

Dissolving the difference between humanitarianism and development: the mixing of a rights-based solution

Hugo Slim

Some months ago, I spent a morning in the public gallery in Courtroom One of the UN's International Criminal Tribunal for Rwanda in Arusha. Sitting behind the gallery's glass windows, I watched three UN judges holding court in front of an enormous UN flag, listened to the prosecution questioning an anonymous Rwandan woman, Witness J, who was hidden from view and protected by armed guards. I met the eye of the former Bourgmestre of Mabanza Commune, who was being tried on eight counts of genocide, murder, extermination, crimes against humanity, and grave breaches of Common Article 3 and Additional Protocol II of the Geneva Conventions.

A few days later, having driven a few hundred miles north, I sat observing a meeting of elders from a pastoralist community in Kenya. Gathered under a tree, they sat together on land which had once been held in common by their people and been grazed accordingly by their cattle. Bordering a river, this land was an important route to a valuable water source for their herds. Meeting in this spot where they, their fathers, and grandfathers had grazed their herds in years gone by, they were now trespassers. Some years ago, as part of the increasing privatisation and sub-division of so much pastoralist land in Kenya, this land had been demarcated without consulting the great majority of pastoralist elders and was now the property of the wife of the former Minister of Land – the same Minister who had overseen this policy of land 'reform'. As the meeting went on, passions rose about the continuous threats to pastoralist grazing lands from such misplaced land policies and their attendant abuses of political power. As speakers warmed to their theme, a number of elders reminded the meeting that they were a warrior people and that, while they would continue to pursue legal and peaceful means to secure their land rights, they would eventually resort to violence if their efforts were persistently frustrated.

NGOs have been, and continue to be, intensely involved in both Rwanda and Kenya, working in the aftermath of genocide and in the struggle for land rights respectively. Responding to the Rwandan genocide with relief assistance to civilians and with advocacy to support the indictment and trial of *génocidaires*, NGO actions are labelled 'humanitarian'. Working with pastoralists on matters of land rights and livelihood, their activities are characterised as 'developmental'. This distinction is an old one. It is also an essentially unhelpful one, which implies that these two activities represent different professions with distinct values. For too long, using these terms has played into the hands of that dreadful tendency to dualism which dogs the Western mind and has led to the pernicious idea that humanitarianism and development are radically different moral pursuits. The ethic of the humanitarian has been presented unthinkingly as a sort of temporary, morally myopic project which limits itself to meeting urgent physical needs before hurriedly abdicating in favour of development workers and their much grander ethic of social empowerment and transformation. Such conventional assumptions have often been most fervently encouraged by humanitarian workers themselves. But the stereotype helps no one in the long run.

Perpetuating a rigid distinction between humanitarian values and development values opens the door to absurd questions of comparison between the two. Is humanitarian work only about saving life? Is development work 'long term' and humanitarian work 'short term'? Is one apolitical and the other political? The answer is, of course, that both humanitarianism and development are concerned with saving life, both are short and long term, and both are political, in the proper sense of being concerned with the use and abuse of power in human relations. The idea that there is an implicit distinction in values between humanitarianism and development, which is encouraged by relief-development dualism, is misconceived. Poverty and violence both proceed from a common root in a human nature which finds sharing profoundly difficult, and a tendency to dehumanise the 'otherness' in potential rivals all too easy.

If the Arusha courtroom embodies a fledgling international justice system seeking to respond to inordinate violence and suffering with humanitarian and human-rights law, the pastoralist meeting witnessed the possible seeds of a struggle against sustained and iniquitous injustice which may yet produce political violence or war, which will demand a humanitarian response. The impoverishment and violence

caused by political oppression and injustice which development seeks to prevent and transform is the same as that which humanitarianism seeks to restrain and abolish when it has overwhelmed a whole society. And the fundamental value that the humanitarian and the development worker bring to different manifestations of injustice is the same: the belief in human dignity and in the essential equality of all human beings.

Politically and legally, the dominant discourse for addressing equality and dignity is now voiced in terms of human rights. And it is in human rights that we can finally dissolve the unhelpful dualism between humanitarianism and development – a process which is already happening, as donors and NGOs alike become ‘rights-based’. In doing so, we are really only making good another unfortunate fallout from the Cold War period, which for various reasons found it important to distinguish rigidly between humanitarianism, development, and human rights, so creating a widespread false consciousness on the subject.

In his detailed and very readable account of the five years of negotiations and diplomatic conferences that produced the Geneva Conventions of 1949, Geoffrey Best tells the intriguing story of the ‘missing Preamble’ (Best 1994). The post-war development of international humanitarian law under the auspices of the ICRC in Geneva took place in parallel with the development of human-rights law at the UN in New York. The UN Convention on the Prevention and Punishment of the Crime of Genocide and the Universal Declaration of Human Rights both appeared in December 1948 a few months before the four Geneva Conventions of August the following year. These two bodies of law emerged from rather different roots: human-rights law from the political tradition of ‘the rights of man’ (sic) and international humanitarian law from the military tradition of chivalry and the ‘laws of war’. But in the heady days of the late 1940s, the values they had in common were obvious to all. Because of this, a Preamble to the IV Geneva Convention on the protection of civilians was drafted which ‘would solemnise and strengthen it by explicitly proclaiming it to be a human rights instrument and in particular a protection of basic, minimal human rights’ (Best 1994:70).

When the Preamble was brought to the final diplomatic conference in Geneva, no one objected to the reference to human rights, and it looked set to be agreed – until a group of countries working with the Holy See decided that the Preamble should affirm such universal

principles of human rights still further by relating them directly to God as ‘the divine source of human charity’. At the proposal of this amendment, a row ensued which saw the newly organised, and ardently atheist, communist bloc at odds with the religious alliance of key countries. To break the stalemate and move forward with the wider process, it was decided to drop the whole idea of a Preamble. Sadly, therefore, the opportunity to recognise international humanitarian law firmly and explicitly within the wider body of human rights was let slip, not because of a dispute about the affinity between the two bodies of law but as the collateral damage from a dispute about the existence of God!

In the decades that followed, there were those in the Red Cross movement in particular who were probably much relieved that the Preamble never materialised. As authoritarian régimes on both sides of the political spectrum increasingly equated human rights with subversive politics, many humanitarians capitalised on the lack of explicit human-rights discourse in their project and its Conventions and were able to distance themselves from human rights and so make their cause less politically charged. A distinction between human rights, humanitarianism, and development was allowed to emerge which had never really existed in the minds of those who produced the 1948 Universal Declaration or the 1949 Conventions. But this false distinction came to be corrected in the 1990s as human rights, humanitarian law, and rights-based development have made increasingly common cause. Indeed, the recent ‘Humanitarian Charter’, set forth by the many NGOs involved in the Sphere Project, could be seen as a second attempt at the missing Preamble (Sphere Project 2000: 6-10). Grounding humanitarian action firmly in a rights-based framework which takes account of international humanitarian law, human-rights law, and refugee law, this new charter serves to enfold humanitarian action and the laws of war within the embrace of human rights.

If humanitarianism is once again catching up with the idea of human rights, so too is development. In recent years, the dominant understanding of poverty and suffering among ‘thinking NGOs’ has come to fix on power, its abuse and its imbalance, as the essential determinant in the construction of poverty and suffering. And as poverty and violence have become increasingly conceived of in terms of power, development has been re-framed – by NGOs and Western governments alike – in terms of human rights, which provide a countervailing force to challenge and make just demands of power. (See, for example, Oxfam GB’s 1994 Basic Rights Campaign, of particular note in view of the fact

that human-rights work as such is not regarded as a charitable activity under the law governing the behaviour of charities registered in England and Wales.) The development of universal human rights, whose fundamental value is a human dignity founded in individual equality, personal freedom, and social and economic justice, easily encompasses humanitarian and development activity and shows them to have common ends. The (re)discovery in the 1990s that both humanitarianism and development are ‘rights-based’ ended, once and for all, the distracting dichotomy set up between the two and it will, one hopes, silence the succession of debates about the differences or links between relief and development which have dominated so many conferences and occupied so much management time in agencies since the 1970s.

The schema of human rights, which development has found so late and which humanitarianism lost so early but has now rediscovered, is the common practical framework for elaborating values which underpin both humanitarian action and development work. Both ethics – the humanitarian ethic of restraint and protection, and the development ethic of empowerment and social justice – value the same common goods and embrace the same ideal of full human dignity. If, in the new century, humanitarians and development workers could both take the bold step of recognising that they are all human-rights workers, then the theory, management, and practice of relief and development work would be relieved of one of their most mesmerising and exhausting distractions – the false dichotomy between these two professions and their common values.

References

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