

CONTESTING HUMANITARIAN SPACE: International NGO operations in Afghanistan post 2001

Developments accompanying decolonization, the ending of the Cold war, and globalization, have exposed changes in the nature of warfare and the international response to it. So-called 'new wars' are intra-state conflicts, often involving the targeting of civilians, financed through the exploitation of natural resources, and challenging conventional assumptions of war as the extension of politics by other means. A number of these conflicts are characterised as 'complex political emergencies' (CPEs), or 'a humanitarian crisis in a country, region, or society, where there is a total or considerable breakdown of authority resulting from internal or external conflict and which requires an international response that goes beyond the mandate or capacity of any single agency'¹ Crucially, the changed nature of the international response is already implicated in the definition of CPEs: corresponding to changes in the nature of warfare, and the re-conceptualization of sovereignty and security in the post Cold War era, the international response now involves a wide range of actors engaged simultaneously in stabilization, reconstruction, and social transformation projects. One can consider the operational theatre in CPEs as a 'complex system' consisting of a number of local and international actors, with differing values, interests and organisational cultures, where the actions by one actor alter the playing field for other actors. ²

One of the actors operating in this complex system are international NGOs that provide humanitarian assistance. Humanitarian assistance refers to the provision of life saving assistance to communities effected by conflict i.e. relief (medical, nutritional, and sustenance provisions) and protection from physical harm, provided on the basis of need alone and adhering to the principles of independence and impartiality.

This paper is concerned with how the emergence of complex systems in CPEs has influenced the provision of humanitarian assistance; how the function and scope of humanitarian assistance, its principles, rules of engagement and operational strategies, are defined and challenged with the development of complex systems. This might be reformulated in terms of humanitarian space, or the operational space in which agencies have a right to provide, and communities to receive, assistance.³ International NGOs are the chief operational agencies of the international humanitarian system; accordingly, the question is examined by focussing on the mandates, terms of references, and operational practises of international NGOs. Aware that this is broad research question, this paper is a first cut at mapping some of the crucial concerns and issues that arise, that might then form the basis for future research. The question of humanitarian assistance seems especially important if one considers the deep uncertainty and scepticism surrounding the desirability, feasibility and

¹ OCHA Orientation Handbook on Complex Emergencies, August 1999

² Atler and Meunier 2009, 13

³ Humanitarian space is a frequently used concept in the academic and policy literature; however, it remains under-specified. One interpretation is that it is the space created through respect for the humanitarian principles of independence, impartiality and neutrality. However, these principles are interpreted differently by agencies, their applicability in new wars is contested, and they can be operationally contradictory. A principled approach also risks constructing an overarching prescriptive framework that limits humanitarian action to a particular type of action, confusing that principles are not ends in themselves but only a means for addressing the suffering of victims.

consequences of the liberal peacebuilding project or, more generally, maximalist international intervention strategies.

This paper proceeds in two parts. First, it is argued that the emergence of a complex system in CPEs has resulted in the contestation of humanitarian space, over the scope and function of humanitarian action, its principles and rules of engagement, and its strategies – or broadly, the terms of legitimate humanitarian action. Identifying different discourses on humanitarian action, it highlights the factors that have led to the contestation of humanitarian space. The second part of this paper is concerned with how contestation might shape NGO operations; it is argued that this first requires a conceptualization of how NGO interests are constructed. The impact of contestation is then examined through a case study of NGO operations in Afghanistan since the invasion of 2001.

I. Contestation of Humanitarian Space

Humanitarian space refers to the operational theatre in which agencies provide, and communities receive, assistance. Space however also has a deeper connotation: space is created and maintained through practise that must be justified as legitimate in terms of prevailing normative frameworks and in terms of satisfying actor interests.⁴ This notion of space suggests that actually existing contestation at the field level needs to be situated in a broader context of underlying norms, interests, and institutional frameworks. Doing so can help understand the background conditions or factors contributing to this contestation.

a. Discourses on humanitarian space

Roughly four discourses can be identified – that of the military, humanitarian agencies, donor agencies, and local authorities or the national government. Space precludes a more thorough discussion of these discourses, and only a broad survey is provided here; it should be noted, however, that there are variations within each of these discourses depending on the agency involved, and the specific context.

Military

The military discourse considers humanitarian action as part of a strategy to fight belligerents, assist with stabilization, and help extend the authority of the central government. For NATO, for example, humanitarian assistance is part of a comprehensive strategy; thus, ‘it is not enough for each organisation involved to carry out its own mission, whether military, humanitarian or development oriented, successfully. None of these activities can have success in isolation; instead, they must be conducted as part of an overall plan so that they support and reinforce each other.’⁵ Humanitarian assistance is also seen as a tool to ‘win hearts and minds’, enable intelligence gathering, and legitimize an international military presence; for example, the US military in Afghanistan has stated that it can ‘use’ humanitarian actors as ‘force extenders for its own ends’.⁶ It has also been argued that the military enables humanitarian access by providing the necessary security conditions.

Donor agencies

There is no single discourse on humanitarian action amongst donor governments and agencies; some link assistance to human rights, others to conflict management, and still others to specific

⁴ Yamashita, 2004

⁵ NATO’s Comprehensive approach, DIIS Report 2008,15

⁶ Quoted in Olson, 2006, 13

foreign policy objectives. ECHO, for example, posits that ‘ from a rights perspective, access to victims of humanitarian aid is not an end in itself and will not, therefore, be pursued at any costs...access will be sought if it is the most effective way to contribute to the human rights situation.’⁷ UNDPKO asserts the importance of humanitarian principles, but also maintains that assistance should ‘complement UN efforts to resolve conflict’⁸; similarly OECD-DAC guidelines state that ‘development and humanitarian aid can also help consolidate the fragile peace processes by supporting societal reconciliation, political development, and physical reconstruction.’⁹ American agencies have established a clearer connection between assistance and US foreign policy; for example, the former head of USAID has argued that ‘NGOs must do a better job of promoting connections to the US government...as NGOs are an arm of the US government’¹⁰. In 2004, USAID also announced a food for peace program whereby food was considered a tool to reduce vulnerability and strengthen failed states.

Humanitarian Agencies

The discourse amongst humanitarian agencies is equally diverse, with varied opinions about the scope and function of assistance, the desirability of an integrated model, relationship with the military, and tensions between short-term assistance and longer-term development and rehabilitation projects. Agencies that support need based, principled, humanitarian action, such as MSF, maintain that ‘humanitarianism is not a tool to end war or create peace.’¹¹ Others see emergency situations as an opportunity for transformation; for example, Action Aid has argued that ‘ emergencies and conflict situations can be times of opportunity for us; times that we can actively challenge political, economic, and social structures, which have proved to fail in protecting the basic rights of the most vulnerable people.’¹² Agencies like Christian Relief Services that have adopted a rights-based approach have argued that viewed through a justice and rights based lens, the provision of foodstuffs or medical support is an insufficient response to a humanitarian crisis.¹³ Refugee International has openly stated its support for integrating humanitarian assistance under the UN’s overall political presence in conflicts, arguing that ‘ an effective integrated strategy preserves and expands the space for humanitarian agencies to respond to the needs of vulnerable people.’¹⁴ Finally, other agencies such as CARE, have sought to bridge the divides between relief, development, and peacebuilding operations by trying to ensure that relief help builds local capacity that is then crucial for peacebuilding.¹⁵

Local authorities

The discourse amongst local authorities, belligerents, and national governments remains mixed as while they are reliant on agencies for basic service provision, they are also keen to assert their own authority and remain sceptical about the independence of agencies. The Taliban, for example, has warned that ‘ aid must not be distributed by government officials as a way of luring recipients to the support the government’¹⁶. The Sudanese government expelled international aid agencies working in Darfur in March 2009, arguing that these agencies had violated international humanitarian law by assisting with the ICC arrest warrant against Omar-al-Bashir.¹⁷ Bashir has also argued that

⁷ ECHO, Towards a Human Rights Approach, May 1990

⁸ United Nations Peacekeeping Operations: Principles and Guidelines, 2008

⁹ DAC, Guidelines on Peace, Conflict and Development, 1997

¹⁰ Andrew Natsios, quoted in InterAction 2003, 1

¹¹ Orbinski, 1999

¹² see: www.actionaid.org.co.uk

¹³ see: www.christianrelief.org

¹⁴ Charny 2004, 14-5

¹⁵ see: www.careinternational.org

¹⁶ ‘Afghanistan: Taking to the Taliban’, IRIN news reports, 11 March 2010

¹⁷ ‘Sudanese president expels aid agencies’, The Guardian, 05 March 2009

humanitarian agencies engaging in development activities have over-stretched their mandates; the concern about agencies establishing parallel development programs and challenging the authority of the government can also be found in Afghanistan. More fundamentally, belligerents have questioned the ‘humanitarian deal’¹⁸, and the applicability of the rules of the game as set out by IHL.

b. Factors shaping Contestation

The above discourses highlight the contestation over the scope and function of humanitarian action, the rules of engagement, and operational strategies and frameworks. This contestation can be situated in the context of larger conceptual, normative, and institutional frameworks; examining these can help illuminate the underlying factors, motivations, and interests shaping the contestation of humanitarian action. For the sake of analytical clarity, one might disaggregate these factors to three levels – norms and interests, institutional experiences and innovations, and the operational environment; however, it should be noted that such a levels of analysis approach is an artificial bifurcation as each of these levels mutually define and alter one another.

Norms and Interests

The norms and interests underlying the contestation of humanitarian space can be framed in terms of the simultaneous existence of a pluralist and solidarist international society. On the one hand, with the end of the Cold War, notions of human security, human rights, sustainable development and good governance have become a pressing source of concern for the international community. The UN *Agenda for Peace* arguably reflects the solidarist turn in international society, a ‘... growing recognition world-wide that the protection of human security, including human rights and human dignity, must be the fundamental objectives of modern international institutions.’¹⁹ This solidarist urge has been accompanied by pluralist concerns about state security and, in many instances, ‘the promotion of solidarist values depends on, and reinforces the power and privileges of the dominant state or group of states.’²⁰ As the security-development nexus has strengthened in the wake of so called ‘new wars’ and fragile states and their consequences for international peace and security, the internal governance of states has become a concern for pluralists and solidarists alike, challenging thereby the sovereignty regime. The intermingling of solidarist and pluralist concerns has found expression in the Responsibility to Protect (R2P) doctrine: while R2P measures the legitimacy of states in terms of whether they are able ‘to meet certain basic standards of common humanity’²¹, it has provided a moral cover for states motivated by strategic interests to intervene in failed states²², especially as since 9/11, ‘ [it has become] central to our long term national security and peace...to tackle the poverty that leads to civil wars, failed states, and safe havens for terrorists.’²³

Corresponding to these pluralist and solidarist concerns, UN led peacekeeping operations have become more multi-faceted and intrusive, involving a range of international actors. Missions are now charged with activities that are conventionally considered to be central to sovereign power, including monitoring and conducting elections, training of security personnel, employment creation, strengthening legal and governance institutions, and assisting with constitutional drafting. Liberal peacebuilding missions might thus be understood as norm transmission belts that ‘ act on behalf of the

¹⁸ The idea of a humanitarian deal can be traced to Henri Dunant; Dunant struck a ‘ deal’ with Napoleon III whereby Dunant and local volunteers were permitted unimpeded access to battle victims on the condition that they would not pick a side in the conflict, nor influence its outcome.

¹⁹ ICISS 2001a., para 1.28

²⁰ Hurrell 2007,9

²¹ ICISS 2001b, 136

²² Chandler 2004; Duffield 2007

²³ Quoted in Christian-Aid, 2004, 2

international system to reconstruct the constituent units of that system in accordance with a widely shared conception of how political authority should be exercised.’²⁴

Pluralist and solidarist concerns have thus posed a challenge to humanitarian assistance, traditionally defined as the provision of short-term life saving assistance. From a pluralist perspective, this is inadequate, as aid – having been securitized – must be integrated with a conflict management model; from a solidarist perspective this is also inadequate as aid must address the root causes of conflict and help transform oppressive social structures.

Institutional experiences and innovations

The UN has also undertaken institutional reform to better integrate its political, development, and humanitarian arms, to ‘Deliver as One’ through an Integrated Mission, in line with a shared coherent strategic vision. The Brahimi report is noteworthy in taking a strong line on the integration of humanitarian assistance within a political and military framework, with the SRSG as the key point around which coherent strategies should converge. Crucial to Integrated Mission is the re-conceptualization of neutrality and impartiality to mean fidelity to the UN charter and Security Council resolutions.²⁵

Western governments have also sought to achieve greater coherence between their political, military, development, and humanitarian arms, as reflected in the ‘joined-up approach’ or the ‘whole of government’ approach. In the UK, for example, the Ministry of Defence, the Foreign and Commonwealth office, and the Department for International Development, have been integrated under a Global Conflict Prevention Pool to facilitate the development of shared conflict management strategies. Critics argue that joined up approaches have ‘largely subsumed diplomacy and development interests and favoured defence or military responses for managing conflict and for meeting the strategic goals defined by the donor governments involved.’²⁶ The emphasis on an integrated response has also led to a renewed interest in civil-military cooperation (CIMIC) amongst western governments; ‘once the poor cousin of war fighting, CIMIC is increasingly being seen as a part of military interventions, and CIMIC specialists are acting as high level advisors to military commands.’²⁷

NGO principles, mandates, and strategies have also undergone significant changes since the 1990s. As belligerent groups appear less reliant on maintaining popular support amongst local populations, and have intentionally targeted civilians, the basis of the humanitarian deal has been challenged. In the context of new wars, agencies have thereby questioned the desirability and applicability of humanitarian principles, especially that of neutrality.²⁸

Neutrality has also been challenged by the involvement of agencies in long-term development projects; a number of multi-mandate agencies now claim not to be neutral regarding the causes of suffering. Arguments for linking relief, rehabilitation, and development have become more pronounced in the face of protracted crisis, and have contributed to the development of ‘rights-based’, ‘livelihood’ or ‘integrated’ approaches to relief provision. It should be noted that the concept of a relief-

²⁴ Paris, 2000, 42-3

²⁵ Reindorp 2002, 34

²⁶ Reality of Aid Report, 2006

²⁷ Wheeler and Harmer, 2006, 9

²⁸ The challenge to the neutrality principles is traced to the birth of MSF in 1971; MSF defined neutrality as not taking sides in a conflict while simultaneously speaking out in public when faced with mass violations of human rights. It has however retreated from this position; thus ‘progressively MSF, which started out believing it could engage in whistle blowing while providing medical relief inside countries, has in fact moved towards the ICRC position of neutral humanitarianism.’ Forsythe 2004, 21

development continuum emerged in the context of natural disasters; its applicability to conflicts remains contested. Mainstream development policy, however, has promoted a model of relief based on the assumption that war is somehow temporary, abnormal, and dysfunctional feature of society, and that through processes such as relief, conflict resolution, and rehabilitation, people can be helped to weather the conflicts and restore their lives to what they were before.²⁹ The continuum gained official endorsement by UNDP which was concerned that the increasing expenditure on humanitarian relief was beginning to threaten its position as the leading UN agency in conflict zones.³⁰

NGOs have also become increasingly attentive to the relationship between assistance and conflict, and some - such as CARE - have adopted a peacebuilding component in their mandate. This can be traced to the Rwandan crisis and arguments that international aid was fuelling conflict. Subsequently, two strands of thinking emerged - one that emphasised that aid should 'do no harm'³¹, and the second that if aid could fuel conflict, perhaps it could also manage conflict.

Since the mid-1990s, a number of initiatives have been established to improve the accountability and effectiveness of humanitarian action; these include the Red Cross Code of Conduct, the Sphere Project Minimum Standards, and the Humanitarian Accountability Project. While these form the basis for a "humanitarian community", they have not resolved the principled and operational differences amongst NGOs. The various voices in the humanitarian community thus contribute to the contestation of humanitarian space.

Operational Environment

These normative and institutional developments have occurred partly in response to the changed nature of warfare and the operational environment for international actors. The humanitarian deal has been questioned in new wars as civilians have become targets; one might argue that the basis of the deal has even been eroded in that in so far as some of these wars are the continuation of economics by other means, a project in which the primary actors seek nor require political legitimacy or reciprocity, the category of non-combatant simply does not exist.³² This has implications for humanitarian action that is premised on the existence of reciprocity between politics and military groups, and the civilians under their control.

New wars have also raised questions about the rules of engagement with non-state actors (NSAs) and the government. As governments and non-state actors are involved in human right abuses, deny access to agencies, or use assistance to gain legitimacy amongst communities, questions have arisen about negotiating with belligerents, about the rules of engagement and disengagement. Moreover, as competition over local resources among rebel groups has contributed to the fragmentation of structures of authority, agencies have fewer reliable interlocutors to ensure their safety and negotiate access.

The humanitarian response to the Rwandan crisis highlighted links between aid manipulation and the prolonging of conflict. This link is crucial in light of arguments suggesting that as conflict is driven by economic opportunism, warring parties stand to gain from the continuation of conflict; the logic of conflict becomes self-perpetuating as war economies link illegal plunder in war zones, directly or indirectly, to legal business and trade in other parts of the global economy at lower costs and higher profit than legal trade. Moreover, camps provide combatants with economic resources independent of

²⁹ Adams and Bradbury, 1995

³⁰ Duffield Gossman, and Leader, 2001

³¹ Anderson, 1999

³² Leader, 2000

external patrons, and mechanisms to control the civilian population and legitimize its leadership. Questions have thus arisen about how relief can be better managed to both reduce its negative repercussions and positively influence the outcome of conflict.

The stop-start nature of a number of conflicts has also raised questions about when the rules of engagement should change, about when, for example, it is appropriate for agencies to work with peacekeeping forces. A number of CPEs have developed into protracted situations characterised by a weak government and state institutions, pockets of both violence and stability, and the need for both livelihood recovery and humanitarian assistance. Difficult questions have arisen about the extent to which agencies should engage in longer-term development activities, how they should manage relations with international peacekeeping forces, and the appropriate relationship with national authorities. While a relief assistance model might be applicable in some parts of the country, in others it might create dependency, reduce government responsibility and capacity, and contribute to the protracted nature of the crisis; it remains unclear however whether it is feasible to have different operating strategies in different parts of the country if agencies are also trying to demonstrate impartiality and independence.

Recent years have also seen increased threats to NGO staff from belligerents. NGOs have thus begun to avail of military protection; while agencies maintain that this is a measure of last resort, in practise the challenges to security in certain operational environment leave agencies with little option. Questions have thus arisen about the terms on which NGOs work with military forces and private security companies, how this matters for negotiating access, and under what security conditions NGOs should withdraw altogether.³³

II. Implications for NGO Operations

a. NGOs as Social Actors

It has been argued that the emergence of a complex system has resulted in the contestation of humanitarian space, over the function, scope, principles, rules of engagement and strategies of relief provision. Contestation can be situated in the context of underlying normative, structural and institutional frameworks and interests; an examination of these underlying factors can also help construct a fuller and more layered picture of how contestation might influence NGO operations – the focus of this section.

The contestation of humanitarian space has not necessarily influenced operations in a simple causal manner. Rather, contestation, and the factors underlying it, has shaped NGO perceptions of their interests, and NGOs have become active participants in the contestation of humanitarian space. To illuminate in a fuller and deeper manner the interaction between contestation, NGO interests and operations, this section considers how NGO interests are formed.

Constructivism suggests that actors are not atomized entities with pre-constituted identities and interests. Rather, social interaction results in the construction of inter-subjective meaning and collective knowledge; the identities and interests of actors are constituted by participating in these ideational structures of collective meaning. NGOs are then social actors whose identities and interests are constructed by the ideational structures in which they are embedded; structures of collective meaning affect what NGOs identify as problems, solutions, and legitimate action. They simultaneously contribute to the reproduction of collective meaning through their actions. As structures of collective meaning become embedded in international life, they confront NGOs as objective rather than social

³³ For discussions on new wars see, amongst others: Weiss and Hoffman 2006; Minear 2002; Macrae 2000

facts, defining the boundaries of appropriate behaviour.³⁴ Adherence to these social facts is then crucial for NGOs to attain legitimacy amongst the NGO community and other international actors.

NGOs also belong to a 'community of practise'; such communities might display institutional isomorphism whereby NGOs with different mandates come to have similar interests or behaviour. Isomorphism might be coercive as NGOs are susceptible to pressure from larger organisations on which they depend. NGOs might thus demonstrate homogenous behaviour organised around rituals of conformity to wider institutions. NGOs might also demonstrate mimetic isomorphism in response to uncertainty about the external environment and organisational goals; they might model themselves on other organisations in the field that they perceive to be more legitimate or successful.³⁵

The Principal-Agent literature suggests that NGO interests and behaviour might also be shaped by donors, as donors use material incentives to pressure agencies to pursue donor interests. The increase in the number of NGOs and the consequent competition for project funds, the proliferation of accountability and performance frameworks, and the increased use of short term contracts, has made demonstrating organisational efficacy to donors an important NGO concern, thereby increasing NGO susceptibility to donor pressure. Driven by organisational interests, NGOs might thus be inclined to adhere to donor understandings of legitimate action, adopting strategies or projects that might even run counter to their normative commitments. All agency does not however lie with donors; NGOs might use their expertise to shirk demands made by states.

The constructivist and Principal-Agent literature do not adequately consider how relations of power might influence the construction of interests.³⁶ As the social relational capacities, subjectivities and interests of actors are directly shaped by the social positions that they occupy, donor agencies, by virtue of their structural positions, might wield considerable power over the construction of NGO interests.³⁷ The differing structural positions of donors and NGOs suggests that it is not just that donors yield coercive or compulsory power over NGOs and alter their behaviour, but they might also shape NGO understandings of a particular situation. Formal and informal agreements, and institutional arrangements that govern relations between donors and NGOs, can shape NGO interests as the assumptions underlying certain rules and procedures become internalized, or the output/behavioural requirements of certain contractual agreements become naturalised as the appropriate way to act. Similarly, mechanisms to improve efficiency and accountability rest on particular assumptions, goals, and normative frameworks, whereby improving efficiency in line with these initiatives can institutionalise certain underlying assumptions and legitimize the perusal of particular outcomes and goals. Equally, institutional arrangements between Principals and Agents can provide sites for fixing meaning and naturalising particular discourses which, over time, shape the lens through which agencies understand problems and solutions, thereby defining the range of conceivable and permissible action; for example, the discursive construction of subjects through basic categories of classification such as 'rogue state' or 'civilized' can influence or determine the range of permissible behaviour by NGOs. Thus, formal or informal institutional arrangements might alter the behaviour of Agents through material incentives and the exercise of compulsory power; however, they also provides sites for

³⁴ see: Finnemore and Sikkink 2001; Ruggie 1998; Wendt 1999; Barnett 2005

³⁵ See: DiMaggio and Powell, 1999; Meyer and Rowan 1991; March and Olsen, 1989

³⁶ Michael Barnett and Raymond Duvall develop an excellent taxonomy for the various kinds of power that is applied here. Compulsory power refers to the direct control of one actor over another actor; Institutional Power refers to the control actors exercise indirectly over other actors through diffuse relations of interaction; Structural Power refers to the constitution of subjects' capacities in direct structural relation to one another; and Productive power refers to the socially diffuse production of subjectivity in systems of meaning and signification.

Barnett and Duvall 2005, 43.

³⁷ Barnett, 2005

the exercise of institutional or productive power as they fix particular discourses and meanings, and enable the institutionalization of underlying assumptions and preferences as objective facts, altering, in the long-run, NGO interests.³⁸

This framework suggests that NGO operations might not just be coercively shaped by other actors with different conceptualizations of humanitarian space but that, in so far as these discourses contribute to the construction of a structure of collective meaning, they can also alter NGO calculations of their interests. It also suggests that certain discourses might become more salient for agencies in light of acquiring legitimacy within the NGO community; this might especially be the case when individual NGOs are uncertain about how to act in an unclear or changing operational environment. Equally, certain discourses might become dominant in light of NGO organisational interests as it becomes important to demonstrate efficiency in line with donor conceptions of legitimate action. Differing conceptualizations of humanitarian action can also shape NGO operations as they, or their underlying assumptions, become naturalised as objective facts through institutional arrangements.

b. NGO Operations in Afghanistan post 2001

Background

Following the 2001 invasion, a number of international assistance actors established operations in Afghanistan. By November 2002, the number of NGOs had risen from 250 in 1999 (46 international) to 1005 (350 international)³⁹; the NGO presence was accompanied by 670 UN international staff, private contractors, and donor established Provincial Reconstruction Teams (PRTs). These actors, along with the Government of Afghanistan (GoA), have contributed to the emergence of a complex system based on a number of nested and overlapping institutional structures.

Discourses on Humanitarian Space

Military operations are based on roughly three approaches – conventional warfare, stabilization, and COIN – each with a slightly different reading of the Afghanistan problem. All three understand humanitarian assistance as crucial for legitimizing the military presence, gathering intelligence, extending the writ of the government, and creating local loyalties in the fight against the Taliban. It is also argued that the military enables the provision of assistance; ‘without COIN, and without the military’s support, many of the humanitarian agencies...would not be able to enter the areas once controlled by insurgents.’⁴⁰

The statebuilding discourse, represented by the UN mission to Afghanistan (UNAMA) emphasises support for the national government for the reconstruction of Afghanistan in line with a liberal market democracy and the Millennium development goals. UNAMA has advocated a light foot print approach, though a blue print had been prepared for the reconstruction of Afghanistan before a national agreement of peace had been signed; UNAMA has contributed to a further weakening of national capacity as, for example, a number of Afghan ministries and local NGOs have lost staff to the UN. UNAMA considers humanitarian assistance to be an arm of its integrated strategy that prioritizes state building and stabilization. Consequently, minimal funding is available for humanitarian work outside larger context of nation building. Reconstruction assistance is provided through the GoA, though on the condition that local authorities contribute to the maintenance of a secure environment and

³⁸ See: Barnett and Duvall, 2005; Cooley and Ron, 2002; Waters 2001; Cutler, 2009

³⁹ Johnson 2003, 55

⁴⁰ USAID rejects NGO concerns about aid militarization, 21 March 2010. IRIN news

demonstrate respect for human rights. UNAMA's strategy has thus been termed by some as 'aid-induced pacification'.⁴¹

The discourse amongst humanitarian agencies is mixed, and broadly three strands are identifiable. First, those who see neutrality elevated, and thereby refuse to be part of UN coordination structures or use UN or military assets or logistical assistance. A second group are cautiously willing to engage in longer-term activities in support of the government; placing humanitarian action in a poverty, human rights, or social justice lens, they have argued that supporting the government is vital to addressing development needs, and that the government's vision coincides with their organisational mandates. Finally, some agencies – especially those reliant on USAID funding – see humanitarian assistance as a tool to achieve the Coalitions political objectives, while also addressing humanitarian suffering.⁴²

The GoA considers the role of humanitarian assistance through a development lens, and seeks to streamline NGO operations with government priorities. In June 2005, an NGO law was established that requires NGOs to submit completed project documents to the Ministry of Economy for verification and registration. Government ministers have also criticized the arrogance of NGOs; for example, a recent study highlights the dissatisfaction of an Afghan government official at being told that western NGOs better understand grass root conditions.⁴³ The Taliban consider many western agencies to be working for the Coalition or the government, resulting in attacks on aid workers; however, they seem to note the value of humanitarian assistance as evidenced by their acceptance of the ICRC and willingness to grant agencies access if they can demonstrate their independence.

NGO Operations

Despite the ongoing contestation of humanitarian space, NGO operations have, for the most part, shifted from a humanitarian to a developmental and statebuilding focus. Development programs are required to be in line with the government's National Development Framework (NDF). As the NDF's reading of the humanitarian situation is interlaced with an emphasis on livelihood recovery, poverty alleviation, and capacity building, reflecting the desire for regime consolidation and social buy into a fragile political process, humanitarian assistance has been marginalized.⁴⁴ Agencies that refuse to work with the government have smaller budgets and are restricted from working in certain sectors such as health and education. Accordingly, some NGOs argue that humanitarianism has been sacrificed to the political of moral triage, differentiating between deserving and undeserving beneficiaries. For example, in 2007, the government declared that support for camp dwellers should be stopped to encourage people to go home; agencies thus provided IDPs with a food for return incentive to force people back home, despite tense security conditions and the lack of basic services.⁴⁵

Increasing threats to NGO personnel have also reduced access to communities; in 2008, 260 NGO workers were killed, the highest fatality rate in any conflict.⁴⁶ Increasing insecurity has been attributed to the perception that NGOs are not neutral actors, but rather handmaidens for the Coalition and UNAMA; attacks have also been attributed to the supposed 'blurring of the lines' between the military and NGOs.⁴⁷ While differences of opinion exist on the importance of these two factors, some consensus has emerged that relates these attacks to NGO collaboration with the GoA. According to a senior Afghan government official 'aid agencies are being targeted because they deliver services for the

⁴¹ Costy 2004; Stockton 2002

⁴² Based on author interviews with NGO staff stationed in Afghanistan

⁴³ Leader and Atmar, 2004; author interviews

⁴⁴ Costy 2004; author interviews

⁴⁵ Report quoted in Cornish 2008, 33

⁴⁶ Stodarrd, Harmer and Didomencio 2009

⁴⁷ Based on author interviews

government. NGOs increase the legitimacy of the government. The insurgents are not attacking NGOs, they are attacking the government.’⁴⁸

Contestation of humanitarian space has also led to debates about NGOs’ relationship with UNAMA’s integrated structure and international military forces. NGOs like MSF and ACF have resisted attempts at UNAMA led coordination, arguing that it violates NGO independence and neutrality and compromises relief provision. Others have adopted strategies ranging from information sharing to embracing UNAMA’s overall strategic vision and working in tandem with UNAMA and UN.⁴⁹ NGOs have also adopted different strategies for working with the PRTs, ranging from ‘principled non-engagement’, ‘arms-length interaction’, ‘proactive pragmatic principled engagement’, and ‘active direct engagement and cooperation.’⁵⁰ The extent of NGO hostility toward PRTs should not be overstated as a number of NGOs, especially those reliant on USAID, often conduct joint projects with the PRTs; others share information, coordinate operations, and seek PRT assistance for logistical and security support; some even have partnerships with PRTs and help run schools or clinics constructed with PRT funds.⁵¹

In Afghanistan, the statebuilding and military discourse has dominated the contestation of humanitarian space. They have shaped NGO operations by fostering closer collaboration with the GoA, UNAMA and the military, while at the same time reducing humanitarian access. The contestation of humanitarian space has resulted in the provision of humanitarian assistance in line with statebuilding objectives and the Coalitions strategic objectives.

Why have the statebuilding and military discourses dominated the contestation of humanitarian space? This might be understood in the context of the framing of Afghanistan as a post-conflict state after the invasion, despite evidence to the contrary. The post-conflict framing not only legitimized, but even necessitated working with the government, as else there was a risk that NGOs would establish a parallel development apparatus. Donor funds were thus increasingly channelled through the government and earmarked for reconstruction and development activities.

NGOs were however present on the ground, with considerable knowledge of the operating conditions and humanitarian needs. Yet, they did not do much in way of challenging the post-conflict paradigm. One might argue that the material incentives offered to NGOs, in terms of funds and contracts, made them agents for donors. However, referring to the framework for NGO interests, one might make four additional, crucial points. First, the various contractual agreements between donors/UNAMA and NGOs helped fix a particular interpretation of Afghanistan as a post-conflict state, arguably altering the lens through which NGO interpreted the situation in Afghanistan and, by extension, their operations. NGO operations were then based on a post-conflict assumption, and in acting in accordance with this assumption, they helped further institutionalize this particular paradigm as an objective fact. The relationship between donor agencies, the UN, and NGOs might then be seen in terms of the intermingling of coercive, institutional and productive power.

Second, the presence of numerous NGOs, private contractors, and PRTs, gave donors the opportunity to forum shop, thereby increasing competition amongst agencies. It thus made it important for NGOs to demonstrate organisational efficacy to donors in line with donor conceptions of legitimate action. NGO organisational interests were arguably crucial in the acceptance of the post-conflict paradigm.

⁴⁸ Quoted in Azarbaijani-Moghaddeam et al. 2008, 53

⁴⁹ Based on author interview

⁵⁰ see: McHugh and Gostelow, 2004, 42

⁵¹ Stapleton 2007

Third, support for the Karzai regime can also be explained in reference to the NGO community of practise, subject to isomorphic pressures. As some NGOs set up operations in Afghanistan in support of the government, others soon followed as this was constructed as legitimate action within the community; the status and reputation of a single NGO was tied in with conforming to the activities of the community at large, thereby encouraging mimetic behaviour.

Finally, it is crucial to note that the dominance of the statebuilding and security discourse, is also related to the internal ambiguities and expanding normative ambitions of the humanitarian community. As humanitarian actors have begun to undertake development, livelihoods recovery, capacity building, and peacebuilding programs, an overlap has emerged between the humanitarian and statebuilding discourse. This overlap, combined with differences and inconsistencies across agencies regarding the rules of engagement with local actors, the UN, and the military, has weakened the strength of the humanitarian discourse in the contestation of humanitarian space.

The complex system in Afghanistan has been marked by the contestation of humanitarian space in terms of its function and scope, the rules of engagement, and subsequent policies. However, as the statebuilding and military discourses on humanitarian action became prominent, the provision of humanitarian assistance suffered. However, this is not a simple case of the subordination or politicization of humanitarian assistance. Rather, this must be understood in the context of the role of power and legitimacy in the construction of NGO interests; equally, one might consider how NGOs institutional interests and their expanding normative ambitions have contributed to the sidelining of humanitarian assistance. It is also worth noting that NGOs have continued to cite humanitarian principles to maintain their organisational autonomy from the government, even while their operations extend beyond the provision of humanitarian relief; such inconsistent use of humanitarian principles arguably weakens the weight of the humanitarian discourse in the face of other discourses contesting humanitarian space. Thus, one might even say that NGOs have participated, if not contributed, to the dominance of the statebuilding and military discourses; thus, the contestation of humanitarian space has not influenced NGO operations in a simple causal fashion as NGOs are themselves deeply involved in the contestation, where their interests are both shaped by, and contribute to, the contestation of humanitarian space. NGOs are not mere agents for donors, as they have participated in their own politicization and contributed to the institutionalization of a particular regime of truth of Afghanistan as a post-conflict state, that has then marginalized the provision of need based humanitarian assistance. It is only recently, as the conflict in Afghanistan has escalated and the legitimacy of the government further eroded, that NGOs have asserted the need for a de-politicized and de-militarized humanitarian space.

III. Conclusion

A lot of ground has been covered in this paper, at times in a very general manner; the aim however has been to set out a tentative agenda for a broader research project. As complex systems have developed in a number of CPEs, the scope, function, principles, and strategies of humanitarian action have been contested by the actors making up this complex system. The contestation of humanitarian space can be situated in the larger context of norms and interests, institutional interests and innovations, and challenges arising from the operational environment. This contestation has had an impact on NGO operations, though not in simple causal terms; rather, a more nuanced understanding of the impact on NGO operations requires examining how NGO interests are formed, taking into account issues of power, legitimacy, structures of collective meaning, organisational interests, and the overlap between the statebuilding and humanitarian discourses in light of the expanding normative ambitions of NGOs. The contestation of humanitarian space and its implications for NGO operations was then examined in Afghanistan. As the statebuilding and military discourses have become

dominant in this contestation, they have shaped NGO operations in terms of a shift from humanitarian to developmental, and even conflict management, programming, fostering collaboration between the GoA and NGOs, varying degrees of cooperation with UNAMA and international military forces, and reduced access for NGOs. These features of NGO operations have been to the determinant of the provision of humanitarian assistance. The dominance of the statebuilding and military discourses in humanitarian space can be understood in light of NGOs relationship with donors, concerns about legitimacy, and organisational interests; it is also crucially related to both the ambiguities and differences across agencies about the proper scope of humanitarian assistance, and the expanding normative ambitions of NGOs that have overlapped with aspects of the statebuilding discourse. The Afghanistan case suggests that NGOs have participated, if not contributed, to the dominance of the statebuilding and military discourses; the paradox is that while the alleviation of human suffering is central to all NGO mandates, NGOs have participated in the sidelining of life-saving humanitarian assistance provided on the basis of need alone.

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