org/countries/127/summary/2023>. Accessed April 7, 2023.

tensions within the continent on the required response to the “migration crisis.” The problem of the “migration crisis” was that it also involved refugees and asylum seekers, both of whom enjoy international protection recognized by most countries. Almost half a million Syrians considered *prima facie*<sup>316</sup> refugees by UNHCR, disembarked in Europe in 2015.<sup>317</sup> These complicated migration patterns are known as ‘mixed migration,’ defined by UNHCR as the movement of people with “. . . varying needs [that] may include asylum-seekers, refugees, stateless people, victims of trafficking, unaccompanied or separated children, and migrants in an irregular situation. Mixed movements are often complex and can present challenges for all those involved.”<sup>318</sup> Such was the situation inside Libya as well. In November 2019, IOM and WFP reported that there were about 655,000 migrants in Libya from as many as forty-four nationalities.<sup>319</sup> Among those, more than half were from Sub-Saharan countries, mostly Niger, Chad, and Sudan; over a quarter from North Africa, predominately Egypt; and six percent from the Middle East and Asia, predominately Syria and Bangladesh.<sup>320</sup> Amongst the surveyed migrants, IOM found diverse cultural and linguistic backgrounds and wide differences in education employable skills, and economic abilities.<sup>321</sup> Over ten percent of them were

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<sup>316</sup> Prima facie recognition of a refugee status is used for people recognized by UNHCR or states to be fleeing circumstances of harm in their countries of origin or countries of former habitual residence in case of stateless persons (see, for example, UNHCR. 2015. “Guidelines on International Protection No. 11: Prima Facie Recognition of Refugee Status.” HCR/GIP/15/11 2. June 24, 2015. Available at: <https://www.unhcr.org/publications/legal/558a62299/guidelines-international-protection-11-prima-facie-recognition-refugee.html>. Accessed April 7, 2023.

<sup>317</sup> UNHCR. “Mediterranean Arrival Data 2017.”

<sup>318</sup> Quoted from UNHCR USA webpage on Asylum and Migration, available at: <https://www.unhcr.org/en-us/asylum-and-migration.html#:~:text=People%20travelling%20as%20part%20of,challenges%20for%20all%20those%20involved>. Last accessed March 27, 2023.

<sup>319</sup> IOM/DTM and WFP. 2019. “Hunger, Displacement and Migration in Libya: Food Security Analysis.” Available at: <https://reports/dtm-wfp-hunger-displacement-and-migration-libya>. Accessed March 10, 2021.

<sup>320</sup> IOM. 2018. “Libya’s Migrant Report.” Round 23, November – December 2018. Available at: <http://www.globaldtm.info/libya/>. Accessed March 10, 2021.

<sup>321</sup> IOM/DTM and WFP. “Hunger, Displacement and Migration in Libya: Food Security Analysis;” and IOM. 2019. “Living and Working in the Midst of Conflict: The Status of Long-Term Migrants in Libya.” Analysis and Recommendations. Tripoli, Libya. Available at: <https://publications.iom.int/system/files/pdf/living-and-working-in-the-midst-of-conflict.pdf>. Accessed March 10, 2021.

designated as refugees by UNHCR,<sup>322</sup> creating complications in the allocations and distributions of entitlements and aid that did not always match the realities of the persons receiving or not receiving UNHCR's assistance.

The distinction between forced or voluntary migration is operationally useful – forced migration of refugees and asylum seekers may guarantee some form of international protection by UNHCR – but it also grossly simplifies the complicated reality of migrants' choices and situations (O'Connell Davidson 2013). In Libya, at least, many migrants who cited socio-economic reasons for their cross-border movements also rejected the notion of having, or exercising, a free choice, considering their situations in their home countries to be untenable. In fifty percent of the cases, migrants in Libya reported that they were well aware that their decisions were risky and potentially life-threatening, yet still better than the alternative (see, for example, Brigden 2015 for a discussion on the Salvadoran migrants' awareness of migration risks).<sup>323</sup>

In Libya, the process of including migrants into humanitarian programs was gradual but greatly influenced by the intensive campaign of international human rights organizations that documented abusive treatment of migrants and refugees at the hands of Libyan authorities, smugglers, and militias. Prior to 2016, UNHCR and a handful of their partners carried out refugee status determination and protection programs that extended to detention facilities. In 2015, UNHCR reported having maintained access to fifteen detention centers where it carried

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<sup>322</sup> Simplifying the complexity of choice making, UNHCR had used a group determination for nine nationalities, among them Sudanese, Syrians, and Palestinians, to be considered *prima facie* refugees in Libya, along with anyone else based on an individual determination of their credible persecution claim that may concern their sexual, gender, racial or ethnic identity or political views (for more on UNHCR's status determinations, see UNHCR. 2019. UNHCR Submission for the Universal Periodic Review – Libya – UPR 36th Session (2019). Available at:

<https://www.refworld.org/docid/5e1749392.html>. Accessed March 10, 2021). Libya, however, is not a signatory to the 1951 Refugee Convention and its Additional Protocols, and thus domestic refugee and asylum-claiming procedures and support are non-existent.

<sup>323</sup> See, also, IOM/DTM and WFP. "Hunger, Displacement and Migration in Libya: Food Security Analysis."

out status determinations for detained refugees and asylum seekers.<sup>324</sup> UNHCR, however, refrained from publicly criticizing the Libyan government about the treatment and conditions in those facilities.<sup>325</sup> While Libyan authorities openly disapproved of UNHCR's mandate (UNHCR was never diplomatically accredited in Libya), a lack of UNHCR's public engagement on the problematic detention practice and treatment was likely more due to the prevailing opinion that this was a human rights problem, rather than based on the tenuousness of the organization's status in Libya.

Indeed, the treatment of migrants in Libya and the European anti-immigration measures in 2015 and later were of intense interest to human rights organizations who were able to interview migrants and refugees reaching European shores, recording thousands upon thousands of testimonies about the systematic and horrific human rights abuses in Libya. The interviews helped the researchers reconstruct how the Libyan Coastal Guard (LCG), the European Union's partner in the Operation Sophia initiative,<sup>326</sup> patrolled the Libyan waters to intercept boats and dinghies transporting illegal migrants and refugees enroute to Europe. The LCG apprehended the migrants and refugees, brought them back to the Libyan shores, and turned them over to the Ministry of Interior's Department for Combatting Illegal Migration (DCIM) to be detained in facilities that were often repurposed spaces with inadequate sanitation and protection from elements. The migrants told the researchers about rape, extortion, and beatings they or others they knew had experienced in detention facilities

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<sup>324</sup> Dobbs, Leo. 2015. "UNHCR to Help Libya Improve Response to Boats in Distress off its Coast." Report. UNHCR, August 18, 2015. Available at: <https://www.unhcr.org/news/latest/2015/8/55d3419c6/unhcr-help-libya-improve-response-boats-distress-its-coast.html>. Accessed on June 3, 2020.

<sup>325</sup> For a discussion on UNHCR's mandate and the critique of its operational modality, see Bradley (2017); M. Barnett (2009) and Duffield (1997).

<sup>326</sup> The European Union paid €20 million directly to the Government of Libya to set up and equip the Libyan Coast Guard and the Department for Combatting Illegal Migration (DCIM) within the Libyan Ministry of Interior, specifically so that these institutions could, each in its own way, prevent and divert migratory movements to Europe.



(Mangan and Murray 2016).<sup>327</sup> Quite a few research documents were produced in 2016 and later, indicating the same abysmal state of Libya's rule of law. The Global Detention Project,<sup>328</sup> a Geneva-based research institute, published a report in 2016 documenting abuses in detention. In December 2016, a joint UNSMIL and OHCHR report on Libya's detention practices for migrants described how DCIM but also other Libyan institutions held people in dehumanizing conditions with "no formal registration, no legal process, and no access to lawyers or judicial authorities."<sup>329</sup> Immediately thereafter, Human Rights Watch (HRW),<sup>330</sup> reiterating the report's findings, called for immediate remedial and prosecutorial actions of everyone concerned. In one of its reports, OHCHR described the situation as follows: "Migrants and refugees suffer unimaginable horrors during their transit through and stay in Libya. From the moment they step onto Libyan soil, they become vulnerable to unlawful killings, torture and other ill-treatment, arbitrary detention and unlawful deprivation of liberty, rape and other forms of sexual and gender-based violence, slavery and forced labour, extortion and exploitation by both State and non-State actors" (Boitiaux 2019).<sup>331</sup> A report by the New York-based Women's

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<sup>327</sup> See, *inter alia*, HRW. 2016. "EU/NATO: Europe's Plan Endangers Foreigners in Libya." Report, July 6, 2016. Available at:

<https://www.hrw.org/news/2016/07/06/eu/nato-europes-plan-endangers-foreigners-libya>. Accessed June 3, 2020. In another report, HRW published interviews with people in detention. One particularly gruesome account was provided by "Demsas," a 24-year-old from Eritrea, who described the detention conditions he and his wife endured as horrifying "... because the walls were full of people's blood, the smell was very bad. [. . .] Many people had allergies, skin problems" (HRW. 2019. "No Escape from Hell: EU Policies Contribute to Abuse of Migrants in Libya." Available at: <https://www.hrw.org/report/2019/01/21/no-escape-hell/eu-policies-contribute-abuse-migrants-libya>. Accessed May 9, 2020).

<sup>328</sup> For example, Global Detention Project. 2015. "The Detention of Asylum Seekers in the Mediterranean Region: A Global Detention Project Background." Geneva. Available at: <https://www.refworld.org/pdfid/556736e24.pdf>. Accessed May 9, 2020

<sup>329</sup> UNSMIL and OHCHR. 2016. "Detained and Dehumanized: Report on Human Rights Abuses Against Migrants in Libya." Geneva. Available at: <https://news.un.org/en/story/2016/12/547712-un-human-rights-report-urges-end-unimaginable-abuse-migrants-libya>. Last accessed April 18, 2023.

<sup>330</sup> HRW. 2016. "Libya: End 'Horrific' Abuse of Detained Migrants - UN Report Details Widespread Torture, Forced Labor, Sexual Violence." Short online article. December 14, 2016. Available at: <https://www.hrw.org/news/2016/12/14/libya-end-horrific-abuse-detained-migrants>. Accessed May 10, 2020.

<sup>331</sup> See, also, OHCHR. 2018. "Desperate and Dangerous: Report on the Human Rights Situation of Migrants and Refugees in Libya." Available at: <https://www.google.com/search?q=OHCHR+statement+on+migrants+detention+libya&oq=OHCHR+statement+on+migrants+detention+libya&aqs=chrome..69i57.7790j0j7&sourceid=chrome&ie=UTF-8>. Accessed March 10, 2021.



Refugee Commission published in April 2019 described how, in many cases, sexual violence and torture were filmed to be used to extract ransom money from the victims' relatives (Chynoweth 2019).

In 2016, MSF, known for its policy of *témoignage*, i.e., witnessing and advocating on behalf of their beneficiaries, set up mobile medical clinics inside several migrant detention facilities,<sup>332</sup> giving it a closer look into the situation. Having seen the conditions up-close and in-person, MSF launched an authoritative campaign within the humanitarian community and donors that described emaciated and nutritionally deficient migrants held in overcrowded, disease-prone facilities without access to sanitation, clean water, or medical care. MSF's detailed descriptions and intended advocacy to make these conditions widely known framed the discourse on migrant detention as a humanitarian problem. Neither MSF nor other humanitarian organizations, including UNHCR and IOM, were clear on the 'acceptable' boundaries of their engagement in detention facilities. In the beginning, the reputational risk of not responding to people in distress was viewed to be as great as the risk of co-optation into a system that blatantly violated human rights. The allegations of torture, chaotic governmental management of and oversight over the detention facilities, as well as the presence of militias were all cited as deterrence to humanitarian engagement. The problematic visibility of engagement and a reputational risk was most clearly expressed in one UN official's opinion that the UN could not be seen supporting the practice of detention.<sup>333</sup> No humanitarian organization condoned or would condone the practice of detaining migrants, especially when

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<sup>332</sup> See also MSF. 2016. "Providing Healthcare to Detained Refugees and Migrants." December 14. Available at: <https://www.msf.org/libya-providing-healthcare-detained-refugees-and-migrants>. Accessed on June 3, 2020.

<sup>333</sup> Personal notes from 2016

the detention did not adhere to a judicial or administrative process.<sup>334</sup> Assisting detained migrants might have been misconstrued to mean exactly that.

When thus, sometime in 2016, the Libyan authorities requested that the UN provide food to migrants in detention, the UN, through its UNHCR and IOM-led Mixed Migration Working Group (MMWG), weighed its options and risks and then opted for a limited intervention of assistance but only as a one-off or time bound delivery, expiring in either case after forty-eight hours from the time of the request.<sup>335</sup> The repeated, recurring assistance was thus not contemplated. By December 2016, as six humanitarian organizations operated their medical, water and sanitation, and food provision services in detention facilities, they reportedly did so in a manner that was crafted so as not to be seen as complementing, or worse, replacing detaining authority's responsibilities.

#### 8.4. European Policy Angle and Considerations

Horrific detention and imprisonment practices were a long-standing problem in Libya in general, but the detention of transit migrants, with all the problems associated with the country's incarceration system, was facilitated (and implicitly encouraged) by the European policy of "externalization" i.e., outsourcing of immigration management away from European borders to the neighboring frontier countries – in this case, Libya (Baldwin-Edwards and Lutterbeck 2019). The externalization policy dates to 2008 when Italy and Libya entered into an agreement intended to halt what was termed the irregular flow of migrants through Libya

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<sup>334</sup> UNSMIL and OHCHR. "Detained and Dehumanized: Report on Human Rights Abuses Against Migrants in Libya." See also Global Detention Project Submission to the UN Committee on Migrant Workers 27th Session (4-13 September 2017): List of Issues under the Simplified Reporting Procedure – Libya. Geneva, August 2016. Available at: [https://tbinternet.ohchr.org/Treaties/CMW/Shared%20Documents/LBY/INT\\_CMW\\_NGO\\_LBY\\_28522\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CMW/Shared%20Documents/LBY/INT_CMW_NGO_LBY_28522_E.pdf). Both accessed March 23, 2023.

<sup>335</sup> See OCHA. 2016. "Libya Humanitarian Bulletin." Issue 8. Published on October 25, 2016. Available at: <https://reliefweb.int/report/libya/libya-humanitarian-bulletin-issue-08-october-2016-enar>. Last accessed March 23, 2023.

into Italy. The Treaty of Friendship, Partnership, and Cooperation between the Italian Republic and Great Socialist People's Libyan Arab Jamahiriya, or the "Friendship Pact," signed on August 30, 2008, called for "intensifying" cooperation in "fighting terrorism, organized crime, drug trafficking, and illegal immigration."<sup>336</sup> As a part of the deal, the two countries agreed to strengthen Libya's land and sea border control systems, by strengthening Libya's Coastal Guard's patrolling of its country's waters in search of illicit boats destined for Europe. The system of not allowing refugees and legitimate asylum seekers to exercise their right to have their asylum and refugee claim ascertained and protected, noted Human Rights Watch in 2009, violated the international norm of *non-refoulement*.<sup>337</sup> In 2008, the number of migrants attempting to cross the Mediterranean, the largest in that timeframe, was 30,657 (Cuttitta 2014), a fraction of the number of migrants embarking on the same journey in 2014, 2015, and 2016.

In contrast to 2008, 170,000 people reached Italy from Libya in 2014 – and even more tried and failed.<sup>338</sup> There was, to be sure, a broader migration movement on land and across the Aegean and the Mediterranean Seas towards Europe in 2014 and the following years, marking the beginning of the so-called European "migration crisis." Some 1.3 million people illegally entered Europe, seeking asylum, in 2015, doubling or even tripling the number of previous years.<sup>339</sup> In 2016, 181,376 people crossed the Mediterranean to Europe.<sup>340</sup> After the initial

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<sup>336</sup> HRW. 2009. "Pushed Back, Pushed Around: Italy's Forced Return of Boat Migrants and Asylum Seekers, Libya's Mistreatment of Migrants and Asylum Seekers." Available at: <https://www.hrw.org/report/2009/09/21/pushed-back-pushed-around/italys-forced-return-boat-migrants-and-asylum-seekers>. Accessed July 2, 2020.

<sup>337</sup> Ibid.

<sup>338</sup> Information taken from the webpage by the European Border and Coast Guard Agency, also known as Frontex, at <https://frontex.europa.eu/along-eu-borders/migratory-routes/central-mediterranean-route/>. Accessed July 2, 2020

<sup>339</sup> Pew Research Center. 2016. "Number of Refugees to Europe Surges to Record 1.3 Million in 2015." Report published on August 2. Available at: [https://www.pewresearch.org/global/2016/08/02/number-of-refugees-to-europe-surges-to-record-1-3-million-in-2015/pgm\\_2016-08-02\\_europe-asylum-01/](https://www.pewresearch.org/global/2016/08/02/number-of-refugees-to-europe-surges-to-record-1-3-million-in-2015/pgm_2016-08-02_europe-asylum-01/). Accessed May 7, 2020.

<sup>340</sup> Ibid.

shock, European countries responded by calling on an extraordinary session of the European Council in April 2015, during which they created a naval force named European Union Naval Force, or EUNAVFOR Med for short, and launched what was termed the Common Security and Defence Policy (CSDP) operation. Later that year, the Council established the Mediterranean Operation Sophia and then, by calling on Chapter VII of the UN Charter, extended its jurisdiction into international waters. Migration thus became a security problem in the category of others representing “threat to peace, breaches of the peace and acts of aggression.”<sup>341</sup>

Operation Sophia authorized boarding, search, seizure, and diversion on the high seas of vessels suspected of being used for human smuggling or trafficking human beings.<sup>342</sup> To curb the root causes of displacement and migration, the EU set up the Emergency Trust Fund for Africa, worth €4.5 billion in 2015.<sup>343</sup> In 2017, the European Council further expanded its financial support to Libyan migration management institutions under the pretext of improving reception capacities and conditions for migrants in Libya. Some €48 million was allocated to international organizations, the UN, and non-governmental organizations to assist at disembarkation points and detention centers, where migrants were to be assisted with primary health care, psychological first aid, and access to food and non-food items. Consequently, humanitarian funding between 2015 and 2017 increased eight-fold. The measures and funding

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<sup>341</sup> Chapter VII, Charter of the United Nations, 1 UNTS XVI, 24 October 1945, <https://www.refworld.org/legal/constinstr/un/1945/en/27654>. Accessed October 4, 2023.

<sup>342</sup> European Parliament. 2015. EU Mounts New Maritime Operation to Tackle Mediterranean People Traffickers: At a Glance. Briefing, June 2015. Available at: [https://www.europarl.europa.eu/RegData/etudes/ATAG/2015/559489/EPRS\\_ATA%282015%29559489\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/ATAG/2015/559489/EPRS_ATA%282015%29559489_EN.pdf). Accessed May 10, 2020.

<sup>343</sup> The Emergency Trust Fund was designed as a revolving fund mechanism managed by UNDP, through which the EU funneled over €286 million from 2016 to 2018 to the Libyan authorities as well as international organizations for migration-related activities. Information taken from the European Council website: Migration Flows on the Central Mediterranean Route, available at: <https://www.consilium.europa.eu/en/policies/migratory-pressure/central-mediterranean-route/>. Accessed May 7, 2020.

yielded positive results for Europe – transit migration indeed began to decline in 2017 (Figure 8-3).<sup>344</sup>

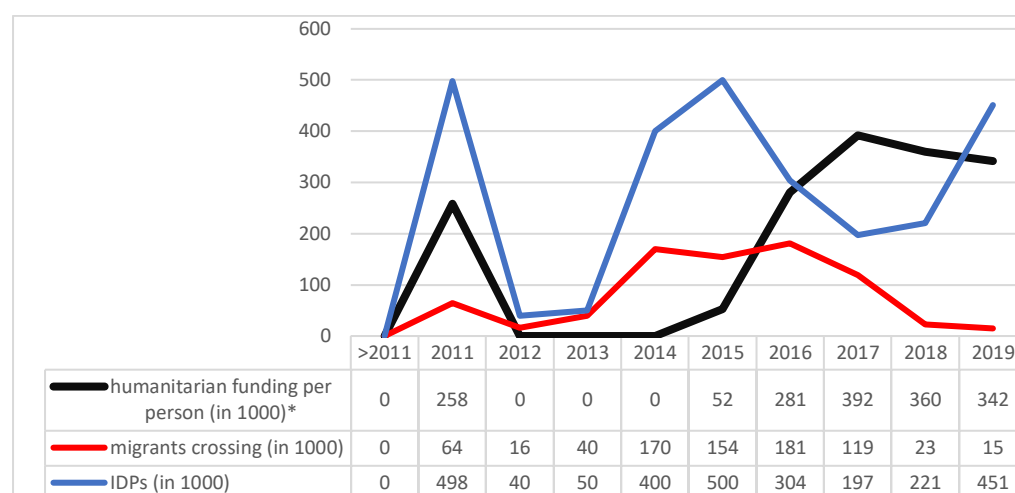


Figure 8-3 – IDPs, Transit Migrants and Humanitarian Funding, Libya 2011-2019<sup>345</sup>

One immediate consequence of expanding the European immigration externalization policy was the expansion of MMWG-coordinated aid programs, and the assistance packages available for those. Humanitarian planning documents registered seven humanitarian organizations supporting migrants and refugees in 2014, eighteen in 2016,<sup>346</sup> and twenty-three in 2019.<sup>347</sup> UNHCR’s core (i.e., Pillar 1) funding for refugees (which, as remarked earlier, are frequently

<sup>344</sup> Ibid.

<sup>345</sup> Graph explanation: to enable the reflection of funding levels in the chart, I have commuted the funding figure to funding per person by using the following formula:

$$\frac{\text{HRP funding requirement}}{\text{people targeted}} = \text{cost of humanitarian aid per person}$$

Applying this formula, the US\$ per person for 2016 was 127 ( $\frac{165.6}{1.3} = 127$ ). In 2016, the actual humanitarian financial contribution was \$67.8 million, divided by 127 equals 0.533 million people. In 2017, the US\$ per person was \$167, in 2018 \$332 per person and in 2019 \$365 per person. I used the data on IDPs from the Internal Displacement Monitoring Center (IDMC) (<https://www.internal-displacement.org/countries/libya>); on humanitarian finances per year from OCHA FTS (<https://fts.unocha.org/>) and on migrants from the European Border and Coast Guard Agency (Frontex) (<https://frontex.europa.eu/along-eu-borders/migratory-map/>).

<sup>346</sup> UN HRP 2016, available at <https://reliefweb.int>. Accessed May 8, 2020

<sup>347</sup> UN HRP 2019, available at <https://reliefweb.int>. Accessed May 10, 2020.

mixed with migrants in detention facilities as well as elsewhere) rose from \$14.6 million in 2016 to \$62.8 million in 2017.<sup>348</sup> IOM's funds specifically labeled for migrants doubled from \$13.6 million to \$27 million between the years 2016 and 2018. For comparison (see

Figure 8-3), the internal displacement did not elicit any corresponding response by donors in 2014 and 2015 when the number of IDPs reached 400,000 and 500,000, respectively. In 2017, the year the humanitarian funding was at its peak, the internal displacement had already begun to decline, with more people returning home than living in displacement. In 2017, there were 197,000 recorded IDPs in Libya.<sup>349</sup> To the point that the funding followed the migration trends, rather than general humanitarian situation, suffice it to show that even though the number of IDPs dramatically increased in 2019, the humanitarian funding declined, as did the transit migration.

The European immigration policy was hailed as a success in European capitals. By mid-2017, the number of boats reaching Italy began to decline from 91,584<sup>350</sup> in the first half to 24,097 in the second half of the year<sup>351</sup> and even more thereafter. That same year, 3,116 migrants - or twice as many recorded the previous year - drowned while attempting to cross the Mediterranean Sea.<sup>352</sup>

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<sup>348</sup> Data extrapolated from UNHCR. Global Focus – Libya documents from different years. Available at: <https://reporting.unhcr.org/libya>. Accessed May 5-8, 2020.

<sup>349</sup> Internal Displacement Monitoring Center (IDMC). Country Information: Libya. Website. Available at: <https://www.internal-displacement.org/countries/libya>. Accessed on May 7, 2020

<sup>350</sup> This is 96.2 percent of all sea arrivals in Italy in the first half of 2017. UNHCR. 2017. "Italy: Sea Arrivals Dashboard January-July 2017." Available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/58706.pdf>. Accessed on July 3, 2020.

<sup>351</sup> OHCHR. 2018. "Desperate and Dangerous: Report on the Human Rights Situation of Migrants and Refugees in Libya," page 12. The total numbers for Europe were somewhat larger, 171,635 migrants reached Europe via all sea crossings in 2017 and 363,503 in 2016. See IOM's report "Mediterranean Migrant Arrivals Reached 171,635 in 2017; Deaths Reach 3,116 from January 5, 2018." Available at: <https://www.iom.int/news/mediterranean-migrant-arrivals-reached-171635-2017-deaths-reach-3116>. Accessed on May 7, 2020.

<sup>352</sup> IOM. "Libya's Migrant Report."

### 8.5. Post-2016 Humanitarian Aid in Political Economy of Migration Management

The Libyan migration system had been, as indicated earlier, highly problematic. While nominally under the purview of the DCIM, the detention facilities were managed by smugglers or armed militias; the distinction between whom was not always possible (Malakooti 2019). Smugglers used militias' protection in the territories they controlled, creating lucrative business opportunities founded on extortion and manipulation (Tinti and Westcott 2016). Consequently, detention centers became business opportunities for multiple actors. Moreover, the distinction between government officials and militias was not always clear. Malakooti (2019: 27) wrote: "The reality is that the vast majority of prison guards in the country belong to militia groups or are former militia who may have been involved in smuggling or forms of exploitation in the past." It later also became apparent that the LCG, through tribal and other connections, became entangled and willing participants in this smuggling, interception, and detention scheme where migrants were treated as a commodity and sold for profit.

To prove the point, MSF, as well as other human rights/humanitarian Mediterranean rescue initiatives, videotaped the LCG's operations, showing them intentionally failing to rescue stranded migrants at sea, leaving them to drown.<sup>353</sup> Such reports and videos undermined European immigration containment efforts and raised questions about their legality and humanity. In a self-reflection paper on its engagement in detention situations in Greece and Libya, IRC wrote: "In both Greece and Libya, the role and purpose of detention was intimately

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<sup>353</sup> On December 26, 2018, a damning recording of a horrific incident where twenty migrants drowned in the presence of the Libyan Coast Guard was made by the Times's Opinion Video team and the two research groups, Forensic Architecture and Forensic Oceanography. The video is available at: <https://www.nytimes.com/interactive/2018/12/26/opinion/europe-migrant-crisis-mediterranean-libya.html?smid=fb-share&fbclid=IwAR2ksIrYo99nGdQ2QP1psUdeSITLPB7YgA2BgS1MS6xXxaEnvmHsEmBEqoA>. Accessed May 8, 2020.

linked to and implicated in European migration containment and externalization policy agendas.”<sup>354</sup>

Indeed, as the illegal sea crossings ebbed in 2017 and 2018, the number of detained migrants in Libya simultaneously expanded, effectively leading to the transference of responsibility from the European states to the Libyan authorities and the creation of a humanitarian caseload left to the aid organizations to manage. The effectiveness of the European anti-immigration program was manifested in the greater ability of the LCG to intercept and arrest migrants and refugees transiting the Mediterranean Sea to Europe, pushing them back into the system that was cruel and inhumane, to begin with. Once back in Libya, the arrested people were at the mercy of the militias and smugglers without any protection of the law. Their humanitarian needs thus stemmed from nothing other than the situation created by the brutality of the system that often began with the point of interception of their cross-sea journey.

Migrant detention numbers grew rapidly over the years. In April 2013, there were some 1,700 detained migrants in the country; in April 2015, that number was 2,663;<sup>355</sup> in 2016, estimates were that anywhere between 4,000 and 7,000 people languished in detention facilities,<sup>356</sup> and between 5,000 and 6,000 in 2017.<sup>357</sup> In 2018, IOM reported the number of migrants in official detention facilities to be as high as 9,300.<sup>358</sup> In 2017, UNHCR reported that there were thirty-three official detention facilities for migrants that operated under the jurisdiction of the

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<sup>354</sup> Phillips, Jason. “Working with Detained Populations in Greece and Libya: A Comparative Study of the Ethical Challenges Facing the International Rescue Committee”: 4. See, also, HRW. “No Escape from Hell: EU Policies Contribute to Abuse of Migrants in Libya.”

<sup>355</sup> Global Detention Project. “The Detention of Asylum Seekers in the Mediterranean Region: A Global Detention Project Backgrounder.”

<sup>356</sup> HRW. “Libya: End ‘Horrific’ Abuse of Detained Migrants - UN Report Details Widespread Torture, Forced Labor, Sexual Violence.”

<sup>357</sup> UNHCR. 2017. “Libya Detention Centers: Active Official Detention Centers.” Report, September 21. Available at: <https://data2.unhcr.org/en/documents/details/61006>. Accessed September 1, 2020.

<sup>358</sup> IOM. 2018. “Voluntary Humanitarian Returns Continue in Libya as Number of Detained Migrants Soars.” Report, August 10. Available at: <https://www.iom.int/news/iom-voluntary-humanitarian-returns-continue-libya-number-detained-migrants-soars>. Accessed May 10, 2020.



DCIM,<sup>359</sup> although, due to DCIM's lackadaisical record keeping, the exact number was unknown.<sup>360</sup> There was also an unknown number of other facilities maintained by smugglers themselves, where many transient and undocumented migrants were held for extended periods of time under extremely problematic conditions. How many of those there were at any given time was simply impossible to establish.<sup>361</sup>

In 2017 and 2018, in contrast to 2016, humanitarian assistance in detention facilities was delivered openly and without reservations. In 2018, OCHA reported all basic needs to be covered in at least one Tripoli facility, while many others were serviced and equipped: one was equipped with a kitchen and basic cooking supplies.<sup>362</sup> Water and sanitation and primary health care needs were also provided. In addition to their regular work, UNHCR reported to be monitoring the situation in the detention facilities adjacent to conflict zones, ready to relocate the migrants should the authorities request it.<sup>363</sup> Detention authorities frequently requested assistance and in many instances food services and deliveries were provided on a rolling basis. The aid organizations continuously offered and stated their readiness to cover the gaps. "I saw people, not walls," remarked one INGO aid worker.<sup>364</sup>

Notwithstanding the stated and shown willingness to provide aid in detention centers, the aid organizations still faced numerous challenges and restrictions. The physical access to migrants was one such challenge. Some aid workers reported having to wait for migrants with health problems to be brought to them by detention guards rather than being allowed to visit them in

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<sup>359</sup> UNHCR. "Libya Detention Centers: Active Official Detention Centers."

<sup>360</sup> Amnesty International. 2017. "Dark Web of Collusion: Abuses Against Europe-Bound Refugees and Migrants." London: Amnesty International Publication. Available at: <https://www.amnesty.org/download/Documents/MDE1975612017ENGLISH.PDF>. Accessed March 10, 2020.

<sup>361</sup> Ibid.

<sup>362</sup> Personal notes.

<sup>363</sup> Interview. Coded as Libya B. In person in Tunis. March 18, 2019.

<sup>364</sup> Interview. Coded as Libya I. Skype. March 6, 2020.

their holding places.<sup>365</sup> Meanwhile, diversions of commodities and profiteering were widely practiced. In Hamra camp in Gharyan, for example, an observer in the municipality reported that funds amounting to up to one million Libyan dinars (equivalent to US\$716,000), intended for the procurement of basic necessities, were instead diverted to support a local militia group called the 8th Rada Force.<sup>366</sup> Around Misrata, Khoms, and Zliten, meanwhile, some of my interlocutors observed that four separate detention facilities had received exactly the same assistance from four separate international organizations.<sup>367</sup> Detention authorities openly practiced extortion, charging migrants for services, transfers, or for release from prisons in some not-too-infrequent cases. The rates varied: Syrians and East Africans were charged the most, being considered, as it were, richer or with better international social and familial networks, or, sometimes, simply more “desperate to move on to Europe” (Malakooti 2019: 40). Two researchers (Shaw and Mangan 2015: 106) visited Libya in 2015 and wrote: “Migrants, held in both Ministry of Interior migrant detention centres—squalid crowded institutions where many migrants spend months—and the official Ministry of Justice prisons, recounted how they had been arrested, but could be freed once the right ‘payment’ could be arranged. In the case of the large migrant detention centre at Ganfuda in Benghazi, operated by militia group—and to which we were refused entry—interviewees told of a brutal systematised regime of violence and extortion, wherein migrants were released into the custody of Libyans who exacted payment from them with the threat of rearrest should payments cease.”

The economy of migrant detention extended further. Food services, delivered in the catered form or as money paid for by DCIM directly to the prison guards and managers, too, became

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<sup>365</sup> Interviews: Libya D. In person in Tunis. March 22, 2019; and Libya E. In person in Tunis. March 21, 2019.

<sup>366</sup> Peaceful Change Initiative (PCI). 2017. “Voluntary Peer Review – Protection & Migration Assistance.” Summary Report, November 2017. Available at: [https://peacefulchange.org/wp-content/uploads/2018/11/protection\\_migration\\_csa\\_pr\\_summary.pdf](https://peacefulchange.org/wp-content/uploads/2018/11/protection_migration_csa_pr_summary.pdf). Accessed on June 18, 2020.

<sup>367</sup> Interviews: Libya E and Libya G, in person in Tunis. February 18, 2020.

diverted to feed or finance militias rather than migrants. Non-food items, such as blankets and buckets provided by international organizations, were reported as taken and resold on local markets (Malakooti 2019). Funds provided by DCIM for other services, refurbishment or construction were appropriated and never used for the purpose they were paid for (Malakooti 2019: 41).<sup>368</sup> When infrastructure improvements were planned, managing detention staff often dictated the choice of the contractor, thus siphoning money back to their own pockets (Malakooti 2019: 41). Often aid organizations dropped off their goods, rather than hand delivered them. In one such facility, where access to detainees was restricted, multiple organizations kept answering the detaining authorities' call for commodities, reportedly delivering the same stuff time and again.<sup>369</sup> The extent of fraud and diversion is likely never to be known. When donors or diplomatic representatives requested to visit, they were reportedly always taken to the same, better-equipped facilities.<sup>370</sup> Aid organizations found Libya's authorities unhelpful in securing access or responding to their appeal to improve the conditions. Militias frequently invited foreign aid to their detention facilities but under their own conditions of controlled access. Negotiations were ineffective. "We were played," remarked one INGO official.<sup>371</sup>

With time, the indignity of Libya's migration management became widely known. Migrants themselves filmed their holding places and shared their videos with researchers and journalists. Humanitarian organizations now, too, reported, with more frequency, poor and inadequate nutrition, the emaciated appearance of detainees who reported surviving on plain macaroni once a day on most days, unhealthy and inadequate water supply, poorly equipped wash facilities, children and adults held together in detention cells, and more. The cases of

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<sup>368</sup> Also, interview, Libya E.

<sup>369</sup> Interview, Libya G.

<sup>370</sup> Interview, Libya B.

<sup>371</sup> Ibid.

tuberculosis and scabies, both highly infectious, continued to be rampant due to the lack of care, over-crowdedness, and no hygiene.<sup>372</sup>

There is no reason to doubt that individual migrants who had received assistance in any form benefited from it,<sup>373</sup> yet one is pressed to find any evidence that the overall humanitarian situation affecting migrants in detention was in any way improving. INGO medical providers did not enjoy guaranteed access to their patients and were not informed when they were transferred or moved.<sup>374</sup> Moreover, as we have seen, between 2014 and 2018, the number of detention facilities and detained migrants continuously increased, even as the rate of sea crossings diminished in mid-2017. In 2018, two years into the humanitarian programming in migrant detention facilities, the general humanitarian situation affecting detained migrants looked in many ways at least as bad as it did in 2016, or possibly even worse, considering that double the numbers of migrants were now exposed to these inhumane conditions.<sup>375</sup> By the very end of 2018, one UN report noted the following: “UN staff visiting 11 detention centres, where thousands of migrants and refugees are being held, documented torture, ill-treatment, forced labour, and rape by the guards. Migrants held in the centres are systematically subjected to starvation and severe beatings, burned with hot metal objects, electrocuted, and subjected to other forms of ill-treatment with the aim of extorting money from their families through a complex system of money transfers. The detention centres are characterized by severe

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<sup>372</sup> See, for example, OCHA. July 3, 2019. “Libya: Attack on Tajoura Detention Center: Humanitarian Update.” Report. Available at:

[https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/humanitarian\\_update\\_-\\_attack\\_on\\_tajoura\\_dc\\_03\\_july\\_2019.pdf](https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/humanitarian_update_-_attack_on_tajoura_dc_03_july_2019.pdf). Accessed on April 30, 2020.

<sup>373</sup> See for example, Libya Health Sector Bulletin for July 2019 available at: <https://www.who.int/health-cluster/countries/libya/Lybia-Health-Sector-Bulletin-July-2019.pdf>. Accessed on June 20, 2020.

<sup>374</sup> Phillips, Jason. “Working with Detained Populations in Greece and Libya: A Comparative Study of the Ethical Challenges Facing the International Rescue Committee.”

<sup>375</sup> Consider, for example, MSF’s report from March 20, 2019 entitled “Alarming Rates of Malnutrition and Inhumane Conditions in Tripoli Detention Centre,” available at: [https://www.msf.org/alarming-rates-malnutrition-and-inhumane-conditions-tripoli-detention-centre-libya?utm\\_source=Refugees+Deeply&utm\\_campaign=3c677eab7a-EMAIL\\_CAMPAIGN\\_2019\\_03\\_22\\_01\\_11&utm\\_medium=email&utm\\_term=0\\_8b056c90e2-3c677eab7a-117957249](https://www.msf.org/alarming-rates-malnutrition-and-inhumane-conditions-tripoli-detention-centre-libya?utm_source=Refugees+Deeply&utm_campaign=3c677eab7a-EMAIL_CAMPAIGN_2019_03_22_01_11&utm_medium=email&utm_term=0_8b056c90e2-3c677eab7a-117957249). Accessed on June 21, 2020.

overcrowding, lack of ventilation and lighting, and insufficient washing facilities and latrines. In addition to the abuses and violence committed against the people held there, many of them suffer from malnutrition, skin infections, acute diarrhoea, respiratory-tract infections, and other ailments, as well as inadequate medical treatment. Children are held with adults in the same squalid conditions.”<sup>376</sup>

## 8.6. Rethinking Humanitarian Decisions / Transforming Humanitarian Response

In mid to late 2018, the aid communities embarked on the self-reflection process, both internally within their own organizations and externally with other members of the humanitarian coordination groups. Gradually, the consensus emerged that the well-meaning humanitarian efforts that provided supplies, commodities, services, and funds in effect only attracted or expanded nefarious activities by the militias managing detaining facilities. By some measure, the aid organizations surmised, humanitarian assistance failed its main objective to help improve the lives of the people it purported to assist.

The self-reflection led to the examination and re-evaluation of humanitarian principles in the response to the migration situation in Libya, but also of the system within which the decisions were made. The aid organizations, mostly NGOs leading the process of re-thinking the principled approach, also drove the process of re-aligning the humanitarian migration decisions with those of the humanitarian system. In the re-alignment process, NGOs demanded better integration of the MMWG within the overall international architecture led by the humanitarian coordinator, and the decision-making transferred from the MMWG to the humanitarian country team. Encountering resistance, NGOs made their complaints to the donors and then, in protest,

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<sup>376</sup> *UN News* (New York). 2018. UN Report Sheds Light on ‘Unimaginable Horrors’ Faced by Migrants and Refugees in Libya, and Beyond. December 20. Available at: <https://news.un.org/en/story/2018/12/1029031>. Accessed on June 21, 2020.

boycotted MMWG's meetings. The MMWG was eventually disbanded, having failed to withstand the pressure now exercised not only by NGOs but also the rest of the UN community, in particular the humanitarian coordinator and humanitarian donors.<sup>377</sup>

The NGOs achieved their objective, and the migration portfolio was transferred to the responsibility of the HCT, which later that year agreed on a need to draft a 'principled approach' document outlining (ethical) framework for responding to migrant detention facilities.<sup>378</sup> The principled approach was expected to rebalance neutrality and operational independence with the demand to meet the humanitarian imperative and address the needs of the incarcerated migrants. After some months of discussions, the humanitarian country team adopted a principled approach document, effectively changing the nature of the humanitarian assistance insofar as the detention facilities in Libya were concerned. The document decried the harmful approach practiced by aid organizations and called for better scrutiny of aid programs. As a result, aid programs were scaled down. Donors drafted their own policy document on responsible funding practices, consistent with the HCT's one. Soon thereafter another unexpected set of events drove the reflection process farther.

In April 2019, the Libyan National Army launched a military campaign in the south and then east of the country, aiming to displace the government in Tripoli, and throwing Libya into another round of conflict and violence. In the ensuing chaos, detention authorities fled, leaving migrants locked inside the abandoned facilities. In July 2019, one detention facility was hit by an air strike that instantly killed fifty-three detained migrants. Since the aid community had already for some time re-examined the entire migration management and its own engagement with it, the incident had a mobilizing effect. Almost immediately, the HCT set out to articulate

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<sup>377</sup> Email correspondence with persons with knowledge about the events over the course of 2018 and 2019.

<sup>378</sup> Phillips, Jason. "Working with Detained Populations in Greece and Libya: A Comparative Study of the Ethical Challenges Facing the International Rescue Committee."

a new position on the detention of migrants in Libya. Eventually, the consensus was reached that the HCT, on behalf of its members, UN and INGOs, should demand the government consider the “alternative to detention” and close all detention centers. The HCT demanded that Libyan authorities release detained migrants. The aid community, for their part, offered a package of support designed to help the migrants integrate into society and potentially find their way into the labor market. When the HCT eventually mobilized around the joint humanitarian position, individual organizations’ confidence and voices palpably improved. The notion that the solution to the problem at hand was the release of migrant detainees was now publicly and frequently voiced. UNHCR’s and IOM’s joint press release boldly demanded that “arbitrary detention” practices be immediately discontinued,<sup>379</sup> in contrast to any demands made by the MMWG in 2017.<sup>380</sup> The High Commissioner for Human Rights made a statement in July 2019 demanding “the release of detained migrants and refugees as a matter of urgency, and for their access to humanitarian protection, collective shelters or other safe places, well away from areas that are likely to be affected by the hostilities.”<sup>381</sup> The aid community felt that momentum was created.<sup>382</sup> By 2019, European donors embraced the possibility that the ‘alternative to detention’ may be the solution to the increasingly embarrassing situation of migrants detained for attempting to enter Europe illegally. Most impactfully yet, the amplification of the same message by humanitarian organizations at various levels of engagement with the Libyan interlocutors and diplomatic representatives reaped some results

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<sup>379</sup> UNHCR. 2019. “UNHCR, IOM Condemn Attack on Tajoura, Call for an Immediate Investigation of Those Responsible.” Joint UNHCR/IOM Press Release, July 3, 2019. Available at: <https://www.unhcr.org/news/press/2019/7/5d1c836c4/unhcr-iom-condemn-attack-tajoura-call-immediate-investigation-responsible.html>. Accessed May 31, 2020.

<sup>380</sup> UN Country Team Libya. 2017. “Libya Quarterly Inter-Sector Reporting: Refugee and Migrant Response Plan.” Report. May 31, 2017. Available at: <https://reliefweb.int/report/libya/libya-quarterly-inter-sector-reporting-refugee-and-migrant-response-plan-reporting>. Accessed May 31, 2020.

<sup>381</sup> OHCHR. 2019. “Attack on Libyan Migrant Detention Centre”. Statement by UN High Commissioner for Human Rights Michelle Bachelet, July 3. Available at: <https://reliefweb.int/report/libya/attack-libyan-migrant-detention-centre-statement-un-high-commissioner-human-rights>. Accessed May 31, 2020.

<sup>382</sup> Interview, coded as Libya H. In person in Tunis. February 18, 2020.

- the government began releasing some detainees and closing detention centers. In March 2020, UNHCR reported “some 1,000 people” in twelve migrant detention facilities, a number that was lower than it had been in years.<sup>383</sup> The advocacy, judging by the decline in the numbers of official detention facilities and the detained populations, appeared to work. Or at least until two new events, the COVID-19 pandemic, and the intensification of fighting for control of Tripoli, emerged on the horizon, shifting the humanitarian priorities and creating new humanitarian reality.<sup>384</sup>

### 8.7. Case Analysis: Humanitarian Principles in Decision-Making

In 2016, MSF formulated its engagement in detention facilities around humanitarian imperative and the needs created by Libya’s migration management practices that involved protracted detention under inhumane conditions. Besides MSF, there was ample evidence obtained by human rights organizations and researchers that the situation of detained migrants (and refugees and asylum seekers) was indeed dire, presenting a dilemma for the aid community about the perceptions of endorsement of official government practices in detention facilities, turning aid organizations into the de facto collaborators of the Libyan migration management system. The same pressures were also felt by the EU, growing increasingly concerned about its reputation given the outsourcing of its migration control management to the neighboring states, in this case the Libyan government and Libyan institutions, lacking capacity, will and know-how. The EU’s answer to the problem was to increase its funding for humanitarian organizations on the ground. With new funding, the UN, predominately UNHCR and IOM as

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<sup>383</sup> UNHCR. 2020. “UNHCR Update: Libya.” Report, March 6, 2020. Available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/unhcr%20libya%20update%206%20march%202020.pdf>. Accessed on May 2, 2020. See also *BBC* (London). 2019. Libya to Close ‘Inhuman’ Migrant Detention Centres After Outcry. August 2. Available at: <https://www.bbc.com/news/world-africa-49203792>. Accessed on May 2, 2020.

<sup>384</sup> In 2019, due to safety concerns, aid organizations evacuated their staff from Tripoli and Benghazi to Tunis.



well as NGOs, began adding new or expanding existing activities in various areas of migration management cycle, including detention.

Responding to the detainees' needs was wrought with problems, and not only of reputational and perceptual nature. By many accounts (see, for example, Mangan and Murray 2016: 28-29), Libyans languished in prisons under similar conditions as migrants, in cells without adequate ventilation and natural light, deprived of medical care, ill-treated, and abused. Reflecting on that, one aid organization wondered why the focus was on the migrants and not on other detainees.<sup>385</sup> Did the IHS's responsibility extend to migrants and refugees but not Libyan detainees and prisoners? The questions cut deep into the considerations of the "needs-based objectivity of impartiality" (Slim 2015: 65) in humanitarian assistance, or in other words, assistance to all and everyone, not based on their identity, race, or any other distinguishing feature, but based on the need as a function of external stress. Libyan prisons before and after the civil war of 2011 were places of torture, ill-treatment, poor management, and political vengeance.<sup>386</sup> Nothing about the civil war had effectively changed that. Moreover, the treatment of people in detention and prisons is problematic in a vast majority of the countries in the world, and a fair assumption is that their poor treatment inevitably affects their health, nutrition, and mental well-being, all the issues humanitarian organizations seek to address for their "people of concern." To be fair, the 2018 Humanitarian Needs Overview for Libya briefly mentioned "thousands of Libyans" detained since 2011 in prisons and detention facilities controlled by armed groups, which subjected these people to treatment comparable to that of migrants,<sup>387</sup> yet the document proceeds to plan humanitarian assistance for IDPs, returnees,

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<sup>385</sup> Interview. Libya G.

<sup>386</sup> HRW. "Rights Trends in World Report 2012: Libya."

<sup>387</sup> United Nations. 2017. "The Humanitarian Needs Overview: Libya. Issued in December 2017." Available at: [https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/2018\\_hno\\_1\\_libya\\_1.pdf](https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/2018_hno_1_libya_1.pdf). Accessed on September 1, 2020.

migrants, and members of vulnerable Libyan communities, but not Libyans in detention. Writing about those decisions, an IRC official remarked: “The humanitarian imperative will continue to pull humanitarians like IRC into detention spaces, forcing tough questions about proportionality and relative need.”<sup>388</sup>

There were many neutrality and independence concerns as well. In 2018 – following more than a year of collective large-sale engagement in detention facilities – the collective realization was that the condition affecting migrants and refugees appeared anything but improved. Humanitarian assistance was likely more harmful than helpful in solving the problem that contributed to the origination of their needs. Moreover, some of the concerns from early on materialized; aid programs appear to have encouraged or even legitimized in the eyes of the national migration management actors the practices of placing migrants and refugees in situations of harm and abuse, creating an unintended effect. Aid programs got entangled in the criminal and unregulated war economy in Libya. The aid organizations now also risked being seen as complicit to criminal operations of smuggling and money extorting.

Equally concerning was the growing recognition that the practice of migrant detention was unambiguously tied to the European migration “externalization” policies, i.e., policies of outsourcing migration inflow management to the source and non-EU countries, such as Turkey and Libya (Baldwin-Edwards and Lutterbeck 2019). In a self-reflection paper on its engagement in detention situations, one INGO concluded: “In both Greece and Libya the role and purpose of detention was intimately linked to and implicated in European migration containment and externalization policy agendas.”<sup>389</sup> It was not particularly helpful that most of the funding, if not all of it, came from a single source, the European Union and its members

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<sup>388</sup> Phillips, Jason. “Working with Detained Populations in Greece and Libya: A Comparative Study of the Ethical Challenges Facing the International Rescue Committee”: 44.

<sup>389</sup> Ibid.: 4

states, all partaking in the EU Emergency Trust Fund and various other forms of immigration containment measures that extended to Libya. The European Union, for its part, referred to its policy of funding aid organizations as the policy of orchestration, coordination, and assistance (Müller and Slominski 2020), openly implicating humanitarian assistance in the European migration policies, infringing upon any notion of humanitarian neutrality and independence.

It was eventually the realization of harm that triggered the change in the operational posture of humanitarian organizations vis-à-vis migrant detention facilities, and re-evaluation of the humanitarian ethical engagement, as it concerned its ability to independently make decisions. The posturing was driven by NGOs, who also demanded the restructuring of the decision-making, demanding that humanitarian migration policies be elevated to the HCT. The internal advocacy worked: certain changes in the system of coordination were made, as was the recalibration of ethical positioning on how and under what conditions aid organizations should engage in detention. The HCT agreed on a document of principles limiting assistance to only essential lifesaving activities and within the parameters of humanitarian standards, requiring direct access to beneficiaries, privacy, and confidentiality in medical treatments and aid organizations' ability to carry out their own needs assessments and direct deliveries. In this, the aid organizations hoped to reclaim control over their decision-making space and programs.

The redesign of the aid program was followed up by the need to better articulate advocacy strategies. The element of advocacy was particularly important as a way out of the moral imbroglio that pitted the aid organizations to choose between responding to the humanitarian imperative by providing assistance in detention facilities or distancing themselves from the situation where they encouraged the conditions leading to their beneficiaries' vulnerabilities and served as agents to European anti-immigration strategies. The advocacy for limited programmatic engagement as well as for the discontinuation of the Libyan government policy

of detention of migrants and refugees that were rescued at sea and returned to the Libyan shores, restored moral standing to the phenomenon of humanitarian assistance.

Even if they ended up not lasting,<sup>390</sup> the effects of the advocacy were palpable. Humanitarian donors were the first to agree to the changed position advocating for the release of all detained migrants. Armed with that concurrence, the aid community was advocated for the same with the Libyan government. By 2020, the government closed most detention facilities, starting with the ones controlled by non-state groups. By March, only about 1,000 people remained detained in what appeared as legitimate DCIM-managed facilities. It is of note that, while humanitarian advocacy for the detention of migrants reaped some (however short-lasting) successes, this had no effect on detention as a general practice, involving Libyans, which in all aspects is similar to the detention experienced by the migrants and refugees.

Like in Somalia and Yemen, Libya's humanitarian system had a critical role to play in the identification, validation, and implementation of humanitarian principles once it took up the task to do so. In Libya, the system's complicated bureaucracy was slow to recognize its role, allowing for a more organic evolution of aid programs in the country. The implication of that was that the intent to act was only apparent when the harm was already evident and quantifiable. In that sense, the Libyan situation resembles that of Somalia. IHS members in Libya did not probe or question whether aid programs met the basic definition of humanitarian principles until it became apparent that they did not. When that happened, the INGOs needed the humanitarian system, particularly the HCT and the humanitarian coordinator, to pronounce its view on the problem. The INGOs recognized that the principles were meaningless unless

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<sup>390</sup> By October 2021, the number of detainees was rising again, reaching as, per the Global Detention Project, over 5,150 people, and approximately 10,000 in 2022 (Global Detention Project. Libya webpage. Available at: <https://www.globaldetentionproject.org/countries/africa/libya#:~:text=12%20October%202021%20%E2%80%93%20Libya&text=According%20to%20the%20International%20Organisation,Libyan%20authorities%20as%20part%20%5B%E2%80%A6%5D>. Accessed March 27, 2023).

they were executed by the entire system and all its members. There was, thus, certain unstructuredness in the articulation and formulation of the principled approach at the IHS level, yet IHS inevitably helped the aid organizations reformulate the principled approaches and then express them more clearly, externally and internally, in their own documents. As stated earlier, those proved to have an impact on the international community, particularly donors, including the countries with a vested interest in keeping the migration numbers low.

## 8.8. Conclusion

The example of humanitarian action from 2016 through 2019 in Libya tells the story of shifting ethical parameters in response to the dilemmas and changing and volatile political context. Responding to humanitarian imperative without ethical safeguards in place carried the risk of instrumentalizing humanitarian programs and creating harm for the vulnerable populations. Deciding those matters and approaches is always challenged by time pressures, imperfect information, and limits of foresight.

The strength of the Libyan system was perhaps best exemplified in its ability to course-correct and effectively respond to planning errors, although only after aid organizations de facto served under the guise of EU's migration policy for a few years, inadvertently funding the detention system by injecting into it a substantial amount of its humanitarian money. Better ethical ground was acquired in 2018, with the adoption of humanitarian right-based policies, and red line documents more clearly setting the ethical parameters of humanitarian engagement on the migration issues, including placing the humanitarian imperative within the framework of other key principles: neutrality, impartiality, and independence. In other words, humanitarian imperative needed to be studied from the perspectives of whether and how it might create opportunities for aid instrumentalization and politicization, create unintended harmful impact, and how it might interact with the political economy of war or criminality. The collective

reflection not only influenced the action but also outlined the advocacy required to accompany it, ultimately helping the aid system regain the autonomy for its decision-making.

In conclusion, the international humanitarian system in Libya did eventually come together to recognize that a more strategic and principled approach to the situation affecting migrants was needed. The concerted advocacy proved helpful – some detention changes were instituted by the Libyan government with the support and approval of the international diplomatic and political community. Sustaining the momentum was challenging, however, and by 2022 the detention numbers and practices began to regress again, erasing the past achievements.

## 9. Inter-case Analysis – How do Aid Organizations Engage with Principles?

This dissertation discusses how the international humanitarian system (IHS) and its member organizations engaged with humanitarian principles in complex emergencies of Somalia, Yemen, and Libya. The research is set in three situations where an identifiable, significant event in the form of a disaster (climate or politics-related) occurred amidst an ongoing humanitarian response, forcing the rethinking of ethical approaches in response to the new situation. The event in Somalia was the drought of 2010 and 2011; in Yemen the escalation of conflict in 2015; and in Libya, the European anti-immigration measures with human rights and humanitarian implications. In all three situations, humanitarian operations significantly expanded in response to new catastrophic events. All three situations are set in failed or extremely fragile and fragmented states.

The focus of the research was international humanitarian systems. While not the only humanitarian enterprises and sometimes not even the most important ones – that often being domestic and local efforts, groups, domestic public and private companies, and institutions – the international humanitarian assistance is increasingly important, not only for its funding but also influence over global political and humanitarian affairs. Since the late 1990s and most certainly in the 21<sup>st</sup> century, these international efforts have taken place through the recognizable architecture of coordinating clusters, associated working groups, inter-cluster coordination, and humanitarian country teams, effectively constituting decision-making, policy, and operational coordination systems. While they might vary in scale, size, and sometimes the format (cluster versus sectors, or different clusters activated in different responses), attempts have been made at different levels, predominately UNSC or UNGA, as

well as IASC and the inter-agency Sphere Project, to standardize their structure and functions, making them as recognizable and predictable as possible.

Earlier in this dissertation, I situated humanitarian principles within the realm of ethics, arguing that all deliberations and decisions on humanitarian principles concern ethical decision-making, and framed my decision-making analysis for each case study as follows:

- *Articulating an intent (meaning-making/intentionality), understood as framing an ethical problem: negotiating positionality and consensus building, and arriving at a decision.*
- *Actioning or implementing an ethical decision, constituting action in response to situational shift.*
- *Experiencing a consequence or impact of the decision that may be intended and unintended, leading (potentially) to a new dilemma or problem.*

The ethical framework served to frame the sorting through the data for each case study and helped identify the elements of ethical decision-making, i.e., the engagement with humanitarian principles. My case studies were concerned with four core humanitarian principles: humanitarian imperative, impartiality, neutrality, and independence. While there are many more humanitarian principles across different humanitarian organizations, those four constitute the humanitarian “bottom line,” they receive most recognition and are, with some exception when it comes to neutrality, accepted across the largest number of humanitarian organizations, and most certainly the IHS.

The approaches to humanitarian principles across three case studies diverged in some significant ways, but also held important similarities. This chapter highlights these differences



and similarities, delving back to the research question that concerns the ethical engagement with humanitarian principles in disasters.

### 9.1. Context Influencing Decision-Making

The condition dictating that people in distress require and are entitled to be assisted by the nature of their humanity is embodied in the humanitarian imperative, formulated as the *raison d'être* of the global humanitarian system. The nature of that condition is such that some other requirements need to be in place as well: impartiality, neutrality, and independence. In the case studies, deciding on these requirements or conditions was steeped in the consideration of broader context, defined as a complex set of factors that were both internal and external to the country of humanitarian operations and humanitarian operations themselves. In countries where such considerations and contextualization were successfully done, i.e., where the humanitarian system functioned sufficiently strategically and was sufficiently nimble, such as seen in the Yemen case study, humanitarian principles helped frame aid organizations' ethical position to very concrete and specific problems.

In all cases, the contextualization of humanitarian principles was complex. Their definitions *in abstractum* may be intuitive to aid workers away from crisis situations, for example, during training or simulations. They are less intuitive (if intuitive at all) to aid workers compelled to make decisions amidst uncertainty, imperfect information, and internal and external pressures that include the calculations of risks and organizational or other interests. Humanitarian decision-making was and is bound to involve dilemmas and calculations, predictions, and speculations.

In influencing ethical decision-making and leading the aid actors to evaluate and re-evaluate their positions vis-à-vis the humanitarian principles, eight factors were identified: (i) proximity to a crisis situation and populations affected by the crisis; (ii) considerations concerning

organizational mandate and reputations; (iii) instrumentalization by foreign policy and funding considerations (such as anti-terrorism legislation) ; (iv) operational conditions and local power dynamic (i.e., opportunities and restrictions dictated by local state and non-state actors); (v) perceived urgency of the humanitarian situation in a particular context; (vi) external pressures such as those by media and human rights campaigns; (vii) risk of humanitarian action or inaction to cause harm; (viii) perceived ability to influence and effect change, or at least advocate without adverse consequences (Figure 9-1)

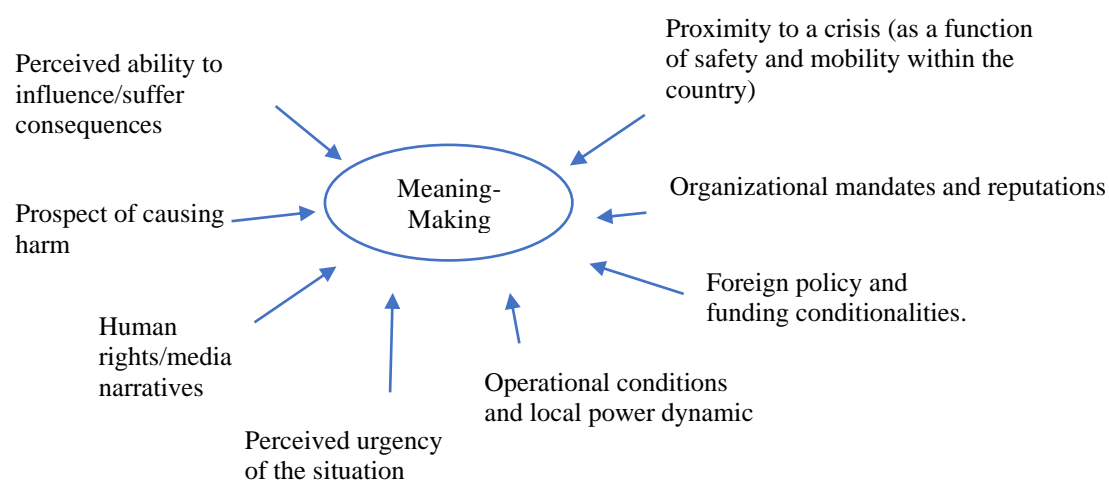


Figure 9-1 – Factors Influencing Ethical Decision-Making

The role of these factors warrants more discussion. The table below (Table 9-1) summarizes those elements as identified in my case studies, noting the differences in approaches and intentions.

Table 9-1 – Explanation of Factors Influencing Decision-Making

<i>Proximity to a crisis location and populations affected by the crisis as a function of safety and mobility within the country of operation</i>	<b>Somalia</b>	Both UN and INGOs operated from Nairobi since 2005 with highly orchestrated visits under heavy “bunkerization” arrangements. Movements within the country were sparse and almost entirely halted in the south-center. Consequently, the first-hand experience of the unfolding famine was missing, and the decision-making was remote.
	<b>Yemen</b>	After the evacuation of two months, the UN and then INGO, returned to Sana’a. The movement around the country was at first curtailed but then gradually eased, allowing clusters and aid organizations to establish their offices and presence in key locations in the country. IHS’s decision-making was thus closer to the field.
	<b>Libya</b>	The UN relocated senior management from Tunis to Tripoli in 2017 but reversed the decision the following year. INGOs were slower to shift their management and senior program staff to Libya, and some never did, having faced visa and residence obstacles. The gradual relocation to Tripoli restarted in 2019. Regardless, for both, UN and INGOs, mobility was curtailed by the proliferation of militias and safety and security concerns. The IHS decision-making was, therefore, both remote and field based.
<i>Organizational mandates and reputations that include the calculations of threats and reputational risks</i>	<b>Somalia</b>	<p>Individual agencies negotiated their own access and maintained their own relationships with local actors and groups, accounting for different approaches among the IHS members. Accountability and oversight differed or was entirely lacking. The ICRC and UNICEF appeared more successful in working through local groups than WFP, until they too had to withdraw or were banned.</p> <p>The calculations of reputational risks affected some organizations more than others. For example, WFP and INGOs ceased their programs in the south-center in response to the US anti-terrorism legislation, while the ICRC did not.</p> <p>Perhaps because they did not have to fear facing legal consequences, two data and information management agencies, FSNAU and FEWS NET, ultimately drove the rethinking process within the IHS, with the goal of elevating the humanitarian response.</p>
	<b>Yemen</b>	The IHS promptly adopted the view advocated by protection and human rights-oriented organizations, such as UNICEF and Oxfam, about the illegality of military conduct by the Saudi government. The reputational risk in Yemen’s context was in the negative – not acting could have been construed for complacency with IHL violations. Reputational risk also came to play in the decision by the INGOs to solicit donors’ support for their right to independently select beneficiaries.
	<b>Libya</b>	In keeping with their mandate of <i>témoignage</i> , MSF instigated and influenced humanitarian engagement in migrant detention facilities in 2016. MSF, but also other INGOs, demanded the revision to the policy a few years later

		based on the notion that the engagement was ill-devised and creating harm.
<i>Instrumentalization by legislation, blocking access and earmarking funds/ funding conditionality (concerns donors in particular) affecting the ability to deliver</i>	<b>Somalia</b>	Donors influenced humanitarian decision-making by placing obstacles through sanctions and anti-terrorism legislation, hampering the willingness (and ability) of aid organizations to operationally engage in the areas controlled by the sanctioned groups. While Somalia was not the only (or first) country under the US terrorism legislation, the situation that involves potential criminal liability was still a new phenomenon for aid organizations.  US Government at one point withheld humanitarian funding in Somalia, creating uncertainty for the sustainability of aid operations.
	<b>Yemen</b>	In contravention to the IHL, Saudi blockaded all access to the Yemeni northern ports, stifling imports of commercial and humanitarian goods.
	<b>Libya</b>	The European Union and European countries earmarked their funding allocations, ignoring aid organizations' priorities at the expense of migration-related projects.
<i>Operational conditions and local power dynamic, i.e., local state and non-state actors' requirements and restrictions, which enable or limit humanitarian access and ability to deliver aid by imposing blockades and bureaucratic obstacles (e.g., visa restrictions), manipulating data, or manipulating and diverting aid supplies</i>	<b>Somalia</b>	Al-Shabaab banned international organizations at will, while official Somali governing structures manipulated aid in various ways, creating problems with donors and impeding aid actors' ability to respond to the crisis.
	<b>Yemen</b>	Diversion and extortion were rampant in all parts of Yemen, but in particular and most systematically implemented in Al-Houthi-controlled areas, greatly affecting aid operations and their effectiveness.
	<b>Libya</b>	The government policies towards migrants were the reason for humanitarian interventions. Abusive and manipulative practices by local militias threatened to instrumentalize humanitarian assistance, extorting it for its own revenue.
<i>Perceived urgency of the situation/determination of humanitarian need</i>	<b>Somalia</b>	There was no consensus on the urgency and extent of the humanitarian needs in Somalia, as a group, the IHS, acted more decisively after sufficient data on the mortality and nutrition were accumulated. Once the evidence was produced, the IHS mobilized, fundraised, and negotiated access more successfully.
	<b>Yemen</b>	The anticipation of the acceleration of humanitarian needs in case access to the ports is blocked had a more immediate reaction by the Yemen-based IHS.  The IHS anticipated catastrophe and acted on the anticipation.
	<b>Libya</b>	Similar to Somalia, the IHS was reactive, responding to the situation that had already reached some level of gravity. The system, however, had to revisit its policy and response in light of new evidence and a potential that the humanitarian response was likely creating harm, rather than providing a solution.

<i>External moral impetus in the forms of human rights and media-created narrative, defining right and wrong, thus influencing humanitarian ethics</i>	<b>Somalia</b>	Both media and human rights coverage were generally absent, extolling humanitarian organizations to be the sole authoritative voice on the situation.
	<b>Yemen</b>	While media coverage was generally missing, the involvement of the KSA in the conflict in Yemen attracted human rights campaigning by organizations such as the Human Rights Watch and Amnesty International. UK and US human rights watchdogs also placed pressure on their own governments, taking them to courts or actively lobbying the legislators.
	<b>Libya</b>	Human rights campaigns shaped the humanitarian agenda in Libya most clearly. Aid operations commenced in many ways thanks to human rights reporting and international media highlighting the plight of migrants in the country.
<i>Prospect or reality of causing harm (including as a consequence of own harmful actions/behaviors), actioned as reactionary (Libya, Somalia) or anticipatory (Yemen)</i>	<b>Somalia</b>	Aid organizations reckoned with their failure to respond and to recognize the severity of the famine, eventually instituting some corrective measures to address their shortcomings (e.g., gradual and controlled return to Mogadishu).
	<b>Yemen</b>	Aid organizations mobilized relatively rapidly around the prospect of deteriorating humanitarian needs in the event of the escalation of the conflict to Hodaydah and Salif ports.
	<b>Libya</b>	IHS and its member organizations modified their posture several times, responding to the changing contexts as well as to their own harm-causing decisions.
<i>Perceived ability to effect change (through influencing policy or operational space), or at least advocate without suffering adverse consequences</i>	<b>Somalia</b>	<p>An argument could be made that Somalia's IHS acquiesced with the overall global political feeling of hopelessness of Somalia's situation. A lack of interest by the US and others in the humanitarian situation in Somalia arguably had a cascading effect on the IHS leadership in the country.</p> <p>Overcoming those attitudes was challenging for organizations within the system that did not share the sentiment. The IHS displayed no confidence in their ability to effect change until it acquired firm evidence that the situation was as grim as projected.</p>
	<b>Yemen</b>	<p>IHS appeared confident in its ability to act as an influential actor in the global political arena. To prove its point, Yemen's IHS relied on available data but was more willing to argue its case on the strength of the predictability of its data rather than concrete evidence.</p> <p>IHS was more restrained in launching an advocacy campaign for humanitarian access with local actors, fearing further restrictions or other consequences of such action. The advocacy was thus transferred to donors.</p>
	<b>Libya</b>	Certain complacency was evident within the early IHS that engaged in detention facilities, later replaced by a more active engagement on the migrant detention policy as well as Libyan migration management practices.

These contextual factors affected the IHS's decision-making to different degrees at different times. As the context shifted (due to, for example, new actors or new information), so did the contextual interpretation and the ability of humanitarian actors to pivot to a new (ethical) position individually or jointly. The eight factors interrelate with each other and were present in each situation to a different degree. Because of their interrelatability, they can be further categorized into four broad categories: risk/liability, confidence, trust, and ethical conviction (Table 9-2).

Table 9-2 – Categorization of Contextual Factors Influencing Ethical Decision-Making

<b>Category</b>	<b>Influencing Factor</b>
<b><i>Risk/liability</i></b>	Ethical decisions are influenced by calculations of risks and liabilities due to legislation, foreign policy and domestic conditions as well as risks associated with failing to act on pressing public issues or problems. The risks range from security risks for aid workers, risks to the sustainability of programs, risks to losing humanitarian access, and reputational risks.
<b><i>Positional confidence</i></b>	Decisions emanate from organizational confidence in views and positions as a function of proximity to disaster/crisis area, organizational mandates, and reputation, as well as perceived ability to influence policymakers and affect change.
<b><i>Trust in knowledge and data</i></b>	Organizations develop trust in data and analysis as a result of having first-hand knowledge of the situation (resulting from proximity and conducive local operational conditions).
<b><i>Ethical conviction</i></b>	Conviction is a strong moral needle mover, connected to the identification of harm prospect, urgency of humanitarian need, external moral impetus in the form of human rights narrative, and the organizations mandates and risks to organizational reputation.

## 9.2. System-Wide Decision-Making

It is significant to note that only in Libya, after years of providing humanitarian assistance, sometime in 2018, the humanitarian country team engaged in targeted deliberation on what ethical response meant and did not mean for that context. International humanitarian systems are not coherent units but, as already mentioned and will be explained in more detail later, networks of organizations who (except for the UN) voluntarily join into the system. As such, decision-making and negotiating positionality happen at multiple (and simultaneous) levels.

Organizations with different mandates and access take different approaches to the problem. The role of the IHS is to harmonize such approaches, encourage good practices, and provide a forum for sharing ideas and policymaking.

The international organizations and the humanitarian system they make are often described as a bureaucracy (M. Barnett 2009). This view is not entirely incorrect, although it ignores the nuanced complexity of inter-relations and connections that define and comprise the international humanitarian system. We noted already that the global IHS begins with the New York-based ERC, one of about fifty UN undersecretary-generals, who oversees all global country-based international humanitarian systems. These systems boast a large and complex structure where horizontal flat networks of organizations intersect with vertical bureaucracy, occasionally clashing over operational procedures, ideas, and interpretations, as they did in Libya in 2018 when NGOs, in a rebellious show of unity, boycotted the IOM and UNHCR-led Mixed Migration Working Group over the disagreement on procedures (i.e., reporting lines) and substance (i.e., interpretation of humanitarian principles). Because of its loosely defined arrangement, the IHS needs humanitarian principles and a shared understanding of its values to hold it together. The odd and complicated blend of bureaucratic and associative networks forms through a set of vertical and horizontal coordination nodes that come alive in humanitarian emergencies in the form of humanitarian country teams composed of UN agencies and NGOs (and sometimes donor) representations. The system then cascades down to the technical clusters, which meet and coordinate in the inter-cluster coordination group chaired by OCHA, which, besides its many other functions, also creates consensus and articulates a humanitarian narrative that justifies the size and type of humanitarian operation. The backbone of the system is the UN bureaucracy. The most strategic decisions are made when the “backbone,” i.e., the bureaucratic part of the IHS, acquiesces around shared ideas and

interests, and when that happens, the system amalgamates its diverse set of resources and authorities and implements the decisions (see Figure 9-2).

The IHS also has outside associative and non-associative layers, distinguished by their level of inclusion and membership. Donors can be both, depending on the countries and the level of integration they acquired over the years and, consequently, the influence they are able to exercise over the system at a country or headquarters level. Some donors, such as ECHO, USAID and the US Department of State Bureau of Population, Refugees and Migration (PRM), as well as FCDO (ex-DFID), often participate in the HCT and cluster meetings, where they formulate their headquarters' views and policies on humanitarian responses and simultaneously shape the humanitarian responses (more on this in the next section). In all my cases, donors were actively engaged in the work of the HCTs. Occasionally, even the IHS voluntarily defers their decisions to them and very often accords them oversized importance in making certain operational determinations. Host governments sometimes sit in cluster meetings – they did in Libya, for example, but did not in Somalia and Yemen. Yet, in none of my cases did the host governments become a part of the network. On the contrary, the relationships in my case studies were often contentious and characterized by competition, distrust, and sometimes outright hostility.



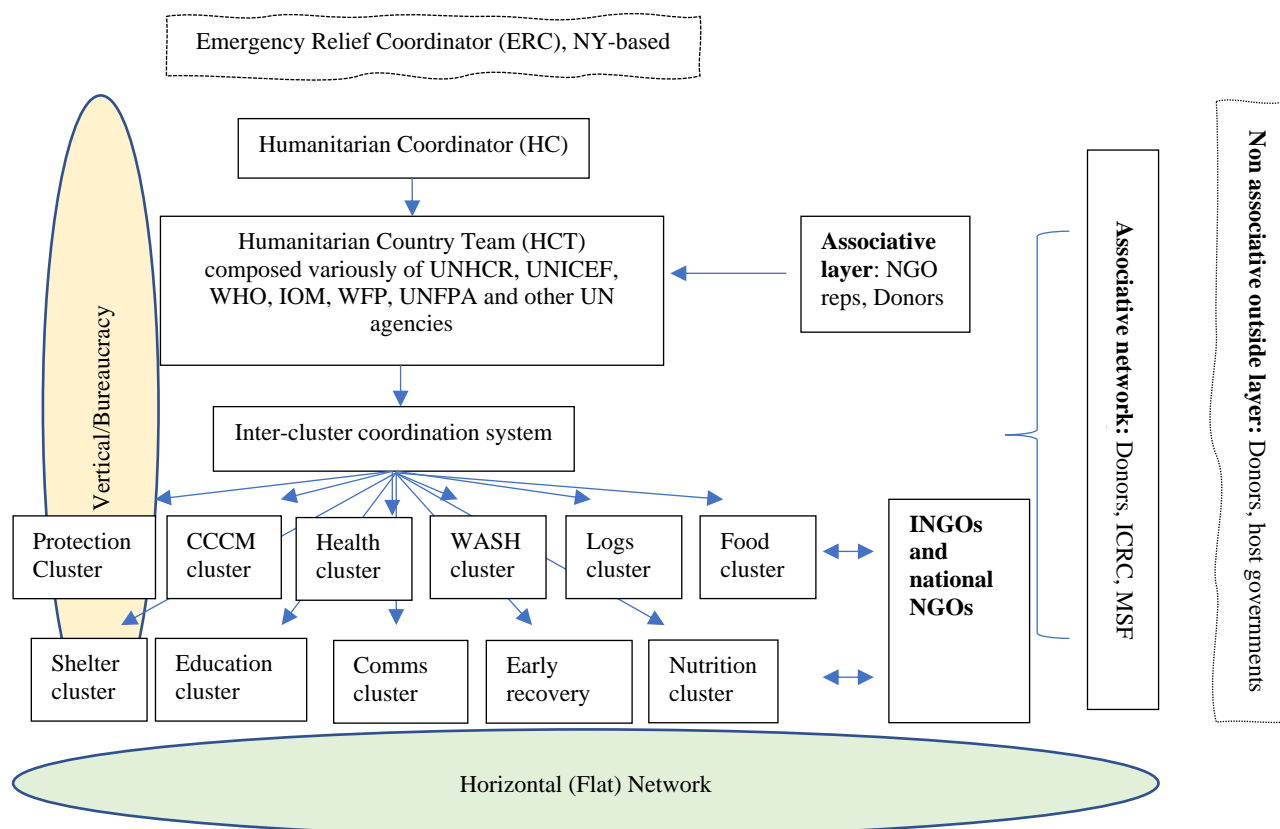


Figure 9-2 – International Humanitarian System (IHS), Schematic Representation

The intersecting bureaucracy and network all have a distinct role within the system, and those roles are important for considering how decisions and determinations relevant to humanitarian principles are made. I mentioned that the bureaucracy and network elements overlap and occasionally clash. In Libya, the UN conservative approaches (i.e., approaches that may prefer the *status quo* and are more change-averse) collided with the more progressive and proactive interests of MSF, which, while “only” an observer to the IHS, over time succeeded in persuading that same IHS to take on a more active role in supporting detained migrants. In Yemen, the advocacy on the port of Hodaydah was undertaken by human rights-leaning humanitarian INGOs, such as Oxfam and others. In Somalia, specialized data and assessment organizations led the charge to declare famine to reenergize humanitarian action. Therefore, the IHS system may in fact need an associative member or a network member unburdened by

the bureaucratic decision-making and career implications to instigate humanitarian principles (someone strictly speaking outside of the bureaucratic system). The power of networks and network members cannot be stressed enough. Human rights researchers have long documented how international networks exercise pressure on governments to amend, pass, or cancel policies (Wong 2008; Keck and Sikkink 1998; Henriksen and Seabrooke 2016; Christensen 2007).

Within the IHS, therefore, it is to be expected that the associative network members (i.e., those external to the bureaucratic skeleton) may generally show more willingness to question the standards, leadership, majority's opinions, etcetera. However, while they might be able to question the *status-quo*, appealing and referring to the humanitarian principles, to affect a policy or influence a change to the humanitarian approach or program, they indeed need the larger group that projects more power, and enjoys better political linkages, i.e., the bureaucracy. Therefore, the IHS can be evaluated as effective, functional, ineffective, or dysfunctional based on its ability to coalesce around a specific idea or analysis and the ability to evaluate and re-evaluate humanitarian principles in each context. Guidance and instructions such as the HRuF and the Centrality of Protection influence HCT discussions and analysis and provide ideas that the HCT is required to consider. Functional IHS can react to the change in context within some reasonable time or even, as in the case of Yemen, anticipate it: it is flexible, adaptable, and engaging. On the other hand, the dysfunctional one displays inertia, lack of action and imagination, and is generally unresponsive to the change in context and the requirement of the humanitarian principles themselves. The functionality or dysfunctionality of the system influences the IHS's ability to explore and take advantage of humanitarian principles fully.

The power of associative members was evidenced, for example, in Somalia, where the drive to change the narrative on the Somalia situation came principally, or most loudly, from FEWS NET and FSNAU, data agencies that enjoyed a degree of separation from the tight-knit humanitarian country team reporting to the humanitarian coordinator, in turn reporting to the UN's political establishment in New York where Somalia was not viewed as important or with any promising potential. Moreover, FEWS NET and FSNAU were not operational, so they likely felt no pressure of contravening or violating US anti-terrorism rules. Thanks to their engagement, famine was eventually declared in July 2011, helping to shift the IHS's approach from passive humanitarian program management to a response that was by all counts improved and accompanied by better advocacy and targeting and improved humanitarian access negotiations, as well as funding. Thus, the aid community was able to re-balance the principles to meet the humanitarian imperative and reclaim the ethical space to make decisions relevant to their operations. The operational shift certainly helped many Somalis affected by the combination of the drought and conflict and helped the recovery of many more.

Yemen was by all accounts different. One, the consensus on the ethical position was immediate insofar as it concerned the demilitarization of the northern ports of entry for humanitarian commodities. There was a fairly unison and coordinated advocacy effort by the humanitarian leadership in the country, as well as, sometimes, the ICRC. Eventually, the UNSC declared Hodaydah a conflict-free zone, placing it under the UN-protectorate. On the issue of humanitarian access and diversion control, the consensus again was to lobby (Western) donors to institute convenient funding conditionality. When that did not work, aid organizations reversed their demands. In both situations, the aid community proactively sought ways to expand its influence and improve its ability to deliver assistance under its own terms. The immediate consequence was that Yemen had escaped famine, even though the humanitarian situation remained precarious and grim for many Yemenis.

In Libya, the impetus for change from inaction to action as far as aid programs targeting migrants were concerned at first came from MSF, an observer to the HCT. The idea was soon fully embraced by the European Union, leaving the IHS pressured on two fronts: human rights organizations, MSF, and donors. The engagement was later found to have compromised humanitarian principles, and possibly, by some measure, all the principles at once: humanitarian imperative by the harm the engagement was causing, impartiality, neutrality, and independence as aid organizations aligned themselves dangerously closely to the European Union's migration externalization policy. In an interesting turn of events, INGOs led the drive for a position shift sometime later, seeking a review of ethical positions of humanitarian organizations involved in the migration file, and the review of the oversight and decision-making structure set up by the IHS. The advocacy had a broad range of effects, including on donors and Libyan authorities, resulting in a temporary drastic decrease in detention facilities and people detained in them.

### 9.3. The Complicated Relationship Between Context and Ethical Decision-Making

In the theoretical and conceptual framework chapter, I presented the relationship between the meaning or decision-making, decision implementation, and consequence as linear (Figure 4-3) but the relationship may be better understood as interrelated and circular where meaning-making leads to a decision that carries a particular consequence, which, alongside other external and internal contextual factors, places the humanitarian organizations in a position where they again engage in the re-evaluation of their positionality vis-à-vis the humanitarian principles and thus re-engage in the new meaning-making process leading to a new (or same) decision, with new or same outcomes (Figure 9-3). Humanitarian decision-making starts with a trigger: an event or a change in *status-quo*, initiating a cognitive process of meaning and decision making relevant to the new reality. Through contextualizing, interpreting, negotiating

the positionality and driving towards a consensus, the aid organizations express their collective intent or a decision on humanitarian principles. Aid organizations then have several ways of implementing their ethical decision: through programs, policy, and advocacy. The consequences of their decision lead to the re-evaluation of their ethical positionality. We have seen evidence of this in all case studies when aid organizations re-evaluated the humanitarian principles based on the impact of their programmatic decisions. This was perhaps most evident in Libya, where aid organizations explicitly found their own actions to be harmful and contributing to the humanitarian problem. With some delay, Somali IHS eventually concluded the same about its own inaction. In Yemen, the re-evaluation was brought about by Al-Houthi's restrictions placed upon aid organizations.

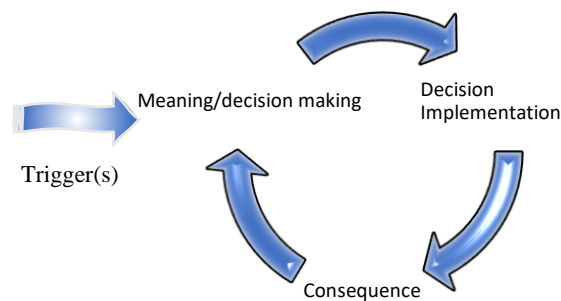


Figure 9-3 – Circular Function of Humanitarian Ethical Decision-Making

Validating and evaluating humanitarian principles needs to be constant in complex emergencies. The context often shifts (sometimes because of aid programs) in unpredictable directions and as new information becomes available, opportunities for new analysis and knowledge are continuously created. Solutions to an ethical dilemma might create more or evolve into new dilemmas (Figure 9-4). Dilemma #1 might thus transform into dilemma #2, which transforms into some other dilemma within a new (or slightly changed) context. Libya is a good example. Acting on the humanitarian imperative principle in favor of incarcerated migrants created a slew of other dilemmas, such as whether the principles of neutrality and

operational independence were compromised, and whether the humanitarian imperative was not only not achieved, but may have been breached. Yemen provided some other examples. For example, soliciting donors for support and thus compromising on independence might result in better access and thus higher success in achieving humanitarian imperative, also positioning the principles in conflict with each other. If that does not work, then both principles are compromised, including potentially others – depending on the further development of the context and consequences of the decision. Ethical humanitarian decisions, therefore, appear to require constant valuation, re-evaluation, and positioning.

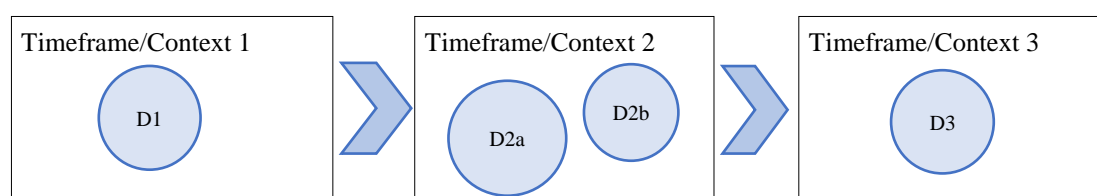


Figure 9-4 – Schematic Representation of Dilemmas (D) Across Time/Context

Moreover, ethical humanitarian dilemmas appeared in different forms: they sometimes concerned humanitarian imperative, while some other times humanitarian imperative seemed to be infringing on and leading to compromises on other principles. Achieving absolute observance of all four core humanitarian principles was simply not possible in any of the case studies (and it likely is never possible), but the degrees to which humanitarian action contravened its own principles varied over time and situations. For example, humanitarian organizations embraced assistance in detention facilities in Libya on account of humanitarian imperative but failed to account for how such decisions were driven by their donors and political anti-immigration interests. In Somalia, aid organizations seemingly failed to act on any of the humanitarian principles, abandoning them on overchallenges related to access, funding, and improved results. Finding their voice with the declaration of famine also meant resuscitating humanitarian principles. In Yemen, the situation, as we have seen, was somewhat

different: aid organizations appeared nimbler and more successful in corralling around shared concerns, analysis, and action.

Reacting to problems or dilemmas therefore means re-balancing and re-adjusting humanitarian principles in a way where one may be reduced in application or emphasis to meet the requirements of the other(s). As the principles interact, their interaction and inter-relatedness may be different in different situations, creating an infinite number of possibilities, as for example in Figure 9-5. Effectively, there is never a time when ethical decisions do not need to be made, which means that there is never a time when one or the other humanitarian principles is not in the state of some kind of contravention of its own absolute value.

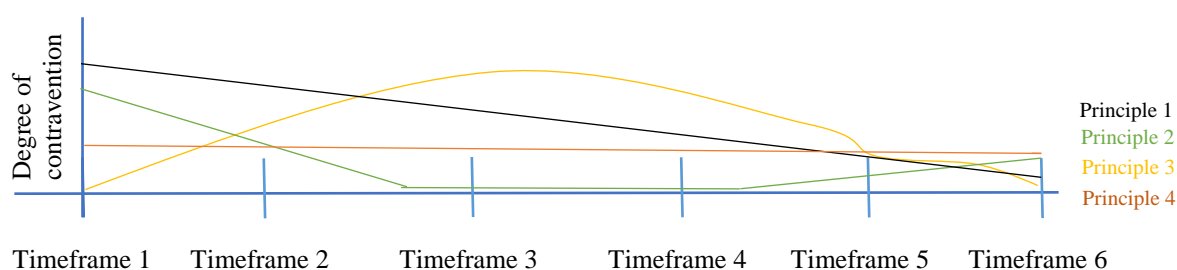


Figure 9-5 – Interplay of Principles Across Different Timeframes

#### 9.4. Discussion about Utilities/Aspects of Humanitarian Principles and Activism as a Solution to Moral Imbroglios

Across my case studies, humanitarian principles were used broadly in three ways: to create and affirm meaningful humanitarian identity, to formulate ethically acceptable humanitarian program or operation, and to influence and change a broader political context on the pretext of enabling and facilitating humanitarian operations. Those three manifestations were interdependent and self-reinforcing, as was most clearly revealed when the operational context changed in some aggravating way for aid organizations or humanitarian indicators. A programmatic adaptation to the new situation and the determination to influence the context

rested on the strength of self-identity and conviction of aid workers in the morality of the desired or decided action. The ability to mobilize action through the IHS was enabled by aid workers' shared interpretation of reality and of ethical references that provided the framework against which that reality and encountered problems were interpreted and evaluated. In those situations, humanitarian principles gave IHS mobilizing and bonding powers. The three manifestations are illustrated in Figure 9-6.

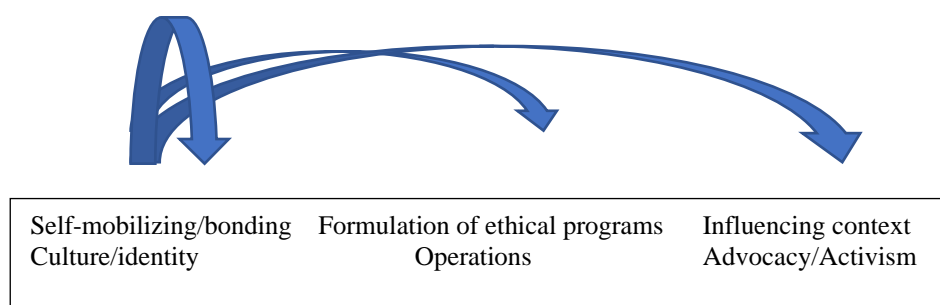


Figure 9-6 – Three Manifestations of Humanitarian Principles

Drawing on Benedict Anderson's (1991) imagined communities coinage, Joseph Nye (2020: 29) wrote, "All large communities are imagined." That certainly seems a true description of the international humanitarian system(s). The tie that creates and holds that imagined community together rests, undoubtedly in large part, on the humanitarian principles, as humanitarian action's moral high-ground and the principal motive for its existence. In my interviews with aid workers, I was often told that humanitarian principles made sense were intuitive and gave aid workers a special moral compass. Grounded solely in the ethical narrative and concepts such as solidarity (i.e., care for human beings), justice (i.e., restoring dignity and rights of people deprived of those by circumstances outside their control), fairness (i.e., aid distributions prioritized according to some criteria of vulnerability), and integrity of aid providers (exemplified in the principles of neutrality and independence), the principles



appeared hard to refute or disagree with (Quadrelli, Colt, and Garcia 2011; Luc-Menichelli 2017).<sup>391</sup>

The principles can be equated with social norms that separate the in-group from the out-group, giving each different social identity. For in-group members, there is an expectation of behavior conforming and needing to conform to the group norms (Bar-On and Lamm 2023). The shared acceptance of the humanitarian norms embodied in the core principles forms the humanitarian identity and effectively holds the humanitarian system together. It was noted already that the aid workers recognize themselves by the ability to recite humanitarian principles as a form of a quasi-religious chorus. The humanitarian principles had to be learned, of course, and over the last decade, they were socialized and internalized simultaneously as the IHS was shaping up to the form it has today. And those two processes, the socialization and internalization of humanitarian principles and the formation of the international humanitarian system have uncoincidentally happened in parallel, reinforcing and bolstering each other. Today, the aid organizations joining and functioning within the system(s) differentiate and identify themselves as bearers and protectors of humanitarian principles as humanitarian action's most distinctive (moral) quality.

Better known is the programmatic or operational aspect of humanitarian principles, the reason we have them in the first place. Humanitarian principles were intended as practical guidelines that frame humanitarian action. Only two of them, humanitarian imperative and impartiality, refer directly to the beneficiaries of aid programs, while the other two, neutrality and independence, concern political and funding actors. The first two are about a set of obligations – established through humanitarian programs – undertaken by aid organizations towards aid

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<sup>391</sup> Multiple interviews: Somalia C; L; N; and O and Yemen L (Skype, July 3, 2021) and Yemen N.

recipients, or those deemed in need of some form of humanitarian aid, and the other two, are aid organizations' transposed obligations onto their donors, other states, and non-state groups.

Those interpreting and describing core humanitarian principles tend to divide them along the line of 'tasks' in various phases of humanitarian program formulation and execution. It was mentioned already that the humanitarian imperative and impartiality are frequently described as first, ultimate, and substantive, and neutrality and independence as operational and instrumental, as principles not of purpose but of means, or as principles that enable the organizations to translate the substantive principles into factual reality (Pictet 1979). The principles of purpose (humanitarian imperative and impartiality) are thus assumed to eclipse in importance the two pragmatic principles of neutrality and independence that facilitate the implementation: their purpose, in other words, being primarily utilitarian and in service of the first two. The pyramid of humanitarian principles starts with humanity, humanitarian action's *raison d'être* at the top, and cascades down through impartiality, neutrality, and independence to other principles not deemed "core" and not as universally shared (see Thürer 2007). The moral supremacy of the humanitarian imperative as the ultimate moral driver of humanitarian aid may seem intuitive and easy to grasp. Slim (2002: 118) described such a view in the following way: "...being humanitarian is a categorical imperative. It is an end in itself. It is an unconditioned right and must never be subject to conditions. There are no "ifs" in the humanitarian imperative." The humanitarian principles, the norms, have become goals in and of themselves. I discovered the same sentiments percolating in my interviews with aid workers. What may take a higher moral stand than helping another human being in an hour of need? And yet, when it came to actioning the principles from a pragmatic point of consideration, my case studies suggested that none of the four core principles could ever be pursued in the absolute without creating harm on some level, and therefore need to be balanced against each other. In other words, whether principal and subsidiary, substantial and practical, the four core

principles emerged as equally dispensable or indispensable in every humanitarian action, countering the earlier suggestion that the value of some may be absolute and morally superior to others. In fact, I found that taken as absolute, the humanitarian principles may cause more harm than good, as each takes an absolute unattainable and contradictory value. For example, neutrality in the extreme (absolute neutrality) may simply stand for complacency no matter how abhorrent the situation, while the absolute humanitarian imperative predisposes the opposite, an engagement to the fullest, irrespective of obstacles and realities. The principles, therefore, must have practical limits that are context-specific and adjustable. Pursuing humanitarian imperative *ad infinitum* will not only cause practical problems of funding, or logistics, but will also seek to alter political and economic realities, while likely accomplishing little. The same types of considerations apply to impartiality and independence, making the principles relative. If then, they are all relative, what does that mean for humanitarian programs, and how much leverage should one have to determine their relevance and applicability, level of adherence and allowed derogation?

In Somalia and Yemen, large aid operations created incentives and opportunities for aid diversion on a scale commensurate with the utility and profitability of aid consignments, logistics, or services involved. Some humanitarian organizations found it justifiable to continue their operations, notwithstanding the associated aid diversion risks. Diversion risks, of course, were accompanied by personal risks and threats to individuals delivering aid. One local Yemeni organization explained: “We found that we are hijacked because [. . .] sixty percent of the funding of the project went to those people (Al-Houthi) . . . So, our impartiality is affected one way or another, and if we want to serve the people we want to serve, we have to compromise. So, these kinds of issues come up once you start working in the field, and if we say no, we got our people in the field kidnapped, [and] we get our trucks hijacked. So, you have to compromise

to save at least fifty percent [to deliver to those in need].”<sup>392</sup> Another organization opted to position itself differently. When Al-Houthi appeared relentless in insisting on orchestrating who should have or should not have received aid, the organization packed up and moved elsewhere,<sup>393</sup> exercising what Rubenstein (2015) and Hunt and Miao in Ahmad and Smith (2018) termed the “ethic of refusal,” suggesting that abandoning the pursuit of humanitarian imperative may at least sometimes be morally justified. “We will never know the effects of our decision [to move the programs elsewhere],”<sup>394</sup> commented the aid organization. We have seen a similar decision made in Libya when aid organizations scaled down their operations in migrant detention centers. In certain situations, wrote Rubenstein (2015), duty-based arguments and arguments that aid is intrinsically valuable are dangerous because “by justifying the provision of aid on grounds other than its likely effects, they can end up undermining the interests of the very people INGOs claim to serve.” Libya, where external aid in support of detained migrants encouraged further detention, is a case in point. “We were played,” remarked one aid worker, commenting on the apparent co-optation of humanitarian action in the European Union migration policy and the local smuggling revenue making. The pursuit of the humanitarian imperative ended up undermining its own ultimate objective. One of my interlocutors thought of it in the following way: “. . . [It] is so interesting with the humanitarian principles. Because, in principle, we all adhere to the same principles, but in practice, we really don't. Because we take different liberties, you know, and I think different agencies have different freedoms to take liberties with the principles.”<sup>395</sup>

The problem with navigating through the meaning of humanitarian principles is that IHS did not provide for or offer targeting deliberations on how humanitarian decisions should have met

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<sup>392</sup> Interview. Yemen L.

<sup>393</sup> Interview, Coded as Yemen H. Skype, January 25, 2021.

<sup>394</sup> Ibid.

<sup>395</sup> Interview. Yemen A.

or corresponded to the requirements outlined in the humanitarian principles, and yet, the unstructured navigation and meaning-making took place all the time. In researching the manner in which aid organizations and their systems navigated the application of humanitarian principles (both internally and externally), I queried whether the principles in any observable manner helped shape the humanitarian programs such that they were able to improve or, alternatively, to aggravate humanitarian situations in my case studies; in other words, whether the humanitarian programs had saved or improved lives, or they caused harm instead.

As expected, humanitarian programs do and can save lives if they are appropriate, targeted, timely, and efficient; if they do not create incentives for the amplification of humanitarian needs or diversion of life-saving supplies away from people who need them or cause any other type of harm to those these programs have been designed to help. Humanitarian assistance is not a panacea to all ills in the world, and it should not be expected to be that. Its limits are real and significant. Yet, as the case studies have shown, Somalia did see an improvement in the mortality and morbidity data after the declaration of famine in July 2011, thanks to humanitarian efforts; and despite the famine warnings, thanks to humanitarian advocacy, aid continued to flow to Yemen and the people who needed it, helping maintain the communities above the horrific famine baselines. Libya should teach the humanitarian community, and perhaps the world *writ large*, the harm the poorly designed humanitarian program can do, but then, the world should also know that not everything is lost. Aid organizations pivot and adjust, and they engage in sense-making in messy, shifting, and fluid situations. The ethical, humanitarian framework, defined through the humanitarian principles, is what provides an impetus and is an imperfect stick against which the program adjustment happens. It is because of or thanks to the humanitarian principles that MSF in Libya demanded (yet again) that the IHS adjusts and aligns its approaches with humanitarian principles. Humanitarian principles are important for humanitarian programs, and it does matter how they are defined and

understood or whether they are applied or not. The harm done in complacent and unimaginative programs is real, sometimes even under the guise of the humanitarian imperative.

Where and when the world seems to conspire against the humanitarian principles - all four core principles - the aid community holds another card that it has successfully used in some situations and may consider utilizing more consistently across all its humanitarian responses. In all three of my cases, the IHS embraced advocacy albeit inconsistently: in Somalia, it agreed to eventually declare the famine as a form of fundraising and galvanizing international community around concepts of solidarity and humanitarian imperative; in Yemen, it adopted a strong and early advocacy position on the red lines of Saudi and Al-Houthi positions deemed harmful for the aid delivery; and in Libya, it shifted its positions several times, responding to its own context interpretation. In all the cases, the IHS bureaucracy applied the tools at its disposal to mobilize resources and support from multiple donors and countries. How it did that is a topic of the next sub-chapter.

#### 9.4.1. Advocacy and Activism – An Answer to Moral Dilemmas?

Humanitarian principles as ethical norms are becoming increasingly important for building strong advocacy strategies around topics such as humanitarian access, or resource mobilization, i.e., topics intended to facilitate and improve humanitarian deliveries or IHL compliance on a limited number of issues that are important for aid programs, such as demand for the safety of ambulances and hospitals, or proportionality and protection of civilians in military campaigns. Those sometimes have an effect and influence on political dynamics exceeding the initial intention. Other times, they can help the aid community unstick, particularly problematic moral dilemmas.

To speak about activism in humanitarian action is controversial. The notion is antithetical to the concept of neutrality and access, for example to the ICRC, which has in recent years found

itself increasingly on the defense over its quiet diplomacy position.<sup>396</sup> The ICRC has criticized its own lack of public engagement during the Holocaust, but it continues to maintain that its confidential bilateral approach is what makes it effective in obtaining humanitarian access in complicated and distrustful environments.<sup>397</sup> This, alongside the longevity and its special mandate may be true for the organization that holds itself different from other international organizations. But the ICRC acknowledges to need the rest of the humanitarian system to which it connects as an observer, rather than a full-fledged member. Alone, the ICRC cannot tackle the enormous and growing humanitarian problems in the world. The organization is also not immune to the risks faced by others - ICRC staff are unlikely to be any safer than those of other organizations. By contrast, MSF, an INGO formed out of disagreement with the ICRC's diplomacy style, insists that *témoignage*, construed to mean a combination of witnessing and speaking out, is its core moral attribution. *Témoignage* had inspired the organization to take positions on issues it sometimes needed to reverse over the damaging effects on the people MSF had purported to support. Similarly, Oxfam, another INGO, declares: "We take a stand on the causes of humanitarian need, and propose policy changes to solve them – based on our experience, values, and international humanitarian law. . . . Oxfam routinely bears witness to extreme suffering and violations of people's rights under international humanitarian, refugee and human rights laws. This is part of our responsibility to raise the voice of those affected, alert the world, and call on relevant authorities to take action."<sup>398</sup> Among the UN humanitarian organizations, UNICEF (in collaboration with others) is sometimes mandated by the UN

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<sup>396</sup> Consider, for example, Wintour, Patrick. 2023. Zelenskiy Steps Up Criticism of International Red Cross over Inaction at Kakhovka Dam. *The Guardian*. June 9, 2023, available at: <https://www.theguardian.com/world/2023/jun/09/zelenskiy-steps-up-criticism-of-international-red-cross-over-inaction-at-kakhovka-dam>. Accessed October 21, 2023.

<sup>397</sup> See, for example, ICRC's X (Twitter) post on neutrality available at: [https://twitter.com/ICRC\\_ua/status/1717519673292427458](https://twitter.com/ICRC_ua/status/1717519673292427458). Accessed October 28, 2023.

<sup>398</sup> See Oxfam. June 2013. "Oxfam's Role in Humanitarian Action." Policy Compendium Note. Available at: <https://oxfamilibrary.openrepository.com/bitstream/handle/10546/295043/hpn-role-humanitarian-action-260613-en.pdf?sequence=1>. Accessed October 22, 2023.

Security Council with human rights reporting on the grave violations against children in situations of armed conflicts, giving it a status of an advocate. To those organizations, instructions such as the HRuF and the Centrality of Protection of 2012 and 2013 indubitably add to the arguments in favor of advocacy and speaking out. The others, for most part, both INGOs and UN agencies, are less declarative on the issue of advocacy and public proclamations on global and political events and situations. At the level of a system (rather than an organization), it is up to the IHS to find the best way to coordinate and synchronize these views, mandates, and preferences.

Individual agencies may (and do) engage in advocating for their programs and the ability to improve their humanitarian access. Many of these engagements are purely logistical, and concern visas, passage and entry permits, humanitarian pauses at the extreme end and so on. They are sometimes about aid delivery modalities and the choice of sectors or data interpretation. And not all of them are rooted in moral codes and convictions or arise to the levels of moral obligations. In the case studies where moral attitudes had acquired the strength of conviction, we saw IHS engage in moral activism. The three case studies showcase three different approaches or strengths of moral convictions and obligations associated with core humanitarian principles.

Sabucedo *et al.* (2018) differentiate between the concepts of moral norms, moral conviction and moral obligation/responsibility, defining moral norm as the belief in right and wrong, moral conviction as a particularly strong form of a moral norm, and moral obligation as the motivation to comply with that moral conviction. Skitka and Morgan (2014) found moral conviction, also termed moral mandate, to be a good predictor of action. In other words, moral conviction is more likely to lead to morally motivated action than non-moral attitudes, preferences, or culture or community-determined beliefs. Moral conviction, note researchers



(Skitka 2010; Skitka and Morgan 2014; Skitka, Bauman, and Sargis 2005) is about the belief in universality of moral mandate, extending that expectation of a moral attitude to everyone else, i.e., to all moral actors. Defined as “strong and absolute belief[s] that something is right or wrong, moral or immoral” (Skitka, Bauman, and Sargis 2005: 896), moral conviction drives humanitarian action. As such, some see humanitarian assistance as not an act of caring but a moral obligation (Quadrelli, Colt, and Garcia 2011). The humanitarian system might, therefore, be viewed as an organized form of that moral obligation in which the global moral and solidarity-based community partakes. Michael Barnett (2009a:1-2) referred to the moral community as a phenomenon which he termed the international humanitarian order and remarked: “[a] multitude of slogans and rallying cries—including “never again” and the “humanitarian imperative”—accompany graphic and heart-wrenching photos of victims of violence. These norms, laws, and institutions are nestled in discourses of compassion, responsibility, and care, which, in turn, are attached to claims regarding the kinds of obligations the “international community” has to its weakest members.”

The moral community is therefore moral only insofar as it pursues its moral mandate. Pursuing an action in defense of principled ethical humanitarian engagement constitutes a foundation of moral community. As those humanitarian principles form the ethics of humanitarian action, the expectation is that the humanitarian system acts in their defense. In Yemen, moral obligation, drawn from or embodied in the conviction, implicit in the humanitarian imperative, that duties and rights bind human relations in a moral world, triggered collective action akin to activism, defined more generally as an advocacy-gearred (social) movement (Atkinson 2017). The intensity of Yemen-based aid organizations’ efforts to establish humanitarian access was justified by the magnitude of the humanitarian need in the country and the conviction in the right to receive aid (referred to also as the right to humanitarian assistance (Pietropaolo 2016; Fisher 2010; Dinstein 2000)) and the corresponding obligation to make that aid available and

accessible. In Somalia, action in pursuit of humanitarian principles on a collective, organized level is less apparent until the moment of famine declaration, although individual advocacy efforts were noticeable. Advocacy took place on the issue of removing legal liability over violating US anti-terrorism legislation, and, contained within the IHS on changing the narrative related to the humanitarian situation on the ground. In Libya, a reluctant action to provide assistance to detained migrants was justified as engagement in line with the humanitarian imperative directed towards a particular demographic caught in a particularly unfortunate circumstance. That same sense of responsibility could arguably also be found in the earlier termed “ethic of refusal,” i.e., withdrawing of assistance in detention facilities on the ground of it causing harm.

In the three case studies, activism, or a collective action geared towards a morally defined change, occurred in specific moments, characterized by situations either perceived to be posing extreme threat to, or to have found to have already had extremely compromised humanitarian principles. Such collective action was most strongly evident in Yemen, but also Somalia at the time of famine declaration and Libya at the time of the drafting of the document on the principled approaches to assistance in detention facilities, i.e., the point of invoking the “ethic of refusal” right. Advocacy to influence complex humanitarian and political contexts in order to improve the overall state of the humanitarian space, i.e., the autonomy to make decisions and implement them with minimal obstructions, was thus an effective tool to reposition aid organizations as moral actors. External lobbying and advocacy helped aid organizations obtain the US waiver needed to resume aid operations in the south-center and secured them much-needed funding. Collective advocacy prevented the shrinking of humanitarian space for aid organizations in Yemen while also saving Hodaydah Salif ports from destruction. In Libya, forceful activism helped remove the funding conditionality and influenced some concrete (while temporary) changes in migration management.

Positioning itself as a moral community equates with finding an authoritative moral voice. But there is a consideration to be made. Changing political dynamics or unlocking passage and access to humanitarian commodities and services ought to be calculative. Humanitarian imperative carries a powerful appeal, but the delivery methods may need to differ, not to create backlash and create more obstacles. Activism may work best in certain situations and with certain states. While states create their own priorities, which may or may not include humanitarian assistance, access or respect for humanitarian standards and principles, aid workers clearly expect their activism to have most chance with states sharing in the liberal democratic outlook. Consider the decision of INGOs in Yemen to ask their donors to pull their weight with Al-Houthis on INGOs' behalf. The long-standing funding relationship, in addition to system familiarity and cross-employment of staff between aid organizations and governments mentioned earlier, likely creates that impression. In each of the three cases, Western states' funding exceeded other funding for the humanitarian response plans by a lot. This is a global phenomenon. For example, in 2020-2021, the top five donors for all development and humanitarian funding were US, Germany, European institutions, World Bank, and Japan. The funding level of the next one in line, France, was at one-third of the US', and a half of Germany's. Others in line were UK, Turkiye, IMF and the Global Fund to Fight AIDS, Tuberculosis and Malaria, an international financing and partnership organization, founded by Melinda and Bill Gates, Kofi Annan, Jeffrey Sacks and others.<sup>399</sup>

There is another aspect of the relationship between funding states and humanitarian organizations. The New York-based emergency relief coordinator, an Under-Secretary-General level appointment sitting on top of the IASC, a global humanitarian pyramid, have,

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<sup>399</sup> OECD DAC 2020-2021. Available at: [https://public.tableau.com/views/OECDDACAidataglancebyregion/Region?:language=en-EN&publish=yes&:display\\_count=n&:origin=viz\\_share\\_link?&:showVizHome=no#1](https://public.tableau.com/views/OECDDACAidataglancebyregion/Region?:language=en-EN&publish=yes&:display_count=n&:origin=viz_share_link?&:showVizHome=no#1). Accessed October 22, 2023.

since 2007, been a British national, preceded by a Norwegian, Japanese, Dane, Swede, and one Brazilian. Certain states (those in the political West, Japan, Australia and possibly a few others) and humanitarian organizations interchange their diplomats and staff at all levels. In the US, political appointees are particularly attractive holders of insight into the inner working of the US government for academia, think tanks, human rights, and humanitarian organizations. It is not uncommon that INGO and UN staff serve in official high-level government positions, including as donors, while former government officials are appointed to decision-making roles of INGOs or UN agencies. The head of the USAID Bureau for Humanitarian Assistance, for example, a political appointee in 2021, was a former International Rescue Committee (IRC) Director of Advocacy, while the last head of the USAID Food for Peace Office, responsible for discharging hundreds of millions of US dollars for food assistance in the world, in 2017 became Mercy Corps' vice-president. The cross-pollination of ideas is thus inevitable, as is the forming of a shared understanding of what constitutes humanitarian action. The influence travels both ways, but it likely converges around the most centrist position. The opinions on specific issues expectedly shift somewhat (and this dissertation's author has experienced them first-hand) depending on whether one holds a governmental or non-governmental job, but they remain within the consistently recognized frame of beliefs in the global moral community. Furthermore, while aid organizations aim to infuse humanitarian solidarity into foreign policy, they do that most effectively and successfully through allies and allyships they have created and nourished within policy circles. The reward comes in the form of funding, with the counter influence on global humanitarian priorities. That pendulum, as expected, swings back and forth.

Not all collective humanitarian activism may succeed. And even when it does, the success may be partial or reversible. In 2019, on the occasion of passing the resolution to cease the US Government's support to Saudi Arabia over the war in Yemen by both chambers of the US

Congress, two Democratic senators issued a statement, saying: “Today, the US House of Representatives took a clear stand against war and famine and for Congress’s war powers by voting to end our complicity in the war in Yemen.”<sup>400</sup> The war, however, continued, supported by GCC and the US and UK governments, past the writing of this dissertation. Hodaydah, on the other hand, was saved, placed under the UN management, allowing aid organizations to continue using it for humanitarian commodities. Supported by the international community, the Libyan government’s decision to release detained migrants and consider alternative migration management measures lasted for about a year before it returned to where it had been before. In Somalia, aid organizations succeeded in obtaining a humanitarian waiver from the US government, exempting them from the liability under the US counter-terrorism legislation, thus allowing them to operate throughout Somalia, including in the south-center.

#### 9.4.2. Activism Directed at Domestic Actors

The IHS and its member organizations do not only direct advocacy and activism at their donors and their public, of course; perhaps a more frequent form of influencing, negotiations, and advocacy happens at local levels, with local powerholders and authorities. Aid operations often do not happen in circumstances of peace, consent, democracy, and respect for human life. Some, or perhaps many, local powerholders that aid organizations deal with are not the ones for whom the values of humanity, neutrality, impartiality, and independence appear overly meaningful. This, of course, stands in contrast with many local initiatives of solidarity on an individual or group levels, such as ad-hoc community groups, local businesses, organizations,

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<sup>400</sup> Gambino, Lauren and Julian Borger. 2019. Yemen War: Congress Votes to End US Military Assistance to Saudi Arabia. *Guardian* (London). April 4. Available at <https://www.theguardian.com/world/2019/apr/04/yemen-saudi-arabia-war-us-military-assistance-vote-congress-trump-veto-latest>. Accessed April 6, 2022.

and institutions, formed with an expressed intent to support their neighbors, fellow nationals, or others in distress within their communities.

In my case studies, no authority recognized humanitarian assistance as a moral enterprise – in Somalia, for example, neither Al-Shabaab nor the Somali Transitional Federal Government (TFG) appreciated the effort or thought it worthy of preservation and protection from violence and looting on account of its ethical significance. Al-Shabaab did not believe the aid organizations to be neutral, not even the ICRC. In all three countries, humanitarian aid was enmeshed in the local political economy and viewed as a possible (and easy) revenue source. In Somalia, not only the internationally recognized authorities, clans, militias, and others thought of ways to get a hold of or benefit in various ways from the opportunities offered during the procurement and delivery of aid, but some Somali ‘entrepreneurs’ were reported to have set up fake IDP camps to attract free humanitarian aid supplies. In some cases, humanitarian efforts fared and were treated worse than commercial or trade activities, for example, in Yemen. Unlike the local trade industry, humanitarian assistance was often considered external (i.e., belonging to the community of outsiders) and thus did not enjoy the protection and legitimacy in local communities. Moreover, the rationale for aid allocations was not always apparent to powerholders and even local communities who considered the decision-making processes on beneficiary selection as antithetical to their objectives and interpretations of reality. In the extreme, where the relationships with local communities and authorities were poor or distant, aid workers were seen as the agents of foreign (and by nature hostile) governments.

Such a dichotomy and hostility on the ground disproportionately affect local staff and organizations implementing programs for international aid organizations. In Somalia and Yemen, national organizations were asked to implement aid programs designed by donors and

international organizations, neither of which was present in the communities where aid was delivered or provided. The appreciation of the nuances of how principles were or could be contextualized was thus lost. Mostly, national actors remarked that identifying humanitarian imperative was easy; in both Yemen and Somalia, humanitarian need, evident in rampant malnutrition and large-scale displacement under harsh conditions, was omnipresent. Operationalizing it was less clear.

What is more, many of the aid workers were themselves victims of famine or conflict. While answering the need with a humanitarian imperative seems sensible, morally desirable, and even required, those closer to the field of operation, negotiating with local communities and territorial authorities, be they legitimate, elected governments, or militants claiming power, recognized that the reality was more troublesome and less clear. Every time the beneficiary lists for a particular service or food assistance were drawn at the exclusion of other people, local aid workers understood that the humanitarian imperative was unattainable in its absolute form. Lists are by nature imperfect and thus exclusionary (flying in the face of the principle of impartiality), but where the distribution of the common good is concerned, the imperfection risks identification with corruption. Therefore, in my case studies, pursuing a humanitarian imperative meant compromising other principles, possibly all of them. The aspiration to achieve humanity in the face of calculated adversity had a price. In Libya, Yemen, and Somalia, levies and restrictions compromised aid programs, and those implementing programs, often national organizations, feared that exposing those realities would have created risks for them to be seen as unreliable and non-credible partners to international organizations serving as their donors. “Implementing humanitarian principles is hard,” noted one Yemeni aid worker.<sup>401</sup> More personally, one Yemeni aid worker noted that the difficulty in adhering to the principles

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<sup>401</sup> Interview. Yemen N.

could have meant losing access to international funding, a source of livelihood for many aid workers and their extended families, a threat many of them would have a genuine interest to avoid.<sup>402</sup> The requirement to meet humanitarian principles, without understanding their contextually-optimal limits, inevitably created a need for a balancing act: more aid dictated compromised neutrality while better neutrality compromised impartiality and humanity.

Employing principles in (certain) humanitarian situations might be extremely challenging, if not outright impossible, given all that was mentioned in previous paragraphs. Advocacy aimed at local powerholders, militias, and authorities instigating and perpetuating violence against their own populations or engaging in human rights abuses targeting specific groups or demographic categories, may not immediately bear fruit. Keck and Sikkink (1998) found that transnational networks could and did create pressure that effected change on human rights posturing in Argentina in the 1970s and Mexico in the 1980s and 1990s. They likened the national-to-international path of influence to a boomerang.

In the three cases examined here, no national authorities shared the values or the appreciation of the morality of the humanitarian enterprise as promoted by the humanitarian organizations. Changing these local perceptions was challenged by the discredited status of the international organizations, while the national organizations and staff could not always be expected to be effective either. To exert pressure on domestic actors, international aid organizations turn to states they have a relationship with (in the form of patronage through funding, for example) for support. As seen in the cases of Yemen, Libya, and, with some delay, Somalia, those relationships do work, and the international humanitarian systems successfully influence their ally states, although with only a limited overall effect on local actors. In none of the three cases did the international pressure appear to have lasting effects on the ground. In Somalia, the

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<sup>402</sup> Based on approximately thirty interviews with local organizations in Yemen and Somalia.



authorities had unlikely modified their behavior on account of international pressure, and Al-Shabab arguably allowed some aid after the declaration of famine, but only for a brief period. In Libya, the authorities reduced the number of detentions only to revert to their practices soon thereafter. In Yemen, the Saudi authorities had allowed some concessions in permitting humanitarian aid to flow through Hodaydah; however, while the Saudis paid lip service to the international demands, Al-Houthi did not. In conclusion, the three case studies provide some (limited) evidence on the ability of humanitarian principles to hold sway over national powerholders, although only for a very brief period of time. While undoubtedly important, the question of why that may be and what might make humanitarian negotiations with local actors more effective was beyond the scope of this research.

## 10. Conclusion

My research question asks **how the international humanitarian system (IHS) and its member organizations engage with humanitarian principles when responding to natural or human-made disasters**. The question was prompted by the evident and growing popularity of humanitarian principles among the ever-increasing number of humanitarian organizations in the world. This is the query that concerns ethical decision making by aid organizations, and their systems in disasters. As aid organizations organize themselves around specific response topics (water and sanitation, food and livelihood, emergency healthcare, logistics and telecommunications, humanitarian protection as a function of support and removal from sexual and other violent situations, and some others) as well as strategic topics (such as anything that may have to do with shared humanitarian response policy as well as resolution and decision on ethical dilemmas and problems), they effectively form a hybrid voluntary and involuntary system that is increasingly recognized as a critical actor in global affairs. Initially reluctant organizations, such as the ICRC and MSF, now partake in systems' deliberations, recognizing the value of coordination but also the power of joint engagement and positioning versus theirs alone – no matter how reputable they may be.

The international humanitarian system – or systems, given each international humanitarian response is managed by its own system that “deploys” to a disaster affected area or a country – engages in ethical decision-making all the time. For aid operations, ethical dilemmas are many and frequent. Some dilemmas evolve, changing shape without losing importance and exigence. Ethical dilemmas are also complex and contextual – complexity arising from the demanding, fluid context within which aid organizations operate. The context, i.e., the disaster that makes up the context, also provides a *raison-d'être* to aid operations. Aid organizations are often the only ones with structures and willingness to deploy to situations that are hard for

other international institutions to operate in. The problem is that these situations create enormous challenges for the international humanitarian community to operate within its own ethical framework. An absence of effective domestic institutions and friendly power-holding counterparts leads aid systems to set up their own coordination and decision-making structures, resulting in the criticisms that aid organizations exercise functions reserved for national governments, in other words, that they engage in governmentality. Aid systems thus become the victim of their own ability to organize. The humanitarian system is a source of benefit for populations targeted for assistance but is also often resented by local actors. In complex emergencies where the elements of disfunction, violence, and climatic and economic vulnerability loom particularly large, aid organizations stand at odds with their broader political environment. Add to that harsh global politics and we see that aid organizations are bound to find themselves wrapped in ethical problems without good solutions. Such was the situation in the three case studies researched here: Somalia during the 2011 famine, Yemen following the military intervention of the Kingdom of Saudi Arabia in 2015 and Libya's migrant detention policy of 2016 and later.

The focus of this research is ethical decision-making of aid organizations and their systems in the three case studies. Academic research has mostly dealt with the question of **who** makes decisions within an organization. This research is different and concerns itself with **how** the engagement on ethical issues is made (in a specific context among specific networks) , while delving into analyzing **what** those decisions are. Given how important the context is in aid operations, ethical decision cannot be separated from it. The humanitarian decision-making process covers a spectrum that starts with articulating an intent or meaning-making (interpreting the context, negotiating the positionality and reaching a consensus/decision), implementing an intent or decision and observing and experiencing the consequence of the decision. As my research, therefore, studied strategies, interactions, and processes involved in

the formulation of humanitarian approaches and decisions insofar as they are explicitly or implicitly informed by the humanitarian principles, it can be restated as: how do the IHS and its member organizations engage with, or employ, i.e., contextualize, interpret, and internally (i.e., as a group) negotiate the meaning and execution, of the humanitarian principles given specific realities on the ground, and with what consequence?

### 10.1. Humanitarian System as Actor

The international humanitarian system (IHS), in existence for about three decades but only functional and visible in the last fifteen or so years, is increasingly imposing itself as a globally important informational and political actor. I termed it a system because, even though it embodies the elements of a network (part of it bearing characteristics of voluntary and horizontal trans-national network), it is also structured, prescribed and hierarchical. The system's primary members, the United Nations agencies and the international (and sometimes national) non-governmental organizations, join either through directive and prescription (UN specialized agencies), or voluntarily (NGOs). The UN hierarchical sub-structure creates a bureaucracy of sorts, while the NGOs join the system's horizontal sub-structure, creating a dense network (termed borrowed from Keck and Sikkink 1998). Such systems are replicated in each international disaster response situation.

Humanitarian assistance is thus structured and organized through the international humanitarian system, which has its rules, procedures, civil service, and associated members who always join into the humanitarian system – wherever activated – albeit voluntarily. For practical reasons, the international aid system activates in disasters that are substantial by some definition, mostly referring to the size affected populations. By 2023, the UN specialized agencies estimated over 339 million people worldwide to require humanitarian assistance. “That is larger than the population of the United States. It also means 1 in every 23 people on

the planet needs emergency assistance to survive,” remarked Martin Griffiths, UN Emergency Relief Coordinator, on the publication of the 2023 Global Humanitarian Overview.<sup>403</sup>

To a degree, the system reinvents and strengthens itself all the time, introducing new communications tools that are widely disseminated and sometimes publicly announced through press conferences, global meetings etc. Often, the dates for the launches of some of these documents are set, to create anticipation among not only donor states but also member organizations, NGOs and UN, who use them to plan their international presence and fund-raising. At the response (country) level, the IHS issues country-specific humanitarian needs overviews and humanitarian response plans every year between November and February the following year. The anticipation is that such documents should influence donor states’ humanitarian funding strategies and priorities. The indication is that they do, at least to a degree. That all states decide on their funding priorities is expected, but many (especially smaller ones without well-staffed humanitarian teams on the ground) rely on those documents to determine which organizations and which projects to fund.

Apart from funding, IHS also influences and educates its donor base and the broader international community using discourse, i.e., the dissemination of ideas, analysis, and proposed solutions (response strategies), aiming to create a persuasive global narrative that captures the state of humanitarian affairs worldwide. Increasingly, in recent years, global humanitarian overviews have been concerned with climate change and environmental disasters, even though political conflicts continue to draw a disproportionate quantity of

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<sup>403</sup> OCHA. “2023 Global Humanitarian Overview Presentation - Global Humanitarian Overview by Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator Martin Griffiths.” News and Press Release. Geneva, December 1, 2022. Available at: [https://reliefweb.int/report/world/2023-global-humanitarian-overview-presentation-global-humanitarian-overview-under-secretary-general-humanitarian-affairs-and-emergency-relief-coordinator-martin-griffiths-geneva-1-december-2022?\\_gl=1\\*t1olim\\*\\_ga\\*NjA3NTYxNjUwLjE2NjI2MjQ3NDE.\\*\\_ga\\_E60ZNX2F68\\*MTY4NTE5MDgyMi4yNi4xLjE2ODUxOTA4MzcuNDUuMC4w](https://reliefweb.int/report/world/2023-global-humanitarian-overview-presentation-global-humanitarian-overview-under-secretary-general-humanitarian-affairs-and-emergency-relief-coordinator-martin-griffiths-geneva-1-december-2022?_gl=1*t1olim*_ga*NjA3NTYxNjUwLjE2NjI2MjQ3NDE.*_ga_E60ZNX2F68*MTY4NTE5MDgyMi4yNi4xLjE2ODUxOTA4MzcuNDUuMC4w). Accessed May 27, 2023.

humanitarian resources every year. Martin Griffiths summarized the situation as follows: “Lethal droughts and floods are wreaking havoc in communities from Pakistan to the Horn of Africa. The war in Ukraine has turned a part of Europe into a battlefield. More than 100 million people are now displaced worldwide. And all of this on top of the devastation left by the pandemic among the world’s poorest.”<sup>404</sup>

## 10.2. Ethics and Functionality of Humanitarian Principles

The core humanitarian principles of humanitarian imperative, impartiality, neutrality, and (operational) independence are often hailed as the ethical blueprint to guide and frame international humanitarian assistance in countries and communities caught in calamitous circumstances beyond their control to mitigate and manage. In part as a response to the rapid growth of the international humanitarian enterprise since the 1990s and in part to define that sprawling enterprise, the aid organizations adopted – with some adjustment – ICRC’s Fundamental Principles and agreed to call humanitarian imperative, impartiality, neutrality, and independence the four core humanitarian principles of all international aid activity.

This dissertation’s three case studies showed that, despite their broad popularity, humanitarian principles are not consistently applied or even considered. Applying the ethical lens to them, the four principles need to be debated and evaluated in terms of how they respond to the given context, their intentionality associated with creating a positive outcome, and the results, i.e., consequences of the ethical decisions. In situations of political, economic, social, and environmental fluidity, that process needs to be constant and consistent. As such, then, the humanitarian principles do not and cannot provide a simple path to ethical humanitarian action. In the case studies, we have seen that it is not enough to evoke the humanitarian imperative,

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<sup>404</sup> Ibid.

i.e., the notion that aid is the right of every disaster-stricken individual and an obligation of the ethical and wealthy or wealthier states and institutions to do good. The aid must also be impartial and non-discriminatory, neutral, and not serving any agenda beyond its own. It is also required to be independent of funding influences and interests. Where a careful balance and rebalance of humanitarian principles are not perpetually established, humanitarian action can be harmful. Aid organizations call the operations where core humanitarian principles are established within some acceptable level of compliance with the principled humanitarian operations. Principled humanitarian operations are aspirational but not impossible.

Moreover, this research pointed to examples of when humanitarian activism came to the rescue in these cases, reestablishing the equilibrium between the core principles. In Yemen, between 2015 and 2019, the aid community applied advocacy based on humanitarian principles toward the international actors with a significant effect and with a somewhat more limited effect on the local actors. The functionality and ability of the international humanitarian system to engage in all manner of decision and meaning-making: interpreting, identifying, mobilizing, negotiating, and providing a shared narrative and action points, is key to making humanitarian assistance an essential political actor in the world today. The system's strength and potency lie in its ability to promote and popularize humanitarian principles.

#### 10.2.1. Ethical Decision-Making in Disasters

It has been stated repeatedly in this research that ethical dilemmas in humanitarian action are omnipresent, which means that humanitarian organizations make (or ought to make) ethical decisions all the time. Drawing from academic theories and existing ethical decision-making models, I investigated humanitarian decision making across several phases: formulating an intent or meaning-making, execution of the decision and the reckoning with decisional consequences.

In the first, meaning-making phase, where an intent is formulated, aid organizations are principally influenced by eight factors: : (i) proximity to a crisis situation and populations affected by the crisis; (ii) considerations concerning organizational mandate and reputations; (iii) instrumentalization by foreign policy and funding considerations (such an anti-terrorism legislation); (iv) operational conditions and local power dynamic (i.e., opportunities and restrictions dictated by local state and non-state actors); (v) perceived urgency of the humanitarian situation in a particular context; (vi) external pressures such as those by media and human rights campaigns; (vii) risk of humanitarian action or inaction to cause harm; (viii) confidence in the ability to influence and effect change or at least not suffer adverse consequences as a result of their actions. None of the factors is more critical for making decisions in disasters than the others, and often, they are not singularly present. In fact, most, if not all, appear to be present alongside each other to some degree, affecting humanitarian decision-making by organizations operating within the framework of humanitarian principles and the international humanitarian system. Those factors can be compressed into the factors of risks and liability for aid organizations performing their activities in countries with donors' terrorism-related restrictions; trust in data and analysis due to proximity and ability to experience the situation first-hand; confidence in their ability to demand and affect policy change in situations where such policies are perceived as limiting or harmful for humanitarian purposes; and convictions in their humanitarian mandate and moral positioning. In my three case studies, the factors were interrelated. For example, the proximity to the humanitarian situation often accounted for the strength in emotional reaction to the crisis; perceived gravity of the situation produced determination and the sense of urgency; organizational mandates and self-image often drove individual organizations' stance on particular issues that seem pertinent to them.



The complexity and interconnectedness of these factors make it incumbent on the aid organizations and their systems to interpret and re-interpret their ethical positioning almost constantly. In places where that is done effectively, the humanitarian assistance can benefit from adapting and rapidly responding to the changing humanitarian situation and need. That does not automatically happen, and certain humanitarian systems appear better equipped to recognize the contextual changes and the implications of those on their ethical posturing.

#### 10.2.2. Manifestations of Humanitarian Principles

In this dissertation's three case studies, aid organizations and their system applied humanitarian principles in three distinct ways:

- One, to create a community of self-identified aid workers belonging to a particular system of global humanitarian responders;
- Two, to inform and shape humanitarian programming to improve humanitarian deliveries or prevent bringing about unintentional harm; and
- Three, to influence the policies and behaviors of the states, both funding (allied) states and domestic actors/authorities, deemed to curb humanitarian access or cause a humanitarian crisis.

Given the above, I concluded that humanitarian principles manifest themselves in essentially three ways: cultural (or self-identifying), operational or programmatic, and the one geared towards activism. Those dimensions express themselves differently at different times. The cultural dimension is increasingly visible and important as the system invests in education and self-awareness campaigns among the growing number of local and international humanitarian organizations. The program dimension is and ought to be contextually determined – in other words, aid organizations do better when they engage in a conscious act of weighing the pros

and cons of their programmatic and posturing actions and decisions, especially in politically complicated situations. The activist dimension is increasingly important as a tool that aid organizations employ to shape their positions and influence global policy, in the process improving their own position in global affairs and reasserting their moral position. Activism works consistently better on the external states, i.e., Western liberal states with humanitarian policy than on the receiving states. Nevertheless, the receiving states are not completely impervious to humanitarian advocacy. As we have seen, short-term gains and changes were made thanks to the advocacy efforts in all cases, Somalia, Yemen, and Libya. Less so in Yemen, where more extended research was needed to witness or explain any potential effects of collective pressure and advocacy, or lack thereof. Indeed, understanding why sometimes advocacy on humanitarian reasons does and sometimes does not influence domestic authorities should make an interesting topic of some new research project. Delving into those reasons was beyond the scope of this one.

### 10.3. Implications and Relevance

As argued in this research, humanitarian assistance is becoming increasingly visible and influential to be ignored for the impact it can and does have. Host governments, local powerholders, and funding states are taking notice of the newly minted power humanitarian organizations enjoy – often unwillingly and reluctantly. Local actors may find humanitarian assistance attractive for the money and opportunities it brings but are also wary of its power. Funding states are also beginning to recognize the power of influence in it. The risk of instrumentalization or politicization of aid is real, which makes humanitarian principles even more critical. Therefore, how they are used and can be used is not trivial. As shown in this research, international organizations enjoy the ability to affect and change the policies and behaviors of their funding states and, on occasion, can create a positive change on the ground

by influencing local actors. The fact that the country-based humanitarian systems have shown themselves to possess the capacity to influence does not mean that they consistently and readily exercise that capacity. What is lacking is a more conscious effort towards engaging in ethical decision-making that continuously and repeatedly tests and challenges decisions and positions of humanitarian actions against the assumptions, contexts, intentions, and consequences and then probes into its own capacities to influence and create a positive change. Given the volatile and shifting context within which humanitarian organizations work, these cognitive and deliberate processes must be constant and circular. How that is to be done may be best answered and proposed by the operational organizations within the IHS. The more systematic approach to ethical decision-making and reflections, therefore, is of even more critical importance than are current efforts to educate aid workers in humanitarian principles, as without it, aid organizations are unlikely to see the humanitarian principles reach their full(er) potential.

#### 10.4. Humanitarian Assistance and Environmental Studies - Reflections

I ought to address here why and how this research was done at the CEU's Department for Environmental Studies and what the significance of it there may be for the Department. One of the difficulties associated with the humanitarian assistance lies in its many different facets that converge in the intersection of natural, social, and political systems and their iterations at the global, regional, and local (national or domestic) levels. The phenomenon therefore does not neatly fit into a single-disciplinary framework, even though much of the academic research tends to examine it from the perspectives of either international relations, developmental economics, and colonial studies, or, increasingly, studies about climate change and environmental impacts on poverty, resilience, and human security. The latter is a relatively new but an increasingly important topic of research. Climate change in particular is expected to have tremendous impact on humanitarian needs across the globe, creating migration,

displacement, and humanitarian needs (Burrows and Kinney 2016; Turk and Garlick 2019; Merone and Tait 2018; Strömberg 2007), destabilizing entire communities, nations or regions (J. Barnett 2003; J. Barnett and Adger 2007; Swart 1996; Edwards 1999). By some count, natural disasters surpass all other types of disasters by a factor of ten. There were, according to the CRED, 432 natural disasters in 2021, killing an estimated 10,500 people and further affecting 102 million others with approximately \$252 billion recorded in economic losses and damage.<sup>405</sup> Most of these were sudden onset: flooding, storms, and earthquakes, and a good number of them had created an immediate and long-lasting humanitarian need among the affected populations.<sup>406</sup> The terms ‘environmental migrants’ or ‘climate refugees’ can be increasingly seen in research and reports (see, for example, Merone and Tait 2018), although researchers are divided on the question of whether environment and climate change alone lead to mass cross-boundary displacement, or what socio-economic demographics are most likely to migrate (Geddes 2015). Merone and Tait argued that due to the often-irreversible nature of climate change and its impact on local communities and economies, the same international protections granted to asylum seekers fearing prosecution or conflict ought to be considered for the climate refugees whose livelihoods may be irretrievably lost in their places of origin. In its Global Compact on Refugees, the UN gave the proposition some merit, noting, *inter alia*, “While not in themselves causes of refugee movements, climate, environmental degradation, and natural disasters increasingly interact with the drivers of refugee movements. In the first instance, addressing root causes is the responsibility of countries at the origin of refugee movements. However, averting and resolving large refugee situations are also matters of serious concern to the international community as a whole, requiring early efforts to address their drivers and triggers, as well as improved cooperation among political, humanitarian,

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<sup>405</sup> CRED. 2022. “2021 Disasters in Numbers”. Brussels: CRED, 2022. Available at: [https://www.cred.be/sites/default/files/2021\\_EMDAT\\_report.pdf](https://www.cred.be/sites/default/files/2021_EMDAT_report.pdf). Accessed January 7, 2024.

<sup>406</sup> Ibid.

development, and peace actors.”<sup>407</sup> Environmental migration is a controversial and politically charged concept and ultimately more visible than environmentally-induced internal displacement that may be markedly larger in scale and size, with long-lasting, costly, and more disruptive consequences on states (Leckie and Simperingham 2015).

A growing body of research is plunging into the question of how the scarcity of natural resources, whether human-caused or not, influences social dynamics that leads to violence and conflict (for example, Geddes 2015; Nel and Righarts 2008; Swart 1996; Kliot 2004; J. Barnett 2003). Drawing from a large set of data, Nel and Righarts argued that hydro-meteorological and geological disasters, as well as epidemics, insect infestations, and famine, have the potential to disrupt existing or create new structural conditions that are conflict-prone in the immediate or longer term. Ill-adapted societies, i.e., those whose attributes may point to a high level of vulnerability to conflicts, such as high levels of income and asset inequality, lack of political robustness, and large youth bulges (as proposed by Nel and Righarts 2008) are likely to experience the breakdown of resilience and depletion of domestic resources, which triggers violence with devastating humanitarian effects (also in Walker, Glasser, and Kambli 2012b; Kliot 2004; McGregor 1993). Rapid-onset disasters are more prone to trigger political violence than slow-onset ones and of those, earthquakes and volcanic eruptions were found to be the most disruptive of all (Nel and Righarts 2008). Similar tendencies have been observed in Africa where economic prosperity depends on agricultural and pastoral production, which also serves as a measure of communal stability. When the environmental conditions change, creating depravity and competition over dwindling resources, the risk of social unrest and war turns real (Walker, Glasser, and Kambli 2012a). Syria may be a case in point. One research (Gleick 2014)

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<sup>407</sup> See the 2018 UN Global Compact on Refugees, para. 8, p.10. The Global Compact was adopted by UNGA as Resolution 73/151 [on UN Global Compact on Refugees]. (A/RES/73/151) Adopted at the 73<sup>rd</sup> session, December 17, 2018. Available at <https://www.unhcr.org/the-global-compact-on-refugees.html>. Accessed March 20, 2021.

found that climate change, most notably increasing and protracted droughts and the depletion of water resources, contributed to the tensions that led to the Syrian conflict.

Some scarce but newer scholarly research has turned to questions of how humanitarian action may affect the natural environment for people and animals. Hassan *et al.* (2018) and Mukul *et al.* (2019) documented some trade-offs forced upon the national governments and aid organizations to accommodate the displaced populations in Bangladesh. To construct a campsite sufficient for almost one million Rohingya refugees, the authorities razed forestland, destroying wildlife habitat, biodiversity, and entire ecosystems in the large swaths of Bangladesh's Cox's Bazar region. Moreover, one of the camps in Kutupalong, for example, was constructed on the Asian elephant migratory route, trapping forty-five elephants on one side of the camp and separating them from the rest of the herd (Hassan *et al.* 2018; Mukul *et al.* 2019). Aid organizations, too, are beginning to increasingly lament that their efforts are often designed with minimal regard for the impact they have on the natural environment and resources, resulting in delayed post-disaster recovery and rehabilitation.<sup>408</sup> As the world grapples with the effects of climate change and efforts needed to protect the Earth, research, and evaluations of how aid practices impact nature are expected to grow in number and importance.

## 10.5. Objective, Limitations and Further Research Suggestions

The objective of this research was to investigate the application of humanitarian principles through the prism of ethics in very specific, volatile, and fluid situations that complex emergencies inevitably and unmistakably always are. Making ethical decisions in disasters

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<sup>408</sup> See United Nations Environmental Programme (UNEP) and OCHA's Environment in Humanitarian Action project (EHA), designed as a digital tool for research, assessment and training on issues related to understanding humanitarian action's environmental impact and the environmental preservation and protection methods. Available at: <https://ehaconnect.org/about/>. Accessed March 20, 2021.

ought to be different than in contexts that are stable and predictable. Ethical decisions are loaded with dilemmas that may not be even fully known. Miscalculations are thus bound to happen. The problem, therefore, may be less that mistakes are made and more that they are allowed to fester before adequate recalculations to fix them are made.

This dissertation was not about evaluating individual humanitarian responses and assigning ethical values to aid organizations and their systems. While some academic research (for example, (Nye 2020) has done exactly that, the context was widely and importantly different – those decisions were individual decisions done not in the situation of disasters, but controlled environments with as good an access to information as this may be humanly possible. This, as I argued here, might not be possible in humanitarian emergencies.

There are three principal limitations to this study. The most obvious limitation concerns the fact that the empirical part of this research coincided with the outbreak of the COVID-19 pandemic that effectively lasted from March 2020 until mid-2023, although international travel was beginning to be normalized sometime in 2022, by which point the “field” research portion was completed. I was able, however, to circumvent those limitations, by relying on available academic and non-academic research, and documentation and communications made available to me by aid organizations and their staff, as well as by my USAID colleagues and friends within the donor community. Furthermore, many observations and conclusions rest on my own work as an aid worker and humanitarian donor, including in Yemen and Libya.

My second limitation concerns time. PhD dissertations are by nature limited by time – in my case, this dissertation will have taken the full five years, some of which I spent in aid work, away from writing, but gaining invaluable insights into the inner mechanisms of humanitarian action.

My third limitation concerns the number of case studies. I have limited this research to three case studies that I had some familiarity with and interest in. They share certain commonalities, such as they all occur at roughly the same timeframe, during the second decade of the 21<sup>st</sup> century, and are all complex emergencies where environmental conditions, economic depravity and conflict intersected to produce humanitarian needs. It may be argued that each epoch is different in terms of how the humanitarian system operates, what ethical decisions it makes and what lessons we can draw from it. It may also be argued that humanitarian responses in situations that are not complex emergencies are fundamentally different and that lessons drawn here do not universally apply. I find the latter assertion difficult to believe but do look forward to future studies to see how the humanitarian system evolved and whether any of the observations and conclusions drawn here remain the same within the next decade and later.

As the global humanitarian enterprise grows, it is to be expected that academic research dedicated to it will grow with it. The field is rich with contradictions, oddities, and novelties, all of which, I suspect, will continue to intrigue academia, and rightfully so. To the myriad of interesting potential topics, I can here offer a few that have emerged from this research:

- Canvassing a large sample of humanitarian responses, what makes some humanitarian operations more ethical than others?
- A historical examination of how the humanitarian principles have improved – or not – aid deliveries for the recipient populations?
- How might humanitarian principles be framed or structured so that aid organizations have an easier time sifting through their requirements and definitions?



- Why are humanitarian organizations experiencing a deterioration of their standing as ethical actors in local contexts, encountering hostility by state and non-state actors at accelerating rates?

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## Appendices

### Appendix I - Non-Academic Documents and Records

#### Operational Documents

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## Websites with Datasets

### **ACAPS, formerly Assessment Capacities Project**

<https://www.acaps.org/en/data>

Offers information, datasets and analyses pertaining to crisis severity, access issues, anticipatory analysis, needs analysis across all countries.

### **Aid Worker Security Database (AWSDB):**

<https://aidworkersecurity.org/incidents/search?start=2008&end=2008&detail=1&country=SO>.

Offers compilation of reports on major security incidents involving deliberate acts of violence affecting aid workers globally.

### **Centers for Disease Control and Prevention (CDC). Available at:**

<https://www.cdc.gov/>

US Government Department of Health and Human Services service offering publications and research on public health in the United States and world-wide.

### **Development Assistance Committee (DAC) of the Organization for the Economic Cooperation and Development (OECD):**

<https://www.oecd.org/dac/development-assistance-committee/>.

Maintains the count of all global development and humanitarian spending focusing on OECD, but also major non-OECD. It is the most authoritative record of development expenditures globally.

### **European Border and Coast Guard Agency, also known as Frontex:**

<https://www.frontex.europa.eu/>.

Conducts research and maintains and updates information on migration numbers, routes, and issues relevant for the European Union.

### **Global Detention Project (GDP):**

<https://www.globaldetentionproject.org/about>

Maintains a solid research database related to immigration detention practices worldwide.

### **Humanitarian Action Project (EHA):**

<https://ehaconnect.org/about/>.

A joint project by United Nations Environmental Programme (UNEP) and OCHA, EHA offers comprehensive online repository of research, tools and guidance pertaining to environment in humanitarian action.

### **Integrated Food Security Phase Classification (IPC):**

<https://www.ipcinfo.org/ipcinfo-website/ipc-overview-and-classification-system/en/>.

Maintains information on acute and chronic food insecurity and acute malnutrition situations across all relevant countries and regions.

### **International Committee of the Red Cross (ICRC). Archives:**

<https://www.icrc.org/en/archives>

A large selection of documents, opinions, analyses, and records pertaining to ICRC and its history and work. The historical archives comprise 6,700 linear meters of textual records and a collection of photographs, films and other audio archives.

**International Displacement Monitoring Center (IDMC):**

<https://www.internal-displacement.org>.

Owned by the Norwegian Refugee Council (NRC), IDMC conducts research, collects, and maintains information pertaining to global internal displacement trends.

**IMPACT (Reach, Panda, Agora):**

<https://www.impact-initiatives.org/>.

Offers assessments and data on a wide range of topics relevant to humanitarian action.

**UN Office for Coordination of Humanitarian Affairs (OCHA). Information Service:**

<https://reliefweb.int/>.

Maintains a large collection of different types of information relevant for humanitarian action worldwide.

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**. Appeals and Response Plans:**

<https://fts.unocha.org/appeals.overview/2022>.

Offers information on all global humanitarian response plans and funding appeals.

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**. Financial Tracking Service:**

<https://fts.unocha.org/>.

Serves as the most consistent funding reporting tool for humanitarian organizations and donors. FTS tracks the contributions towards humanitarian response plans (HRPs).

**Standardized Monitoring and Assessment of Relief and Transitions (SMART) methodology:**

<https://smartmethodology.org/about-smart/>.

An inter-agency initiative launched in 2002 by a network of humanitarian organizations and practitioners, the website offers tools and information on standardized assessments of nutritional status of children under-five, and mortality rate of the population globally.

Maps

**Worldometers maps:**

<https://www.worldometers.info/maps/2023>.

Worldometers provides statistics in world population, government and economics, society and media, environment, food, water, energy, and health.

## Appendix II - Open Ended Interviews Strategy (Conversations)

<i>Themes</i>	<i>Topics and Questions</i>
<i>Introduction</i>	<ul style="list-style-type: none"> <li>○ About me: professionally and personally (fellow aid worker and donor → establish connection and familiarity with the field)</li> <li>○ Explain work/research boundaries (address ethical issues)</li> <li>○ About this research and my research interests</li> <li>○ Explain the processes (taping, transcribing, use of quotes and information, dissertation writing and publishing)</li> <li>○ Seek verbal consent for recording and use of quotes</li> <li>○ Explain the nature of the conversation <ul style="list-style-type: none"> <li>• confidentiality (note that all my conversations are confidential, and I rely on them to draw larger conclusions related to decision-making on humanitarian principles),</li> <li>• no value judgment</li> <li>• explain the conversation process and objectives</li> <li>• interest in perspective, views, and ideas</li> <li>• offer to share the chapter or part thereof that references this conversation</li> </ul> </li> </ul>
<i>Conversation starter – scene setting (problem setting and an open-ended questions)</i>	<p><b>Identifying humanitarian dilemma or problem as a conversation starter:</b></p> <p><u>Somalia:</u></p> <ul style="list-style-type: none"> <li>○ The 2011 famine developed amid an international humanitarian intervention, ongoing since the previous famine in 1991.</li> <li>○ The scale of the humanitarian operation diminished over time although the international humanitarian system had still retained the sizeable operation through the years to 2011. Humanitarian organizations operated their programs from Nairobi, Kenya, where they had been since 1995.</li> <li>○ Many observers noted that the scale up of the humanitarian operation began too late, after the famine has already ravaged the country (south-east), leading some people to conclude that the humanitarian community had failed. <ul style="list-style-type: none"> <li>• <b>What actually happened? Why?</b></li> <li>• <b>What are your thoughts on the core humanitarian principles and whether they could have guided the aid organizations to manage their actions differently?</b></li> </ul> </li> </ul> <p><u>Yemen:</u></p> <ul style="list-style-type: none"> <li>○ In 2015, aid organizations declared Yemen to be the world's worst humanitarian crisis on the brink of famine.</li> <li>○ The situation worsened in 2015 due to maritime and land blockades, inhibiting the flow of food and other essential goods.</li> <li>○ Aid organizations saw that as an affront on humanitarian access and their ability to provide aid to nutrition-starved and food insecure populations, and thus embarked on a public campaign dominated by the images and discourse of suffering.</li> <li>○ The advocacy yielded results - at least partially, but it also might have changed the political trajectory on the ground. <ul style="list-style-type: none"> <li>• <b>What actually happened? Why?</b></li> <li>• <b>What are your thoughts on how hard it was to decide the right course of action at that moment? Why? What was the role of core humanitarian principles in decision-making?</b></li> </ul> </li> </ul> <p><u>Libya:</u></p>

	<ul style="list-style-type: none"> <li>○ The decision to engage in detention facilities was problematic to start with. Aid organizations expanded their operations in detention facilities for migrants in 2016 and later. By doing that and without adequate safeguards, they might have encouraged detention as a lucrative practice for detention authorities and smugglers. Meanwhile, the EU increased its contributions to aid organizations in the politics of externalization of migration management and remedying effects of human rights reporting.</li> <li>○ That prompted the aid organization to question how their actions fared against the requirements to remain neutral, impartial, and independent and whether aid programs contributed to the economy of smuggling and trafficking.</li> <li>○ Subsequently, the HCT led the process of redefining humanitarian principles and ethical response red-lines. <ul style="list-style-type: none"> <li>• <b>What actually happened? Why?</b></li> <li>• <b>What are your thoughts on why and how the decisions related to the ethical engagement with incarcerated migrants were made, and on the risks of co-optation and instrumentalization of aid programs?</b></li> </ul> </li> </ul>
<i>Prodding/guiding questions (if needed)</i>	<ul style="list-style-type: none"> <li>• <b>How relevant were the humanitarian principles for a) humanitarian system, b) the organization in which the KI works or c) personally for the interviewed KI? Were the principles ever discussed, and how?</b></li> <li>• <b>Given the stated importance of these humanitarian principles in aid work around the world, how can we explain what seems to be an inconsistent application of the principles during specific events? Would you agree with that statement?</b></li> <li>• <b>How and where (at which level) were ethical decisions made? Who made them, and what might be examples of that?</b></li> <li>• <b>What situations made principles relevant, and which principles? For example: in the operational context the KI is familiar with or in relation to the above outlined situations/dilemmas?</b></li> <li>• <b>How challenging was/is making ethical decisions in disasters? What makes it so: context, people (aid workers), issues (humanitarian access, others)?</b></li> <li>○ Did/does making ethical decisions differ depending on the location, organization, key personnel experience, or any other factor?</li> </ul> <p><u>Elite Interviews:</u></p> <ul style="list-style-type: none"> <li>• <b>What was the position of your government in those situations? How do you explain that position?</b></li> <li>• <b>Was there a consensus? What worked in changing your government's course of action on a particular issue?</b></li> </ul>

## Appendix III - Semi-Structured Interviews Strategy

<i>Themes</i>	<i>Topics and questions</i>
<i>Interview/conversation starter</i>	<ul style="list-style-type: none"> <li>○ Explain the research topic and purpose (notes provided)</li> <li>○ Introduce the concepts of humanitarian principles (*briefly outlining what they are if needed).</li> <li>○ Explain the interviewing technique (semi-structured interviews)</li> <li>○ Explain the confidentiality: <ul style="list-style-type: none"> <li>• Obtain consent for recording the interview. If no consent, ask if it is fine that you take notes (<i>taking notes as opposed to recording may help create a friendlier interviewing ambient.</i>)</li> </ul> </li> </ul>
<i>Explaining the interview, parameters, expectations and KI's rights</i>	<ul style="list-style-type: none"> <li>○ Explain the nature of the conversation: <ul style="list-style-type: none"> <li>• no value judgment</li> <li>• interest in perspective, views, and ideas</li> <li>• offer to share the chapter or part thereof that references this conversation</li> </ul> </li> </ul>
<i>T1: Introduction into KI's role and knowledge about the examined events and principles</i>	<ul style="list-style-type: none"> <li>• <b>What is your current role and what was your role during the events under research (Somalia, Yemen, Libya)?</b></li> <li>• <b>What do you know about humanitarian principles? When were you first made aware of humanitarian principles?</b></li> <li>• <b>How long were you in the business of humanitarian assistance? Has humanitarian assistance changed since your first engagement in the field? How? Has your relationship to humanitarian principles changed?</b></li> <li>• <b>Are these the humanitarian principles you deal with or think about in your work? Are there others?</b></li> </ul>
<i>T2: Understanding humanitarian operations and challenges</i>	<p><u>Somalia</u>: Focusing on famine and the declaration of famine:</p> <ul style="list-style-type: none"> <li>• <b>How did the humanitarian community, INGOs and the UN, navigate the implementation of humanitarian programs given political and access challenges (Al-Shabaab access restrictions, terrorism legislation in the US, security risks within Somalia)?</b></li> <li>• <b>What were the major challenges that rallied the international community most?</b></li> <li>• <b>How did the humanitarian community finally come to an agreement on famine and then ways to navigate access challenges?</b></li> <li>• <b>How much did the humanitarian engagement in the early 1990's influence the engagement in 2011.</b></li> </ul> <p><u>Yemen</u>: Focusing on humanitarian access problems: a) advocacy related to the port of Hodaydah and b) advocacy related to improving the operational conditions on the ground vis-à-vis the Sana'a authorities:</p> <ul style="list-style-type: none"> <li>• <b>How did the humanitarian community, NGOs and the UN, navigate the implementation of humanitarian programs given political and access challenges (Houthi access restrictions and Saudi blockade)?</b></li> <li>• <b>What were the major challenges that rallied the international community most?</b></li> <li>• <b>How did NGOs come to agreement, if there were agreements, on how to navigate the challenges, understanding that every</b></li> </ul>

	<p><b>problem can have multiple solutions, and that every humanitarian crisis is fluid and unpredictable?</b></p> <p><u>Libya</u>: Focusing on aid organizations' response to migrants and in particular, the problem of incarcerated migrants:</p> <ul style="list-style-type: none"> <li>• <b>How did the humanitarian community, NGOs and the UN, navigate the implementation of humanitarian programs given political and access challenges, EU instrumentalization of aid operations and funding conditionality?</b></li> <li>• <b>What were the major issues that rallied the international community most?</b></li> <li>• <b>What made the consensus on the ethical redirection of humanitarian aid possible in 2019 and later with the principled approach/red line document?</b></li> </ul>
<i>T3: Understanding humanitarian principles</i>	<ul style="list-style-type: none"> <li>• <b>How helpful was/is it to have humanitarian principles?</b></li> <li>• <b>Did/does everyone understand them in the same way?</b></li> <li>• <b>How much our own political biases play into deciding what is allowed or not allowed in humanitarian space?</b></li> </ul>
<i>T4: Decision-making and building consensus</i>	<ul style="list-style-type: none"> <li>• <b>How difficult or not was it to agree with other organizations on what might have constituted a principled approach?</b></li> <li>• <b>Where were decisions made? By whom? How? (Who drove them?)</b></li> <li>• <b>Did/do aid organizations have oversized power (in relation to local organizations or states)?</b></li> </ul>
<i>T5: Other issues</i>	<ul style="list-style-type: none"> <li>• <b>Are there alternatives to humanitarian principles?</b></li> <li>• <b>Are there other issues that we should talk about?</b></li> </ul>
<i>Closing the interview</i>	<ul style="list-style-type: none"> <li>○ Gratitude</li> <li>○ Questions/suggestions for the researcher</li> </ul>

## Appendix IV - Interview Theme Coding

### Codes → Explanations/Themes with associated quotes (where available) (marked as Q) or interview summaries (marked as S)

#### Code: Advocacy in humanitarian assistance

- *Advocacy as a solution to humanitarian dilemmas but also posing a risk of substituting/overtaking humanitarian purpose.*

Q1: “And the idea was to use the donors as leverage with the Houthis. So INGOs, but also UN agencies would get better access. But that completely backfired because the list of milestones that came out of that, like, well, we're still stuck.”

Q2: “The death of humanitarianism is really the result of Oxfam activism, where activism is substituted for humanitarianism.”

- *States (donors) enable or might join in advocacy.*

Q1: “Some donors express their opinions privately, while stating official positions, some help INGOs strategize and warn about advocacy opportunities.”

- *Motivation: Advocacy is subjective*

Q1: “I've seen it in Syria, I have seen it in Yemen, I saw it definitely in Afghanistan where aid workers and government, you know, diplomats, UN - they come with a strong dislike for certain people [parties] in the conflict and that affects their ability to make objective decisions.”

#### Code: Challenges in defining humanitarian principles in disasters

- *Humanitarian principles are relative and inconsistently understood.*

Q1: “Humanitarian principles are not clear.”

Q2: “Humanitarian principles are not understood”

Q3: “Everything can be explained by humanitarian principles; their breath renders them irrelevant”

Q4: “Principles are so large that each organization has the liberty to interpret it in its own way, rendering the entire exercise useless”

- *Humanitarian principles need to be contextualized/situated in time and space.*

Q1: “Principles mean nothing - I do programs through the lens of conflict resolution”

Q2: “[International staff] evacuation [note: when the aid is delivered] becomes an issue of the humanitarian imperative”

Q3: “Principles are limitations, they are limiting what aid actors can do; implementation based on values may be better”

S1: The international community has the responsibility to intervene, but humanitarian assistance is inadequate and doesn't resolve the core causes of conflict nor does it build resilience (key in making sure that people withstand conditions such as drought)

- *Humanitarian principles depend on individual propensity not to make “short-cuts” and compromises.*

Q1: “But it's also really complicated because the thing is, it's also very easy to take shortcuts [on humanitarian principles], right?”

Q2: So, [one can see] principles as something set in stone and unchangeable and values as something that changes and has a degree of flexibility. So . . . I feel that, especially in the humanitarian sector, we should probably start thinking about values [rather than principles].

Q2: “Because in principle, we all adhere to the same principles, but in practice, we really don't. Because we take different liberties, you know, and I think different agencies have different freedoms to take liberties with the principles.”

S1: Different monitoring standards across aid organizations – political power not matching the level of ethical performance across organizations.

#### Code: Humanitarian principles and ethics

- *Ethics is inherent in humanitarian assistance.*

Q1: “Humanitarian assistance is about saving lives”

Q2: “Humanitarian principles are about not doing harm and identifying vulnerability”

Q3: “Identifying vulnerability is an underlying requirement...”



S1: Everyone is aware of humanitarian principles; what stands out is a humanitarian imperative, i.e., solidarity towards other people.

### **Code: Humanitarian action and harm**

- *Humanitarian action can do harm (in contravention of humanitarian imperative)*

Q1: "Other organizations are providing assistance which does harm (without them realizing)"

Q2: "Humanitarian principles mean nothing outside conflict sensitivity and do no harm"

S1: Ignoring forced program irregularities over humanitarian imperative or access (e.g., expat visas)

**S2: The ethic of refusal may create conditions under which aid organizations deprive assistance to people in need of it over program irregularities and diversion risks (in situations where aid may be providing undue legitimacy)**

#### **Sub-Code 1: Politicization of humanitarian assistance / external politicization**

- *The UN system's intertwining of political (peace) and humanitarian purposes undermines ethical approaches to humanitarian assistance.*

Q1: "And you see the people who are double triple hatted, [discussing] the strategy of an offensive on XXXXX [country] and humanitarian response in the same room at the same time."

- *Donors and external state conditionalities create weaknesses in the ethical decision-making processes of aid organizations.*

Q1: "We do what donors ask us to."

Q2: "I remember XXXX [high-level state official] was talking about how this should never happen again: 'That's a shame. The first famine of the century of the millennium; the first famine in the 21st century. . . .Let's not let it happen again.' And remember, some years later, checking the response to the HRP, it was around 32%. There you have it, XXXX [person's name]. It didn't take much time until [we have it] 'again'."

S1: Placing emphasis on diversion may mean the end of humanitarian assistance –donors' counter-terrorism legislation ties aid organizations' hands, all the while dumping large sums of funds on them.

S2: Aid workers and donor representatives feared possible repercussions from violating counterterrorism law.

#### **Sub-Code 2: Humanitarian assistance in domestic politics and domestic politicization**

- *Humanitarian assistance may provide legitimacy to local actors or institutions (with dubious legitimacy or operating in contravention of human rights laws and standards)*

S1: Humanitarian action cannot escape political economy calculations by actors on the ground at the scale it is provided today.

S2: International aid work is presumptuous (arrogant), assuming it knows better / clashing with domestic policies/priorities.

### **Code: Actioning humanitarian principles**

- *Principled action requires consistency, but it also may work to deprive people of needed aid.*

Q1: "Because the thing is, if you give in on your principles once, if you compromise your neutrality once you have no leg to stand on and especially in a place like Amran, you know, where we fought so hard to have a reputation where, you know, 'no, we can't just listen to you, Mr. District Manager, because you want your people to get the help.'"

Q2: "The Houthis wanted to impose the list of beneficiaries on us, and we said, no, sorry, we cannot take it. And we moved to a different area. And I'm still wondering today, you know, I'm thinking, OK, was that the right decision?"

Q3: "Again, when you start playing favors, it becomes difficult for you to hold the ground one on your humanity in principle."

S1: Meeting people's needs runs counter to other challenges, such as protecting beneficiaries' identities and not exposing them to pressures and (other types of) harm.

- *Political (foreign policy) interest in non-action*

Q1: "But for anyone to say they didn't know the famine was coming, I think is really incredibly disingenuous and it infuriates me only because I spent so much of my time and energy, you know, talking to other donors, talking, okay, talking to anybody who would listen."

#### **Sub-Code 1: Proximity/witnessing**

- *Proximity/witnessing as a source of confidence in data and knowledge.*

Q1: “[An aid official] returns from [touring a site] where he saw a food truck being bombed. He used that as [a mobilizing drive] to insist on humanitarian advocacy [for humanitarian imperative].

Q2: “We should have less nutritionists and probably more ethnologists to come and tell us what's happening around the kitchen pot at the household level”

S2: Proximity/eye-witnessing enables the ability to correctly interpret the context, i.e., answer with more certainty what certain conditions mean for populations in need of humanitarian assistance.

Remote management undermines the understanding/appreciation of the effects of conditions on creating vulnerabilities and need.

#### **Sub-Code 2: Confidence in one's ability to effect change.**

- *Confidence in data but also in organization's advocacy abilities influences the resolve to take stand on humanitarian principles.*

S1: Proximity/eye-witnessing enables confidence in data, which enables advocacy.

Q1: “[An aid official] returns from [touring a site] where he saw a food truck being bombed. He used that as [a mobilizing drive] to insist on humanitarian advocacy [for humanitarian imperative].”

- *Perceptions of inability to effect change creates defeatism and bias against taking action.*

Q1: “We were in a meeting in the hotel in Nairobi, and the head of the XXXX [organization] is there. When the time comes for coffee break, XXXX [person's name] switches to a different language, and he is more relaxed. . . . And XXXX [the person] said, “This is Somalia. I've been there 20 years ago. It's hopeless. It's hopeless.”

Q2: “Nobody wanted to sweat the effort anymore to try. Why? What has been tried so many times.”

Q3: “I remember giving a presentation to a regional seminar in Brussels and that the title was ‘Is Somalia really a Mad Max country?’ Because that's how the humanitarians used to call it - the Mad Max country.”

#### **Sub-Code 3: Principles and emotions**

- *Separating issues from personal bias challenging - the humanitarian imperative is not separate from one's sense of justice/fairness.*

Q1: [After finding out about large diversion schemes], “I gave in to emotional arguments [of my staff]: ‘OK, fine, let's help the people.’”

S1: Humanitarian assistance is about emotional response.

S2: Some national interlocutors were personally affected by conflict, any displaced and working in IDP camps.

#### **Sub-Code 4: Utility/pragmatism/organizational mandates**

- *Ethics is sometimes practical, undertaken from the position of interest/organizational reputation/mandates.*

Q1: “We preach certain things. But are we practicing them, right?”

Q2: “We say this, you know: 50 litres per hour per person per day, but we know it's never going to happen. So, we say, take what you can get, and we blame whatever like, you know, there's not enough money...”

Q3: “We're not neutral, you know . . . I mean, OK, maybe that's not right, that's a generalization . . . But in terms of neutrality [in terms of] who receives aid and assistance, to me, we should be holding up to that [. . .]. And at the same time, we know it doesn't happen that way and there's many reasons for that. And that's where I mean, it's almost like, I won't say nepotism, but it is almost like donors and certain NGOs are [linked up] so that they get their money. . . . Boy, do we bend over backwards to do whatever it takes to get our OFDA funding...”

Q4: “I think when the principles did not clash with interest, people were principled. . . . Interest is maintaining influence with the Houthis, maintaining favor with the merchants. The interest was we have access. You know, we get the visas. We can generate more money.”

#### **Code: Individual/collective decision-making on principles**

- *The importance of consensus*

S1: IFRC/ICRC decision-making is about the importance of consensus. HCT decision-making is also about consensus.

S2: Good relationships between people make consensus easier. The effectiveness of humanitarian response rests on trust between people in the network making decisions.

S3: Bias plays into decisions and positioning of organizations in individual responses: organizational mandates, interests are important, each individual serves the organizations first and foremost and therefore their position in

a response is colored by their organizational interest. Individuals/organizations then make alliances based on context, and alliances shift.

► *Transparency as a condition for decision-making*

Q1: “In many interagency contexts, sometimes certain organizations, which will remain nameless, [tended to keep] their cards to their chest when it comes to data, particularly on the whole food security side of things as well. FSNAU were very, very transparent about things, but other organizations may be less so, which would actually have been very useful to help us do better analysis, to identify IDPs, to identify [needs], etcetera, etcetera.”

**Code: System functioning**

► *Donor or reputational pressures undermining the functioning of the system.*

Q1: “On the other side to it, as I said, there was a huge concern with fraud everywhere. And there were maybe some organizations, particularly on the NGO side, that were very, very defensive, literally territorial about certain IDP camps, slash settlements, ours, and others not. So if you want to do a survey there, you have to go through essentially almost assuming the role, as dare I say it, as a gatekeeper or certainly, the underground gatekeepers were informing their primary funders whatever the national or international organization may be that yes, UNHCR or the interagency, the cluster system, whatever is going to do a survey, things like that.”

## Appendix V - Coding for Context

Country	Context codes
<i>Somalia</i>	<ul style="list-style-type: none"> <li>○ Data fog/knowledge</li> <li>○ Causes of famine</li> <li>○ Operational context <ul style="list-style-type: none"> <li>● Diversion, aid manipulation</li> <li>● Remote management</li> <li>● Donor conditionality <ul style="list-style-type: none"> <li>✓ Counter-terrorism legislation</li> <li>✓ Funding control and tightening/shortage</li> </ul> </li> <li>● Safety conditions</li> </ul> </li> <li>○ The significance/meaning of famine declaration</li> <li>○ Humanitarian imperative vs. neutrality</li> <li>○ Decision-making (field vs HQ)</li> </ul>
<i>Yemen</i>	<ul style="list-style-type: none"> <li>○ Emotional response/bias</li> <li>○ Relationships/trust/experience</li> <li>○ Advocacy</li> <li>○ Knowledge, political economy, interest (of aid workers)</li> <li>○ Decision/comfort to engage in advocacy</li> <li>○ Humanitarian imperative vs. neutrality</li> <li>○ NGOs and UN = political tool (IHL as a political tool)</li> <li>○ Humanitarian imperative as accountability</li> <li>○ Principles vs other issues (interests, ideas)</li> <li>○ Operational context</li> <li>○ Diversion and humanitarian principles</li> <li>○ Decision-makers (“INGOs are as powerful as their loud representatives”)</li> <li>○ Human rights and humanitarian assistance</li> </ul>
<i>Libya</i>	<ul style="list-style-type: none"> <li>○ Human rights and humanitarian assistance</li> <li>○ Mixed migration working group</li> <li>○ Humanitarian country team decision-making</li> <li>○ Conceptualization of migrants</li> <li>○ Humanitarian imperative vs. neutrality</li> <li>○ Impartiality (all incarcerated vs incarcerated migrants)</li> <li>○ Do-no-harm <ul style="list-style-type: none"> <li>● Evidence of harmful response</li> <li>● Reaction</li> </ul> </li> </ul>

## Appendix VI - Key Informants

1. NGO official, in person meeting, Tunis, Mar 2, 2019 (Libya A)
2. UN agency country director, in person, Tunis, Mar 18, 2019 (Libya B)
3. Humanitarian sector/cluster coordinator, in person, Tunis, Mar 20, 2019 (Libya C)
4. Departing NGO country director, in person, Tunis, Mar 22, 2019 (Libya D)
5. Advocacy manager of an INGO, in person, Tunis, Mar 21, 2019 (Libya E)
6. Senior official of a UN agency, in person, Tunis, Jan 15, 2020 (Libya F)
7. Departing INGO program director, in person, Tunis, Feb 18, 2020 (Libya G)
8. Departing NGO official, in person, Tunis, Feb 18, 2020 (Libya H)
9. Former senior NGO official, Skype, Mar 6, 2020 (Libya I)
10. Humanitarian sector/cluster coordinator, Skype, Mar 30, 2020 (Libya J)
11. Inter-governmental organization's country director, Skype, Apr 10, 2020 (Libya K)
12. Government donor official, in person from Mar 1, 2019 through Dec 1, 2019 (Libya L)
13. Data consultant for a UN agency, Skype, Mar 3, 2020 (General A)
14. NGO senior official, Skype, Jan 17, 2021 (Yemen A)
15. Government donor senior official, in person, Nov 10, 2020 (Yemen B)
16. NGO country director, Skype, Jan 18, 2021 (Yemen C)
17. INGO official, Skype, January 20, 2021 (Yemen D)
18. NNGO official, Skype, May 7, 2021 (Yemen E)
19. Former government donor representative, Skype, Sept 20, 2021 (Yemen G)
20. Former INGO country director, Skype, Jan 25, 2021 (Yemen H)
21. Former UN country director, Skype, February 6, 2021 (Yemen I)
22. Former government donor desk officer, February 10, 2021 (Yemen J)
23. Former INGO official, Skype, Apr 6, 2021 (Yemen K)
24. NNGO official, Skype, Jul 3, 2021 (Yemen L)
25. NNGO official, Skype, Jul 4, 2021, (Yemen M)
26. NNGO official, Skype, Jun 26, 2021 (Yemen N)
27. NNGO official, Skype, Jul 6, 2021 (Yemen O)
28. NNGO official, Skype, Jul 8, 2021 (Yemen P)
29. Former INGO country director, WhatsApp, Aug 05, 2021 (Somalia A)
30. Head of a research center, Skype with Kenya, Sept 06, 2021 (Somalia B)
31. Researcher of Somalia, Skype, Sept 15, 2021 (Somalia C)
32. Former government donor official, head of office, Skype, Sept 20, 2021 (Somalia D)
33. Somalia based researcher, Skype, Sept 22, 2021 (Somalia E)
34. UN agency head of office, WhatsApp, Oct 01, 2021 (Somalia F)
35. NNGO program coordinator, in person in Mogadishu, Sept 29, 2021 (Somalia G)
36. NNGO communications officer, in person in Mogadishu, Oct 06, 2021 (Somalia H)
37. NNGO senior official, in person in Mogadishu, Sept 29, 2021 (Somalia I)
38. NNGO M&E official, in person in Mogadishu, Sept 30, 2021 (Somalia J)
39. NNGO field official, in person in Mogadishu, Sept 28, 2021 (Somalia K)
40. Former NNGO field official, in person in Mogadishu, Oct 03, 2021 (Somalia L)
41. IDP camp leader, in person in Mogadishu, Oct 03, 2021 (Somalia M)
42. NNGO official, in person in Mogadishu, Oct 07, 2021. (Somalia N)
43. IDP camp leader, in person in Mogadishu, Oct 04, 2021 (Somalia O)
44. NNGO M&E officer, in person in Mogadishu, Sept 29, 2021 (Somalia P)
45. Former UN data official, Skype, Oct 11, 2021 (Somalia Q)
46. Government official, Skype, Oct 14, 2021 (Somalia R)

## Appendix VII – International Humanitarian Responses 2000-2018<sup>409</sup>

Working Document: List of Humanitarian Disasters Receiving Larger International Support (of over \$100 mil) from 2000 to 2018:

Major disasters since 2000 <sup>410</sup>	Year(s)	# of people affected (peak year) <sup>411</sup>	Funding received (peak year) <sup>412</sup>	# of hum. actors <sup>413</sup>	Disaster type
Democratic Republic of Congo (DRC)	1995-2018	2.5mil excess deaths (1998-2001) 1.7mil IDPs (2016-17); 13.1 mil (2018)	\$1 bn in 2009 (3 <sup>rd</sup> largest), ~\$1,68 bn (2018/2019)	155 (2018)	Political, fighting and shortage of food (+ Ebola 2017 – L3) – devastating droughts due to pol. sit.
Angola	1999-2002	Over 4 million (1/3 of the pop.) (2000)	Requested \$258mil (2000)	Unclear-17 (CAP 2000)	Political, inter-group violent power struggle, conflict over resources
Central African Republic (CAR) and Chad	2003-...	2.2 million (2016)	\$263mil (2016)	~15 (2016)	conflict
Ethiopia	1999-2001	6.2 mil drought affected + 350,000 DPs	\$203mil (2000)	Unclear, 7 participating in CAP (2000)	Drought and the Eritrea-Ethiopia war
Eritrea	2001-2005	~2.3 million people	\$160 mil (2003)	12 (2003)	Environmental conditions and peace process stalemate with Ethiopia
Iraq	2003-2008	2.4 mil IDPs and 2 mil refugees; 4 mil are food insecure and 665,000 killed in violence	\$3.4 bn (2003)	>118 (2003)	Invasion on top of protracted violence and power struggle
Afghanistan <sup>414</sup>	2001/2 ~ 2006 and 2008-...	6 mil people in risk of starvation	\$1.63 bn (2002) and	>74 (2002)	Invasion on top of protracted conflict and extreme poverty

<sup>409</sup> A non-comprehensive document used to outline the major disasters and responses in the period from 2000 to the beginning of this research.

<sup>410</sup> Developed from the dataset collected and maintained by the UN Office of the Coordination of Humanitarian Affairs (OCHA), Financial Tracking System, from 1990 to 2019.

<sup>411</sup> Data taken from OCHA, available on <https://reliefweb.int> under different reports, called variously Consolidated Appeals Process (CAP), or Humanitarian Appeals until 2014, and Humanitarian Response Plans (HRP) from 2014 onwards.

<sup>412</sup> Data collected from OCHA FTS.

<sup>413</sup> Data collected by counting the numbers of funded organizations available under each country at OCHA FTS, except where available in later-years HRPs.

<sup>414</sup> Data for Afghanistan taken from Poole, Lydia. 2011. *Afghanistan: Tracking Major Resource Flows 2002-2010*. Briefing Paper. Global Humanitarian Assistance. Development Initiatives, January 2011. Available at: <https://devinit.org/wp-content/uploads/2011/02/gha-Afghanistan-2011-major-resource-flows-1.pdf>. Last accessed February 26, 2024.

			\$870 (2008) <sup>415</sup>		
Sudan (Darfur)	2000-...	2 million	\$1.65 bn (2009)	109 (2009)	Political violence exacerbated by drought
Sierra Leone	1991-2002	Est. 1-2 million displaced	\$130 mil (2001)	~41 (2001)	Civil war
Cote D'Ivoire	2012	Large-scale displacement-including to Liberia	\$121 mil (2012)	~13 (2012)	Election violence
Liberia	2004-2008 <sup>416</sup>	250,000 killed and 500,000 displaced	\$120 mil (2006)	~14 (2006)	Liberia second civil war spilling over the region
Burundi	2001-....	3.6 mil (2017)	~\$116mil (2017)	64 (2017)	Insecurity, poverty and malnutrition
Myanmar	2008	140,000 dead and 2.4 mil affected	\$620mil (2008)	36 (2008)	Tropical Cyclone Nargis
Haiti	2010	220,000 killed; 1.5 displaced	\$3.6 bn (2010)	>104 (2010)	Earthquake
Pakistan	2010	20.25 million (2010)	\$3.22bn (2010)	101 (2010)	Flooding
Somalia	1992-2018	3.7 million (2011)	\$1.39 bn (2011)	119	Drought and conflict leading to famine
Niger	2011-....	1 million	\$434 mil (2012)	19	Drought, flooding, food insecurity
Libya	2011-2012 and 2016-....	1.1 mil	\$150 mil (2017)	21 (2017)	Civil war, large-scale mixed-migration
Mali	2012-....	1.5 mil (2014)	\$381 mil (2014)	59 (2014)	Conflict, environmental conditions and food insecurity
The Philippines	2013-2014	16 million	\$992 mil (2013/14)	34 (2013/14)	Super Typhon Haiyan
Syria	2013-2018	12 mil (5.6 mil outside the country as refugees)	\$2.59 bn (2018)	~270 (2018)	Conflict following the "Arab Spring" movements
Nigeria	2013-2018	8.5 mil (2017)	\$980mil (2017)	75 (2017)	Conflict
South Sudan	2011-2018	7.3 mil	\$2 bn (2014)	>89 (2014)	Collapse of the rule of law leading to violent power struggle
Iraq	2014-2018	7.3 mil	\$1.9 bn (2016)	~188 (2016)	Inter-group violent power struggle
Ukraine	2014-....	5 mil (2015)	\$270 mil (2015)	21 (2015)	Conflict
Yemen	2015-2018	\$22.2 mil (80% of the population)	\$5.24 bn (2018)	153 (2018)	Environmental degradation and conflict leading to severe food insecurity
Ethiopia	2015-....	10.7 million (2016)	\$1.2 bn (2016)	~81 (2016)	Drought (and later civil war)
Rohingya crisis in Bangladesh	2017-...	1.6 million (all of the Rohingya population)	\$1.2 bn (2018)	109 (2018)	Conflict, environmental impact on host communities and refugees

<sup>415</sup> Funding in Afghanistan was significantly reduced between 2002 and 2006.

<sup>416</sup> Humanitarian funding continued to flow into Liberia past 2008 but dropped below \$100 million.

Cameroon	2014-...	2.9mil (2016)	\$194mil (2016)	42 (2016)	Conflict, including in the neighboring CAR and Nigeria
Central African Republic (CAR)	2018	2.5mil	\$323mil (2018)	57 (2018)	Conflict, violence
Chad	2007-...	300,000 refugees and 180,000 IPs (2009)	\$428 mil (2009)	50 (2009)	Forced displacement, intercommunity violence, food and nutrition insecurity, floods, and droughts

Regional disasters since 2000	Year(s)	# of people affected (peak year)	Funding received (peak year)	# of hum. actors	Disaster type
S.E. Europe (Kosovo, B-H, Macedonia, Albania, and Croatia)	1999-2001	Unclear, mostly Kosovo, also refugee populations	\$628mil (2001)	unclear	In 2001, transitioned to development/ stabilization
Ebola Virus Outbreak (Guinea, Liberia, Sierra Leone).	October 2014-June 2015	28,639 suspected, probable, and confirmed Ebola cases and 11,316 deaths <sup>417</sup>	\$1.56 bn (2014/15)	unclear	Ebola Pandemic

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<sup>417</sup> Centers for Disease Control and Prevention (CDC). Available at: <https://www.cdc.gov/vhf/ebola/history/2014-2016-outbreak/cost-of-ebola.html#:~:text=As%20of%20February%2028%2C%202016,2014%20epidemic%20in%20West%20Africa.&text=In%20comparison%2C%20there%20were%202%2C427,and%20outbreaks%20of%20Ebola%20combined.> Accessed February 23, 2024.