Constructing humanitarianism: An investigation into Oxfam’s changing humanitarian culture, 1942-1994

PhD

Babu M Rahman

Department of International Politics

University of Wales, Aberystwyth

1998
DECLARATION

This work has not previously been accepted in substance for any degree and is not being concurrently submitted in candidature for any degree.

Signed

Date 30 - 9 - 98

STATEMENT 1

This thesis is the result of my own investigations, except where otherwise stated.

Other sources are acknowledged by footnotes giving explicit references. A bibliography is appended.

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Date 30 - 9 - 98

STATEMENT 2

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Date 30 - 9 - 98
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Summary

‘Humanitarianism’ does not speak for itself. It must be understood from the particular perspective of the individual actors who lay claim to it. This thesis analyses the role of organisational culture in constituting Oxfam’s humanitarian practices. It provides a comparative analysis of the agency’s organisational culture during the Cold War and post-Cold War periods. This is done by focusing on the process of normative change which led to the legitimisation of a limited concept of the use of force to defend human rights and humanitarianism. A constructivist analytical framework is applied to a number of historical case studies between 1942 and 1994 to chart the process of normative change in Oxfam’s humanitarian culture. The case studies are: Greece during World War Two, Biafra between 1967 and 1970, East Pakistan in 1971, Cambodia in 1979, northern Iraq in 1991, Somalia between 1990 and 1993, and the African Great Lakes region in 1994. The thesis also analyses periods of internal contestation and debate over the legitimacy of cultural rules, and external challenges to Oxfam’s humanitarian activities which have led to cultural developments, and the adoption of new practices. These analyses are set against the background of changing normative contexts in the UK (in terms of charity law) and at an international level (in terms of international law and state practice). These contexts are characterised as constraints and enablements on the possibilities for action created by Oxfam’s changing humanitarian culture. The thesis bases its empirical analysis on archival documentary research and interviews with current and former Oxfam staff.
Acknowledgements

This thesis has been made possible by the financial support of my family, and the Department of International Politics, University of Wales, Aberystwyth, and it is their help for which I am most grateful. My thesis is as much my family’s achievement as my own, whilst the Department has given me a stimulating, supportive, and nurturing environment in which to study. Another overriding debt is owed to Dr Nick Wheeler, without whose constant help, support, encouragement, friendship, and dedication above and beyond the call of duty this thesis would never have been completed.

I have neither sought nor received any endorsement by Oxfam, Great Britain. This thesis stands on its own merits as a culturally sensitive understanding of the organisation’s humanitarian practices. None of the analysis presented in this work should be taken to represent an official opinion by Oxfam. Nonetheless, a key debt of gratitude is owed to a number of current and former Oxfam staff. The most prominent amongst these is Chrissy Webb, who has the momentous and stimulating task of organising Oxfam’s large collection of archival documents. Her enthusiastic help and support has made the archival research which forms the basis for much of this thesis possible. In this respect the encyclopaedic knowledge of Elizabeth Stamp has helped to set the context for many of the internal debates discussed in the thesis. She has also helped to dispel many of the naïve assumptions with which I began the thesis. The co-operation of the Oxfam Directorate is also gratefully acknowledged.

In the course of my research, I have spoken to many people, not all of whom can be (or indeed want to be) named. Of those who can and should be, and in no order of priority, I wish to thank Nick Stacey, Brian and Nancy Walker, Frank Judd, Cowan Coventry, Nick Stockton, Ed Cairns, James Darcy, Tony Vaux, Roger Naumann, and Malcolm Harper. Those who have asked to remain
anonymous know who they are, and I am equally grateful for their help. All those who have been interviewed have spoken in a personal capacity, and not as representatives of Oxfam. Their comments should not be taken to be statements by the organisation. As far as possible, I have tried to be discreet in using interviews and documents in supporting my analysis. I am also grateful to Dan Seymour and Rodney Breen of Save the Children UK, Jon Bennett of the Global Internally Displaced Persons Survey, and Ancil Adrian-Paul of International Alert for their help in understanding many of the current and historical issues facing INGOs in situations of violent conflict.

Writing this thesis has been a traumatic and exhilarating process. It has been made bearable in ways too numerous to mention by the friendship, encouragement, and support of the staff and graduates of the Department of International Politics, University of Wales.

Finally, and not least I wish to thank Roberta Guerrina for her love and friendship. Our relationship has been the best part of being at Aberystwyth.

Babu M Rahman
Aberystwyth, 1998
### Abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
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<tbody>
<tr>
<td>3Wl</td>
<td>Third World First</td>
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<tr>
<td>AICLF</td>
<td>Action Internationale Contre La Faim</td>
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<tr>
<td>ACORD</td>
<td>Agency for Co-operation and Research Development</td>
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<td>ANC</td>
<td>African National Congress</td>
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<tr>
<td>CAFOD</td>
<td>Catholic Fund for Overseas Development</td>
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<tr>
<td>DEC</td>
<td>Disasters Emergencies Committee</td>
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<td>DHA</td>
<td>United Nations Department of Humanitarian Affairs</td>
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<td>FCO</td>
<td>Foreign and Commonwealth Office</td>
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<td>FFH</td>
<td>Freedom From Hunger Campaign</td>
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<td>FRS</td>
<td>Friends Relief Committee</td>
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<td>ICJ</td>
<td>International Court of Justice</td>
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<td>ICRC</td>
<td>International Committee of the Red Cross</td>
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<td>IFF</td>
<td>International Freedom Foundation</td>
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<td>IFRCS</td>
<td>International Federation of Red Cross and Red Crescent Societies</td>
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<td>IGO</td>
<td>Inter-Governmental Organisation</td>
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<td>INGO</td>
<td>International Non-Governmental Organisation</td>
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<td>MDM</td>
<td>Médecins du Monde</td>
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<td>MoU</td>
<td>Memorandum of Understanding</td>
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<td>MRND</td>
<td>National Revolutionary Movement for Development</td>
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<td>MSF</td>
<td>Médecins sans Frontières</td>
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<td>NGO</td>
<td>Non-Governmental Organisation</td>
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<tr>
<td>OAU</td>
<td>Organisation of African Unity</td>
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<td>ODA</td>
<td>Overseas Development Administration</td>
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<td>ONUC</td>
<td>United Nations Operation in the Congo</td>
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<td>RPF</td>
<td>Rwandese Patriotic Front</td>
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<td>SNM</td>
<td>Somali National Movement</td>
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<td>SWAPO</td>
<td>South-West Africa People’s Organisation</td>
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<td>USC</td>
<td>United Somali Congress</td>
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<tr>
<td>UNAMIR I/II</td>
<td>United Nations Assistance Mission in Rwanda I/II</td>
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<tr>
<td>UNDP</td>
<td>United Nations Development Programme</td>
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<tr>
<td>UNHCR</td>
<td>United Nations High Commissioner for Refugees</td>
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<td>UNICEF</td>
<td>United Nations International Children’s Fund</td>
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<tr>
<td>UNITAF</td>
<td>Unified Task Force</td>
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<tr>
<td>UNOSOM I/II</td>
<td>United Nations Operation in Somalia I/II</td>
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<tr>
<td>WFP</td>
<td>World Food Programme</td>
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Chapter One

Introduction

The purpose of this thesis is to investigate the values which constitute Oxfam's humanitarian practices. Founded in 1942, Oxfam is one of the largest, most prominent, and most influential British International Non-Governmental Organisations (INGOs). It has been involved in the relief of most major humanitarian crises since the end of World War Two, and has played a key role in mobilising British public opinion on issues of emergency relief and development in the South. This thesis achieves a fuller understanding of the process by which Oxfam has come to develop and legitimise its identity and practices as a 'humanitarian' organisation by applying the concept of humanitarian culture to a number of historical case studies. Humanitarian culture is used in the thesis to refer to the collection of formal and 'taken-for-granted' rules which form Oxfam's organisational culture. These rules have been interpreted over time and within particular constraining and enabling historical contexts to constitute the possibilities for humanitarian action. Centrally, Oxfam's legitimisation of a concept of the use of force by the international community to defend humanitarianism and human rights is understood as a historical process of cultural development. It is necessary to look at the rules of Oxfam's humanitarian culture in order to understand how particular practices come to be seen by the organisation as legitimate 'humanitarian' responses to human suffering. As these rules have been contested internally by members (those who participate in Oxfam's humanitarian culture) and challenged externally by critics, new practices have been made possible. The thesis will show how Oxfam's 'humanitarian' practices, however morally compelling and publicly legitimate, are not universal. They have arisen from particular historical experiences both in the field and in the UK.

1 Throughout this thesis Oxfam, Great Britain will be referred to as Oxfam.
Chapter One: Introduction

The purpose of this introduction is to set up the following six empirical chapters in three ways. The first section addresses the importance of INGOs in international responses to post-Cold War humanitarian emergencies, and the difficulties of conceptually delineating ‘legitimate’ INGO humanitarianism. The second section will introduce and outline the conceptual framework and methodology used in the thesis to understand the role of Oxfam’s humanitarian values in constituting its practice. The final section will outline how the key analytical questions will be addressed through the six empirical chapters of this thesis.

1 WHY INGOs?

One of the greatest challenges the international community has faced since the end of the Cold War is the relief of complex humanitarian emergencies. The international community’s responses to these emergencies have consequences for the lives and welfare of millions, global and regional security, and states’ own domestic and international credibility. The impact of civil conflict, collapsed and collapsing states, and regional instability can be felt worldwide as a result of refugee flows and globalising processes such as the media and the international economy. International action in northern Iraq, the former Yugoslavia, Somalia, and Liberia has affirmed that humanitarian emergencies have become a serious foreign policy concern for many states. Domestic public outrage in the North has long been a source of relief and asset transfer between North and South. With the end of global superpower rivalry however, this concern has moved states to deploy military forces to extend and protect human rights and humanitarian operations.

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At the same time, international inaction over the emergencies in Afghanistan, Rwanda, Angola, Zaire/Democratic Republic of Congo, and Sudan have shown that these new practices have not been universally applied. In these places international and national non-state humanitarian actors carry the burden of providing relief.

The relief of these emergencies has involved a complex range of actors and institutions, often in both co-operation and competition with each other. These include for example, the United Nations and other Inter-Governmental Organisations (IGOs), their organs and agencies, affected populations themselves, states and state agencies, regional organisations, local military and political organisations, international military forces, national and international civil society institutions, the international economy, local and international media organisations, and many, many others. This thesis is specifically concerned with one of the most important groups of actors, humanitarian International Non-Governmental Organisations (INGOs). INGOs in the context of this thesis can be considered a sub-set of Non-Governmental Organisations (NGOs).

The first permanent international humanitarian agency was an INGO, the International Committee of the Red Cross (ICRC) founded in 1863. The ICRC has since acted as a locus for the creation of international humanitarian law in the form of the Geneva Conventions and Protocols. These instruments formally outline the...
responsibility of states and insurgent groups towards combatants and civilians within war-zones, and confer certain rights and duties upon both the warring parties and the protected individuals. The ICRC has had a formal role in this relationship, making sure that the rights and duties are observed and so to some extent acts as a guarantor of international humanitarian law. It was followed by the creation of national Red Cross and Red Crescent Societies in individual states throughout the world, all of whom subscribe to the principles and practices enshrined in the body of the ICRC and the Geneva Conventions. Collectively, these national Societies, their representative body the International Federation of Red Cross and Red Crescent Societies (IFRCS), and the ICRC form the international Red Cross movement.

From the beginning of the twentieth century, INGOs have been involved, often as the only international humanitarian response, in the relief of humanitarian crises. The Armenian Committee for Relief in the Near East for example raised $20 million for relief efforts in Armenia in the aftermath of the Armenian genocide of 1915. In the course of its operations, the organisation fed an average of over 300,000 people a day, administered all hospital services in Armenia and provided for over 75,000 orphans. The activities of INGOs such as the ICRC and the Save the Children Fund (SCF) in the inter-war period were central to the establishment of the first IGO humanitarian agency, the League of Nations High Commissioner for Refugees. As Michael Marrus has stated, "by keeping so many alive, the private organisations helped to maintain the pressure of the refugee crisis. In the long run, this activity helped to elicit a response from governments and from the international agencies set in place after the first world war." INGOs also played a key role in the formulation of the only human rights instrument adopted by the League of Nations, the Declaration of the Rights of the Child.

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6 For an overview of the duties and prerogatives of the ICRC under international humanitarian law, see Peter MacAlister-Smith, International Humanitarian Assistance: Disaster Relief Actions in International Law and Organisation (Dordrecht: Martinus Nijhoff, 1991) pp. 22-35; see also Geoffrey Best, War and law since 1945 (Oxford: Clarendon, 1994)
9 Marrus, The Unwanted, pp. 83-84
10 Freeman, If Any Man Build, Breen, "Saving Enemy Children"; Breen, interview
INGOs occupy a particularly important place in the history of the provision and delivery of humanitarian relief, and the relief and resolution of post-Cold War humanitarian emergencies. They are often the first to arrive at the scene of an emergency before state or UN agencies, and are often able to gain access to areas that for political reasons UN and state agencies cannot. INGOs can also provide forms of assistance that these agencies cannot (since many groups often specialise in particular skills or areas of expertise). INGOs are generally thought to be much more flexible and innovative in their approach to relief operations compared to state and IGO agencies. Their administrative costs tend to be far lower than those of government or IGO agencies, at least partially as a result of their ability to mobilise volunteer labour. This flexibility is often cited as their greatest strength vis-à-vis other humanitarian actors; their lack of large and cumbersome decision-making processes and bureaucracies allows them to respond more quickly to emergency situations. They are more open to innovation and creativity in dealing with particular problems or aspects of emergencies, and are able to reach and aid victims who would not otherwise receive help from government or IGO agencies.

Mark Raper, writing in 1990, illustrates this point: governments and international organisations are being excluded from an increasing range of fields that formerly were theirs to 'co-ordinate'. The international organisations cannot work at the Thai-Burma border, they are restricted in their work in Cambodia, they do little in Vietnam. They cannot enter Tigray or Eritrea. But in these areas the private agencies carry the burden. Moreover in some places where the international organisations can act, the NGOs do the bulk of the work. They are more flexible, more lightly structured, less costly.

The end of the Cold War has been accompanied by a massive increase in the number and scale of humanitarian emergencies, and a withdrawal of Northern strategic interest in the South. Some prominent observers have noted that this has led to a decline in the overseas aid budgets of wealthy states, and a relative increase in funding directed towards the relief of these emergencies. Much of this funding is channelled through INGOs who have begun to acquire more importance and power as they are increasingly being pushed into taking over the broader, and

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in many cases the only, remaining interests of their donor governments in relieving or containing humanitarian suffering overseas.\textsuperscript{16} As such INGOs have begun play an increasingly important part in North-South relations. One authoritative commentator on INGOs and emergency relief has commented for example that the opening of the first British diplomatic mission in Kigali was a direct consequence of the involvement of British INGOs and state aid agencies in the relief of the complex emergency after the Rwandese genocide of 1994.\textsuperscript{17} The significance of these new roles is that not only are INGOs prominent parties to and influences on North-South relations, but they are increasingly becoming the vehicle of such inter-state relations. INGOs have moreover become visible and important actors in the international diplomatic arena and their agendas are increasingly being addressed in state and IGO policy: "NGOs have emerged as prime movers on a broad range of global issues, framing agendas, mobilizing constituencies towards targeted results, and monitoring compliance as a sort of new world police force."\textsuperscript{18}

With the end of superpower competition in the UN Security Council, and strategic sponsorship of local combatants, it initially seemed that the UN could finally begin to fulfil its mandate of protecting both international peace and security, and human rights. This was reflected in the public statements of many Northern leaders in the early 1990s. Even though such rhetoric was broken on the backs of such ‘hard cases’ as Somalia and Rwanda, it has enabled agencies like Oxfam to urge states to adopt their human rights and humanitarian agendas. A key issue which has emerged in INGOs’ responses to post-Cold War emergencies, and which is examined in this thesis, is the use of military force to protect human rights and humanitarianism. Alex de Waal notes that

The last three years have seen humanitarian organisations calling for military intervention in Bosnia, Somalia, Rwanda and elsewhere. Both relief agencies and human rights organisations have vocally implored the United Nations or individual Western countries, to dispatch troops to strife-torn nations facing humanitarian disaster. What is commonplace today would have been unthinkable even five years ago.\textsuperscript{19}

\textsuperscript{16} See for example David Hulme & Michael Edwards (eds.), \textit{NGOs, States and Donors: Too Close for Comfort?} (London: Macmillan & SCF, 1997)
\textsuperscript{17} Jon Bennett, "The challenge of NGO co-ordination in emergencies", Presentation to the Strategy and Security Research Group, Department of International Politics, University of Wales, Aberystwyth, 13 November 1996
Neutral third party military forces have rarely engaged in humanitarian relief as anything but a supplementary part of their more usual activity of peacekeeping. As such the advent of armed humanitarian delivery operations is a genuine innovation. Moreover, humanitarian and military organisations have traditionally been at least suspicious, and at most hostile to each other in conflict situations, each seeing its job complicated by the presence and the actions of the other. The aggressive deployment of external forces in an ongoing conflict was associated with the kind of involvement of external powers in Vietnam and Afghanistan. In both cases this was seen as aggravating the humanitarian disasters occurring in these countries. Hence, advocacy by some INGOs for international military involvement in civil conflicts represents a conceptual watershed; military force is no longer seen as an impediment to humanitarian relief, but, in specific forms, can be harnessed to supplement and even make possible such operations. A key purpose of this thesis is to examine how Oxfam’s humanitarian culture has come to legitimise a concept of limited armed humanitarian intervention.

Any discussion of INGOs poses a definitional problem caused by their sheer number and variety. Peter Willetts’ analysis of INGOs within the UN system shows that the Economic and Social Council (ECOSOC), the primary UN organ in which INGOs participate, has struggled (and continues to struggle) with the problem of defining what exactly an NGO or INGO is. Thibault Grégoire contends that there is “no overall consensus on what an NGO is … the one thing they are not, is a homogenous whole. The key point about NGOs is their diversity.” This definitional problem means that there are no accurate figures on how many NGOs or INGOs exist either globally or within the borders of a particular state at any particular time. INGOs may be involved in a wide variety of activities, ranging from specialist agencies of varying size such as Médecins Sans Frontières (MSF) (emergency medical care), Survival International (protection of indigenous peoples), Action for Disability and Development (promotion of disability rights) through to larger agencies with wider multi-issue mandates such as Oxfam, Save the Children (SCF), and Action Internationale Contre la Faim. Grégoire claims that this heterogeneity is compounded by differences between INGOs based in different countries. Britain has a longer tradition both of religious and secular INGO activity than most European countries going back to the beginning of the nineteenth century, and at least partially as a consequence of its extensive former colonial

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In contrast, Spain’s first INGO was founded only in 1942. Moreover, most Spanish INGOs are religious. Scandinavian INGOs on the other hand tend to be secular, and their dependence on funding directly from the state (as opposed to private donations) is commonly as high as 80%, whereas in France and Germany this tends to be between 15% and 20%.

Differences in national tradition, size, and mandate are compounded by different conceptions of legitimate humanitarian practice. The ICRC for example, often cited as the cornerstone of international humanitarian protection and relief, is well know for its pain-staking attempts to negotiate humanitarian access between combatants in times of conflict. This has often meant that the organisation has had to maintain public silences over issues of human rights abuse witnessed and confirmed by its field staff in order that it may continue to provide relief and some minimal degree of human rights protection to individuals. Yet the French agency MSF was founded on the principle that such a position violates fundamental humanitarian values. This has led to the two organisations undertaking radically different practices on the question of observing state sovereignty in situations of violent conflict and systematic human rights abuse. Whereas the ICRC is unlikely to ever violate sovereignty, on the basis that this is not consistent with the primacy of its construction of neutral humanitarian relief, MSF has frequently done so in order to deliver relief. Yet both agencies publicly couch their activities in terms of legitimate and morally compelling humanitarianism. Similarly, whilst SCF has since its foundation been involved in the propagation and promotion of international law to protect the human rights of children in the field of social and economic development, neither the ICRC or MSF are known for their prominence in terms of advocacy on social and economic rights. All three agencies mentioned above take their ‘humanitarian’ identity for granted, yet all three undertake divergent ‘humanitarian’ practices. As such INGOs’ humanitarian practice does not ‘speak for itself’; it must be understood in terms of their individual constructions of legitimate humanitarianism.

Such divergences in legitimate international humanitarian practice illustrates the absence of a broader, consensual, and useful definition of ‘humanitarianism’ by which the actions of INGOs can be judged. It is a truism to

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22 Benthall, Disasters, Relief and the Media, p. 4
24 De Waal, “African Encounters”
say that INGOs’ humanitarianism is driven by values. It is certainly difficult to explain purely in terms of financial profit or the gain or exercise of coercive power. As such, it tends to be assigned to the realm of ethics or morality alone. Like the US Supreme Court Justice however who, when asked about pornography said “I don’t know how the hell to define it, but I know it when I see it”, there seems to be no way to define humanitarianism other than to equate it with general concepts of benevolence, philanthropy and altruism, and say that in practice it simply is what humanitarian organisations ‘do’. Peter Walker, Director of Disaster and Refugee Policy of the IFRCS talks of humanitarianism being composed of a “basic value set”26. In outlining this he refers to the Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Relief. The Code of Conduct was formulated by the Geneva based Steering Committee for Humanitarian Response, composed of some of the largest humanitarian INGOs.27 It outlines 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 those from whom we accept resources
10: In our information, publicity and advertising activities, we shall recognise disaster victims as dignified humans, not hopeless objects28

Whilst it is certainly a very important document in view of the number of INGOs involved in its formulation, it does not account for the significant diversity in humanitarian practice. The wording of Article 1 allows both MSF and ICRC to be able to claim that they are fulfilling “the Humanitarian imperative”, whilst undertaking radically different practices in the area of the observance of state sovereignty. It is essentially regulative, rather than constitutive; that is, it provides a series of compelling public justifications for actions labelled ‘humanitarian’, but

27 IFRCS, The Code of Conduct for The International Red Cross and Red Crescent Movements and NGOs in Disaster Relief, (1994) [http://www.ifrc.org/pubs/code]. The organisations who form the Steering Committee are Caritas Internationalis, Catholic Relief Services, IFRCS, International Save the Children Alliance, Lutheran World Federation, Oxfam, the World Council of Churches and the ICRC.
28 IFRCS, Code of Conduct
does not actually provide any specific definition of the term beyond a tautology: "The right to receive humanitarian assistance, and to offer it, is a fundamental humanitarian principle which should be enjoyed by all citizens of all countries." Moreover, it is voluntary and so does not preclude the actions of INGOs who do not sign up to it being defined as 'humanitarian'.

Two of the most prolific writers on humanitarian assistance, Thomas G Weiss and Larry Minear, outline eight "guiding principles" that govern the activities of what they describe as the "international relief community": relieving life threatening suffering, proportionality, non-partisanship, independence, accountability, appropriateness, contextuality, and the primacy of humanitarian concerns over sovereignty. Their use of the term 'community' is implicitly in its loosest and least complex sense; that is a group of actors who enjoy reasonably stable relationships among themselves, and are bound by broad adherence to certain common rules and values. Minear and Weiss' description of the guiding principles however are both prescriptive and analytical. Like the Code of Conduct, they are designed as much to be instituted as norms as they are seen as arising out of humanitarian practice. As such, their illustration of the points show that the principles are as much abused as they are adhered to, reducing the validity of any claim that they constitute a 'universal' or unproblematic construction of humanitarianism.

In the West there is a tendency to see humanitarianism as a concept rooted in Western history, religion and philosophy. However, Ephraim Isaac traces the concept of humanitarianism (as very loosely defined altruistic and communal welfare provision) as far back as the ancient Egyptians, Mesopotamians, Sumerians, Babylonians, Greeks and Romans. In the contemporary world it is a concept that is present in all world religions; in Judaism and Islam, for example, it is complex and central (in many ways) to understanding the religion, and involves ideas of social duty and obligation as well as social justice. It is also present in

29 IFRCS, Code of Conduct, Article 1
32 This point is made explicitly in Larry Minear & Thomas G Weiss, Humanitarian Action in Times of War: A Handbook for Practitioners (London: Lynne Reinner, 1993) pp. 7-41
33 Minear & Weiss, Humanitarian Action in Times of War, p. 10
Buddhism, Jainism and Hinduism, and in Christianity it is represented as Charity and Love. All these religions enshrine the idea of helping others (particularly the poor and unfortunate) as a religious duty which leads to rewards in the hereafter. There are also strong traditions of altruism and mutual help, particularly during famines and instances of material hardship, among Africans and native American peoples which can be traced back centuries. Humanitarianism then, is not the sole preserve of Western traditions of religion or social organisation. The fact remains however that until recently, all (and still the vast majority of) international humanitarian relief agencies are Western.

Despite the profusion of humanitarian aid groups, the increasing scope of international humanitarian law, and the frequent and extensive media coverage of humanitarian emergencies, there is no definitive legal construction of ‘humanitarianism’. The Geneva Conventions and Protocols describe in detail the obligations and powers of the contracting parties towards the victims of armed conflict, but provide no actual definition of the term. This is more than just a semantic or philosophical problem since it has had important consequences for international affairs. The Reagan administration attempted to exploit the lack of a formal legal definition in the mid-1980s to include food, uniforms and communications equipment for Contra insurgents as ‘humanitarian assistance’ for refugees from Nicaragua. The absence of a useful definition also means that the UN Security Council’s Sanctions Committee has to approve on a case by case

35 For a wider discussion of these points see Isaac, “Humanitarianism Across Religions and Cultures”.  
36 Ian Smillie locates this in the argument that altruistic voluntary organisation has arisen out of the changes in the socio-economic and political organisation of modern European and North American societies as a result of processes of industrialisation and urbanisation. The concept of charity was used in the middle ages as an instrument of preserving social order, in the hope that organised giving would prevent the poorest levels of society turning to insurrection or rebellion. As social organisation became more sophisticated and government began to take on wider and more complex responsibilities, so voluntary organisation became a way for people to represent their concerns to government and wider sectors of society. The history of non-governmental organisations in the eighteenth and nineteenth centuries is dominated by reforming and campaigning movements on issues such as child labour, working conditions, temperance, education, and health care (see Chapter Two). Smillie makes the claim that the existence and operation of non-governmental organisations is part of the legitimacy of the modern liberal democratic state, since they are a way for people to express their values and concerns in a way which motivates social change. Ian Smillie, The Alms Bazaar (London: Intermediate Technology Publications, 1995) pp. 23-31. There are an increasing number of INGOs which originate in the South, particularly in Asia, where countries such as Bangladesh and India have a strong and well established tradition of local NGO activity. These however are still in the minority, and tend to be poorly represented in the relief of complex humanitarian emergencies. Although there are also INGOs such as Islamic Relief and Muslim Aid which arguably represent non-Western traditions of emergency relief, these organisations tend to be based in the North, where their donor bases are.  
37 Minear & Weiss, Humanitarian Action in Times of War, p. 7
basis what items are to be exempted as humanitarian aid or supplies from UN sanctions against a particular state. International jurisprudence shied away from tackling the issue when the International Court of Justice (ICJ) tried the case of Nicaragua vs. The United States of America in 1986. Rather than devise a definition itself, it quoted the principles of the ICRC. These do not in themselves constitute international law, although they do carry considerable moral and some quasi-legal authority\textsuperscript{38}. Furthermore it leaves unresolved the problem of identifying legitimate humanitarian behaviour:

The ICJ decision may lead some observers to believe, perhaps hastily, that all activities undertaken by other actors under the rubric of humanitarian action that are not actions or principles condoned by the ICRC or clones of its model are not truly humanitarian.\textsuperscript{39}

It would be highly problematic to claim that organisations such as MSF, which do not always follow the ICRC's practice of gaining local consent before initiating relief operations, are not humanitarian agencies. As such international law does not provide a way of conceptualising humanitarianism in such a way that reflects the wide range of actors and practices.

Like many others who have written on the subject, Minear and Weiss conclude that the concept of humanitarianism cannot be defined narrowly. As with many terms within the discipline of International Relations, its usage has preceded any serious attempt at definition. They note that today 'humanitarian' groups are involved in "a full spectrum of activities, from the supplemental feeding of infants during famines to longer term measures such as the strengthening of indigenous social and institutional coping mechanisms to avoid future crises."\textsuperscript{40} It is this inter-disciplinary application of the concept that makes humanitarianism complex, and to some extent, elusive\textsuperscript{41}. Humanitarianism has yet to be couched in anything other than extremely subjective and inconclusive terms.

It is not the intention of this thesis to arrive at an 'objective' definition of humanitarianism, or a delineation of humanitarian action. Rather, it begins with the premise that in the absence of any useful definition based on common practice it is necessary to turn to the source of these different constructions, individual relief actors (in this case INGOs), to understand how diverging concepts of

\textsuperscript{38} Minear & Weiss, \textit{Humanitarian Action in Times of War}, p. 8


\textsuperscript{40} Minear & Weiss, \textit{Humanitarian Action in Times of War}, p. 9

\textsuperscript{41} Randolph C Kent, \textit{Anatomy of Disaster Relief: The International Network in Action} (London & New York: Pinter, 1987), p. x
humanitarianism affect international humanitarian practice. To extend the analogy of the Supreme Court Judge considering pornography; to understand humanitarianism, we must understand what individual humanitarians 'do'. That is, humanitarian practice must be understood from the point of view of the humanitarian actor. This is not to deny that the terms 'humanitarian' and 'humanitarianism' are used in practice broadly to encompass a wide range of different organisations and practice. The claim that there are humanitarian organisations and that they conduct humanitarian activities is predicated on the belief that there is at least some common meaning applied to the term. As the examples of Nicaragua vs. US, and the divergence between the ICRC and MSF on the issue of sovereignty show however, it is a term that is too easily contested to take for granted in an analysis of the practice of emergency relief. Hence, the starting point of this thesis is that this common usage does not lead to an effective delineating construction of humanitarianism which identifies humanitarian action as distinct from other types of practice. Humanitarianism does not speak for itself; its usage must be understood from the particular perspectives of the organisations which make claim to it.

The study of organisations has traditionally been dominated by what Adams and Hill Ingersoll term 'technical rationality' and what is more broadly known in social science as a 'behaviouralist' and 'rational choice' conception of social action. This approach takes as its starting point the 'visible' behaviour of organisations, which is assumed to be the result of a process of rational reasoning. To explain organisational behaviour one need only recreate the process of logic from the externally defined interests and identity of the organisation:

Like all social theories, rational choice directs us to ask some questions and not others, treating the identities and interests of agents as exogenously given and focusing on how the behaviour of agents generates outcomes. As such, rationalism offers a fundamentally behavioural conception of both process and institutions: they change behaviour but not identities and interests.  

Such analyses are currently popular in the study of humanitarian organisations. Some authoritative commentators have attempted to engage the heterogeneity among international humanitarian actors (including INGOs) by framing the relations between them in terms of a system, emphasising the role of structure in

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regulating humanitarian practice. John Seaman, head of SCF’s Policy Development Unit, describes the range of humanitarian actors as a system to the extent that within it there are certain basic drives towards common action and cooperation, or competition and dissent; these drives are complex and interrelated. But it may be argued that the way in which the system functions at any time is the product of two main factors: the quantity of resources available and the way in which resources are controlled within it.

‘Resources’ in this sense can be understood in terms of the finance channelled towards INGOs by donors. His construction of the collection of diverse humanitarian actors as a system is a resource based model of social behaviour which seeks to identify the material factors which ‘drive’ organisations towards particular forms of behaviour. This strand of systemic theory emphasises the stability and structural interdependence of actors:

- a system has four basic characteristics. It must have a set of units that are sufficiently interdependent such that a change in the state of one unit has repercussions in the other; a system has a ‘boundary’ which separates it from an external environment; it also has a ‘structure that depicts that pattern of relationships between the component units’; and finally, a system has goals, ‘be they the maintenance of its own stability’.

Such a systemic construction of humanitarian practice regards INGOs’ actions as exclusively a product of the exercise of material power by, and over, INGOs. John Borton writing in 1993 stated that “how the donor agencies ‘channel’ their resources through the system largely determines the role played by the various organisations.”

Instances of practice are thus discrete events which can be explained in terms of the material ability to undertake them.

Rationalist theory initially seems to have a significant degree of explanatory power when applied to the behaviour of INGOs. It provides a convenient way of regularising practice across a wide range of organisations, and also devising accessible ways of measuring ‘effectiveness’ and ‘accountability’ (itself a response to the increase in state funding of INGOs). These approaches have formed the basis of sophisticated positivist analyses of INGO practice.


45 Seaman, “The international system of humanitarian relief”, p. 18


47 Borton, “Recent Trends”, p. 187

48 This is not the only form of systems theory. For a more constructivist systemic approach see Stuart Umpleby, *The Cybernetics of Social Systems*, paper prepared for the Institute of Advanced Studies, Vienna, Austria, 8th July 1994

49 See for example Michael Edwards & David Hulme (eds.), *Non-Governmental Organisations - Performance and Accountability: Beyond the Magic Bullet* (London: Earthscan & SCF: 1995); Alan
Rationalist approaches however leave hidden the key intersubjective and unquantifiable aspects of decision and policy making within INGOs. In particular, they take for granted the fundamental moral choices which form the basis for decisions over policy and practice: actions are assumed to be taken simply because they can be, without consideration of what options an organisation perceives to exist. Moreover they do not seek to understand how identities change over time. Indeed, rationalist theory assumes interests to be unchanging. To achieve a fuller understanding of the processes by which identity and interests change it is necessary to engage the ‘hidden’ and ‘taken for granted’ values which constitute and give intersubjective meaning to practices.

2. THE SOCIAL CONSTRUCTION OF HUMANITARIAN CULTURE

Randolph Kent rejects the concept of an international humanitarian system, in favour of an international humanitarian network. His construction of a network is characterised not by the formality and structure of a system, but by informality and contextuality:

This network is devoid of any institutional framework, lacks coherent goals, reflects few patterned relationships, yet points to a variety of transnational and functional linkages that have emerged probably more out of informal institutional arrangements ... The international relief network is an amalgam of non-binding contracts, sustained by various channels of communication and by an awareness of who is around. On occasion, various components of the network will align themselves to promote particular interests, and will also work in concert to assist in relief. However, such arrangements are rarely enduring, and when they do occur, create little more than short-term interdependencies.

The image of a network provides a broader context to the humanitarian practices, identity, and interests of individual INGOs than that of a system. Relations between actors are social rather than material. The practices constituted by the identities and interests of individual actors are constrained and enabled through the process of social interaction, rather than determined only by the supply and demand dynamics of Seaman’s systemic explanation. The central point is that the possibilities for action arise from an actor’s construction of its interests and identity, and through its interactions with other actors.

In understanding humanitarian practice, Kent argues that analysis should be centred on individual members of the network using the concept of “relief culture”. He defines this as “the attitudes and motives of the components of the international


Adams & Hill Ingersoll, “Painting Over Old Works”, p. 15

Kent, Anatomy of Disaster Relief, p. 69
network which seek to assist."52 This thesis takes Kent’s position as the starting point for its theoretical framework. The concept of ‘humanitarian’ culture is used instead of relief culture, since, although ill-defined, the use of the term humanitarian ascribes legitimacy to Oxfam’s practices within wider contexts such as international humanitarian law, and military-humanitarian operations. In the mid 1980s the Reagan administration sought to legitimise its support for the Contra insurgents in Nicaragua by describing it as ‘humanitarian aid’. The naming of military equipment as humanitarian supplies was designed to make support for the Contras possible in a context where military aid was far more difficult to justify. Legitimacy constitutes possibilities for action. Hence the use of the term humanitarian culture (instead of Kent’s “relief culture”) directs attention to its key legitimising role in creating possibilities for action. It also delineates the practices which are central to the thesis as those which are directly concerned with the relief of suffering, and not for example, Oxfam’s financial accounting, commercial marketing, or personnel recruiting practices.

Culture is a concept most commonly referred to and expounded in sociology, and it is to the Anglo-American tradition within this discipline that this thesis turns to for a concept of culture. Abercrombie, Hill and Turner contend that while “Anglo-American sociologists ... refer to the culture of social groups as the total set of beliefs, customs or way of life as particular groups, they more commonly employ more differentiated concepts such as ‘belief system’, ‘system of values’ or even ‘ideology’.”53 Gareth Morgan similarly defines culture as “the pattern of development reflected in a society’s system of knowledge, ideology, values, laws, and day-to-day ritual”54. It has been contended for some time both within management sciences and sociology that organisations possess their own culture, commonly termed ‘corporate culture’: Organisations are mini-societies that have their own distinctive patterns of culture and subculture ... Such patterns of belief or shared meaning, fragmented or integrated, and supported by various operating norms and rituals, can exert a decisive influence on the overall ability of the organisation to deal with the challenges it faces.55

Culture acts as a framework of common (shared or intersubjective) values, or rules, through which individual members of a social organisation give meaning to their interactions with other members of the organisation.

52 Kent, Anatomy of Disaster Relief, p. 15
53 Abercrombie, Hill & Turner, Dictionary of Sociology, p. 59
Organisational culture acts as a set of intersubjective rules through which members of the organisation ascribe meaning to their environment and their own behaviour:

[ organisational culture can be described as] basic assumptions and beliefs that are shared by members of an organization, that operate unconsciously, and that define in a basic ‘taken for granted’ fashion an organization’s view of itself and its environment. These assumptions and beliefs are learned responses to a group’s problems of survival in its external environment and its problems of internal integration.56

As such culture can be seen as performing a critical function in constructing the social reality of organisation. That is it constructs the identity of the organisation as a membership entity (something to which people belong), in which inclusion is dependent on observing the organisation’s intersubjective rules.57 Oxfam is not a membership organisation in the same sense as Amnesty International. Its members are those who participate in its humanitarian culture by demonstrating a commitment to the values, assumptions, and beliefs of the organisation, and who play a part in the formulation and implementation of policy and practices. In this thesis, Oxfam’s members are primarily assumed to be its staff and volunteers. Stakeholders, such as individual donors and recipients are not thought of as members, since the occasional giving of money or receipt of assistance is not necessarily the consequence of a commitment to Oxfam’s core cultural beliefs. Whilst the consent of both of these groups is central to the organisation’s capacity to undertake its practices, they cannot be said to play the same role in the formulation of policy as those within Oxfam’s formal organisational structure.

In Philosophical Investigations, Ludwig Wittgenstein at one point analogises social behaviour to playing a game of chess. In order to play a game of chess, one must understand both its constitutive rules, which “create the game by defining its purposes, its legitimate moves and the powers of its pieces,”58 and its regulative rules, which allow the player to decide between different moves within the structure of the game. These rules are necessarily intersubjective: unless both

57 This is not the only way to apply the cultural metaphor to the practices of INGOs; for a discussion of the impact of the Greco-Roman and Judaeo-Christian origins of ‘Western’ culture on INGOs’ development operations, see Mike Powell, “Culture: Intervention or solidarity?”, Development in Practice, 5, 3 (1995) pp. 196-206; for how these relate to Southern populations and cultures, see Shubi L Ishemo, “Culture, liberation, and development”, Development in Practice, 5, 3 (1995) pp. 207-215
58 Martin Hollis, The Philosophy of Social Science: An Introduction (Cambridge University Press, 1994) p. 152
players know and observe the rules, it is impossible for them to actually engage in a game of chess. Thus it is the rules of chess which constitute the 'social reality', or intersubjectivity of the game by allowing players and observers to understand in the same way which actions are possible, and which are not. It is these rules which give meaning to the moves made in the course of a game. To apply this analogy to broader forms of social action we can see that to understand why a particular actor behaved in a certain way, we must pay attention to the rules which constitute and regulate their behaviour:

Constructively speaking, the rules of any 'game' create an arena and give sense to what is said and done in it. Such arenas are not figments of the imagination, however. The constraints and enablements are real features of public life. ... For anyone learning to play a socially constructed game, there are rules to discover. If organisational culture is constituted by 'rules', we can speak of the culturally informed actions of the members of an INGO as being part of a 'game', or to use Wittengenstein's phrase, a "language game", which is specific to that particular organisation. As the term 'language game' suggests, this conception of social behaviour focuses on the language used to make particular forms of behaviour meaningful. For an INGO, its humanitarian culture is the set of rules which constructs its possibilities for action. Moreover, humanitarian culture ascribes legitimacy to its practices.

As this argument shows, for organisations which depend financially on voluntary contributions, and the voluntary labour of its members, the rules of an INGO's humanitarian culture legitimise its practices, and constitute its possibilities for action. In ascribing legitimacy to its practices, an INGO demonstrates that it deserves both the contributions of its donors, and the labour of its members. As such, economic or market based explanations of INGOs' behaviour take identities for granted. They must be supplemented by an understanding of how identities and interests are constituted and legitimised. An INGO's humanitarian culture performs a positive function for the INGO in allowing it's members to make decisions by deciding what is legitimate and what is not.

The rules of social organisations are neither as clearly nor permanently defined as that of a game of chess. Whilst the rules of chess may be 'written in stone', the rules of social interaction are not. Rules change as the range of permissible (or legitimate) actions change. This may be consensual or as a result of a contestation over the meaning ascribed to particular practices by the participants.

Particular rules may also be interpreted differently by different members of an INGO. Differing interpretations of a rule by members may result in a contestation over what forms of practice are permitted. Such contestations may result in changes to the dominant interpretation of the rule. This thesis will examine the development of Oxfam’s humanitarian culture as a series of interpretations, reinterpretations, and contestations of key organisational norms used to construct legitimate humanitarian practice. The rules of a language game are not as static as those of chess. It is only possible to understand how the rules of the game have shaped the behaviour of the participating actors by looking at their actions in a specific context, and how the context changes: The naming of a context is not static, but is part of an ongoing process. As a game unfolds, the relationship between the pieces and the range of possible moves is transformed. What is rational, and therefore realistic, from one position during a match, may become less so at a later stage as the configuration of the game changes. ... social reality, like a game, is constituted on the basis of rules, meaningful because of a history of past use, by which players know ‘how to go on’. The world is not simply given, and apprehended through observation, but is constituted, and made meaningful, as actors apply one set of distinctions as opposed to another.  

Identities and interests can only be understood as constituted by meanings ascribed on the basis of the social context in which action occurs. This emphasis on meaning leads Alexander Wendt to observe that “[i]dentities are the basis of interests. Actors do not have a ‘portfolio’ of interests that they carry round independent of social context; instead they define their interests in the process of defining situations.” Moreover, neither identity, nor interest, nor indeed context are defined objectively; that is actors do not test their perceptions of their interests against a ‘real world’. INGOs ascribe meaning to (or construct) their external environment, or context, on the basis of the meanings they ascribe to their own identity: “‘Our idea of what belongs to the realm of reality is given for us in the concepts which we use.’” As such, language games are not ‘closed’; in order to understand why actors behave as they do we must look at the way that they construct their own identities, interests, and the social context in which their behaviour occurs.

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63 See Fierke, “Multiple Identities”
Defining a context provides actors with a limited range of possible ways to act. Both intersubjective reality (the reality of the organisation, its structure, values, objectives etc.) and organisational reality (that is the world in which the organisation exists and the history of values and symbols associated with the relationship between the organisation and its environment) are constructed by members through common values and norms. This view of organisational reality being constructed through the use of intersubjective norms defines culture as being composed of rules, both formal and tacit, which govern the behaviour of individuals within a given society. The common value system which forms INGOs' humanitarian culture is manifested in the norms, rules, rituals, conventions and method governing all social interaction among the members of the INGO. It is in this way that humanitarian culture affects the INGO's conduct of emergency relief operations.

The work of Harold Garfinkel provides a useful way of understanding the role of context in constituting the meaning to social acts. Garfinkel's approach, known as ethnomethodology, understands social behaviour as being embedded in complex and often taken-for-granted patterns of intersubjective rules. Understanding a cultural act is dependent on sharing a background of 'taken-for-granted' cultural assumptions which provide the act with its particular context. The 'taken-for-granted' nature of cultural rules can lead members of an INGO to assume that the organisation's values are somehow 'natural' or universal; indeed this is the basis for the traditional behaviouralist explanations of practice discussed above. In trying to understand an instance of social behaviour, this approach asks the question 'What are the 'taken-for-granted' rules which inform the rationality of this particular action?'. It is this 'taken-for-granted' understanding of a particular setting that decides and shapes how we see events occurring there. Individuals give meaning to their own acts and the acts of others as they construct context:

human action in general is "rule-governed," which means that - with the exception of pure reflexes or unthinking conditioned behaviour - it becomes understandable against the background of norms embodied in conventions and rules which give meaning to an action. Thus, not only must an actor refer to rules and norms when

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66 Garfinkel, *Studies in Ethnomethodology*
68 Berger & Luckmann, *Social Construction of Reality*
he/she wants to make a choice, but the observer, as well, must understand the normative structure underlying the action in order to interpret and appraise choices. Norms are therefore not only “guidance devices,” but also the means which allow people to pursue goals, share meanings, communicate with each other, criticize assertions, and justify actions.69

As such this thesis centres its analysis of Oxfam’s humanitarian practices on the ‘taken-for-granted’ rules of the organisation’s humanitarian culture.

Ethnomethodological descriptions of social behaviour are *indexical*; that is to understand a particular utterance we must also understand the context in which it is uttered70:

An emphasis on indexicality leads us always to ask, when addressing some description or report, what is the context here? How is this description occasioned? An emphasis on reflexivity encourages us to consider reports and descriptions both in relation to the event of action they describe, and in relation to what they are doing. What actions are they part of?71

Hence when Oxfam issues an internal memorandum stating that it is concerned with human rights, it is doing this in the context of its own humanitarian culture. Moreover, such an act is *reflexive*, that is it is making the statement to a *purpose*, which is to encourage its members to think about Oxfam’s concept of humanitarianism in a certain way. To understand the statement that ‘Oxfam is an organisation concerned with human rights’ presupposes that its members have knowledge of its humanitarian culture so that they know the rules by which Oxfam constructs the concept of human rights. It is only through this knowledge that its members are able to understand both what the statement that ‘Oxfam is a human rights organisation’ means, and also to understand why the statement has been made:

A simple way of thinking about this is to consider that people do not use descriptions just for their own sake. Descriptions are performed as parts of actions which are, in turn embedded in broader sequences of interaction. The notions of reflexivity and indexicality are closely connected. Once you start to treat descriptive utterances as occasioned, you are ceasing to treat them as having a disembodied, abstract relation to some part of the world. Instead you are attending to how they are practically involved with ongoing activities.72

That this attribution of indexicality and reflexivity is often an unconscious, or “taken-for-granted”, process indicates the importance of culture in creating the day-

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69 Kratochwil, *Rules, norms, and decisions*, p. 11
71 Potter, *Representing Reality*, p. 66
to-day social reality of an organisation and its actions. Moreover it is through these processes that organisational identity is expressed and that an organisation constructs the context to its activities. Morgan explains this process of constructing context (what he describes as ‘environment’) thus:

we can understand the way an organization makes sense of its environment as a process of social enactment. Organizations choose and structure their environment through a host of interpretive decisions. One’s knowledge of and relations with the environment are extensions of one’s culture, since we come to know and understand our environment through the belief systems that guide our interpretations and actions.

Since it is the rules of an INGO’s humanitarian culture which construct its identity, it is by participating in an INGO’s humanitarian culture that its members are able to identify ‘legitimate’ human rights advocacy. The application of particular rules is hence contingent upon an INGO’s construction of its external context:

Before one can set out to play a game a decision has to be made about the particular game to be played or - more appropriate to a social context - one has to determine the type of context within which one is situated and the actions meaningful to it. In everyday social life, this process of naming happens as a ‘matter of course’.

Rules construct context, which in turn influences the application of the rules in the form of practice. To understand the meaning ascribed by INGOs to particular instances of practice, we must look not only to the rules of the game, but also the way the context of the action is constructed. Not only does an INGO “choose and structure”, humanitarian culture constitutes the possible moves.

It is this way that the context to social behaviour constrains and enables practice. Legitimacy enables Oxfam to act. Donors give money to Oxfam because they believe its actions to be legitimate. Moreover, since most of its activities occur outside the UK, in a very important sense its work is dependent on at least the sufferance of host states who have the coercive capability to end or restrict the organisation’s activities. As such, the rule of state sovereignty, when interpreted in a way which gives primacy to the ability of host governments to control the

73 Morgan, *Images of Organisation*, p. 128. See also Hollis & Smith, *Explaining and Understanding*, p. 90
74 Morgan, *Images of Organisation*, p. 136
conditions of access, operates as a key constraint on humanitarian practices. Thus the consent of the host government enables relief and development activities. In situations of civil conflict, armed opposition movements have the same ability to interfere in Oxfam's relief and development practices. Constraints and enablements also operate at a domestic level. As a charity constituted under UK law, Oxfam's activities are also constrained and enabled by the way the law is interpreted by the primary statutory body responsible for the oversight of British charities, the Charity Commissioners for England and Wales. Charity status gives Oxfam certain important tax exemptions, but also confers a degree of legitimacy with donors, which arises from the traditional function of charities in British society. Oxfam's humanitarian culture is embedded in both an international and a domestic context. Any interpretation of its constitutive rule is constrained and enabled by charity law and the sovereignty rule. Since public legitimacy its constituted by these rules, any challenge to them arising from Oxfam's humanitarian culture may risk this public legitimacy. This thesis will examine how external contexts have constrained and enabled Oxfam's humanitarian practices.

Following these external rules allows Oxfam to communicate the legitimacy of its identity as a humanitarian agency, and of its practices as humanitarian acts, to other actors. As the example of sovereignty shows, these actors' interpretations of contextual rules can constrain or enable the practices constituted by the organisation's humanitarian culture. The role of language is central to this process, since it is through language that actors describe both their actions and the 'social reality' in which this behaviour exists; that is, language makes actions meaningful. Context in this sense can hence be said to generate its own language. Language is as much an act, or an instance of practice, as to lift a hammer or to open a door. This understanding of language as practice leads to a further premise: Oxfam's advocacy activities are as much instances of 'practice' as its programme of operational activities in the field, since advocacy is by definition both reflexive and indexical.

Traditional positivist views of language regard words as relatively unproblematic labels to be applied to an objective world: "The whole notion that we can test a hypothesis relies on the assumption that the scientist can compare his statements with reality to see whether they correspond" 78. As constructivists argue however, the use of language is meaning laden. In order to understand the meaning of utterances

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78 Fierke, "Multiple Identities", p. 469
one must participate in the taken-for-granted understandings from which they arise; that is one must understand the language in which they are constituted:

Actors have to resort to norms when they want to air their grievances and establish the various obligations that result from general prescriptions and the utilization of certain speech acts\(^79\) ... In order to arrive at decisions which are not only based on idiosyncratic grounds but which command assent, such pleas will have to satisfy some formal criteria and certain substantive norms which are held in the society.\(^80\)

In this context, understanding the meaning of Oxfam’s humanitarian practices is dependent on an investigation into its humanitarian culture.

In Wendt’s terms, culture exists as an institution, that is it consists of “collective knowledge”. It is “experienced as having an existence “over and above the individuals who happen to embody them at the moment”\(^81\). It is this existence as a “supraindividual phenomenon”\(^81\) that allows membership of organisational culture to act as a source of social cohesion\(^82\). To be effective, the organisational culture must have authority. This authority comes from individual confirmation of the legitimacy of their organisation’s humanitarian practice through experience, and the acceptance of it by existing members of the organisation.\(^83\) Social interaction with other members of an organisation encourages individuals to adopt the common values, beliefs, norms and even the social reality of the organisation themselves:

interaction rewards actors for holding certain ideas about each other and discourages them from holding others. If repeated long enough, these “reciprocal typifications” will create relatively stable concepts of self and other regarding the issue at stake in the interaction.\(^84\)

It is in this way that individuals joining an organisation will acquire common organisational values in the performance of their roles as members of that organisation:

The particular perspective of an organization is constantly reinforced by its employees, or, if not, the employee may need to seek a position elsewhere.

\(^79\) Speech act theory “distinguishes between the locutionary dimension of an utterance (saying something), the illocutionary force of the utterance (doing something by saying something such as, for example, making an assertion, promise, etc.) and the perlocutionary effects of a statement (i.e., the impact it has on the hearers). These distinctions provide a framework for specifying the conditions under which communication becomes effective.” Kratochwil, *Rules, norms, and decisions*, p. 9

\(^80\) Kratochwil, *Rules, norms, and decisions*, p. 9


However, it is relatively rare for an organizational deviant to remain within the organization, for, by definition, the employee has committed him or herself to an organization because the rewards justify the adoption of an organization’s perspective, or because the individual really does subscribe from the outset to the organization’s values.  

The processes of inclusion into the INGO give members the ‘correct’ rules with which to construct legitimate practice. Over time, as more and more members are included into an INGO’s humanitarian culture so the process of socialisation becomes more entrenched, and the intersubjective meanings constituted by the culture acquire more power:

As [a humanitarian organisation] develops from the time of its original incorporation, the attitudes, beliefs, and behaviour of its personnel become established and routinized into rules, rituals, values, codes of conduct, and standard operating procedures. This culture is reinforced by new personnel as they progress through the coping process. At the same time, these cultural institutions shape the ways that new individuals learn to cope. The result is a dynamic evolutionary process, yet with a tendency to fortify institutional structures with an increasing permanence.

Hence new members may well bring new values and beliefs into an organisation. Where these are not consistent with dominant cultural norms, contestations may arise. Challenges to the dominant interpretations of cultural rules bring ‘taken-for-granted’ assumptions into the open, and force members to justify them. Successful contestations lead to change in the rule structure of an INGO’s humanitarian culture, creating new possibilities for action. A contestation which does not result in a change of meaning may lead to the social exclusion of those members who challenged the currently dominant meanings. Concepts of legitimate humanitarian behaviour constructed through an INGO's humanitarian culture serve both a symbolic organising function (in expressing group membership) and a policy formulation function by delineating what is legitimate and what is not. Being a member of Oxfam is predicated upon the use of the organisation’s humanitarian culture in making decisions. Although rules may be variously interpreted or contested, the resulting form of the rule will exercise power in the construction of legitimate humanitarian practice.

If the process of ascribing meaning through culture is so often enacted through ‘taken-for-granted’ understandings, how are we to uncover the rules of an INGOs internal humanitarian language game? Practice is constituted by complex patterns of intersubjective meaning. Understanding the indexicality and reflexivity of actions is contingent on knowledge of these patterns of meaning. As such we are

85 Kent, *Anatomy of Disaster Relief*, p. 148
86 Walkup, “Policy Dysfunction in Humanitarian Organizations”, p. 47
confronted with the problem of getting behind the 'front stage performance' in attempting to uncover INGOs' humanitarian cultures. The key to resolving this problem lies in the intersubjective, or shared aspect of meanings communicated in social action.

Oxfam’s members justify their actions as legitimate through recourse to the rules of their humanitarian culture, because this is the source of intersubjective meanings within the organisation. Since communicating the legitimacy of actions is dependent on observing the rules, members can only communicate the meaning of their actions to other members in the context of their common membership of Oxfam. To understand the meanings members ascribe to their actions, it is necessary to understand the public rules which constitute these meanings:

If membership of a social group is a source of reasons for action, and if actors engage in social events solely as members of groups, then access to other minds is through the rules constituting the groups. In that case, to be rational is to act from reasons taken from stock and applied to new situations which actors face in a social capacity. To reconstruct where people are going, we need to know where they are coming from.

This approach is especially fertile for anthropology, since it allows an outsider to find another culture rational without insisting that its members must be maximizing some kind of pay-off. It supposes that there is a great variety of social and intellectual frameworks, each allowing the members to make sense of their world and find their way about in it. By drawing on their cultural stock of rules and reasons, they know 'how to go on'.

To extend an analogy used by Steve Smith and Martin Hollis in *Explaining and Understanding International Relations*, Juliet may never 'know' the detailed nuances of Romeo's words and glances when he courts her. She can however understand their public meaning, because both she and Romeo subscribe to the same intersubjective culture of Veronese courtly society at the time in ascribing public meanings to social acts. By applying the rules of Veronese courtly love, Juliet is able to understand Romeo's glances and statements. Any other member of Veronese courtly society who was privy to the context of Romeo's behaviour (i.e. the interaction between the two characters up until the point of Romeo's actions) would also understand their meaning. What we actually see in Shakespeare's *Romeo and Juliet* are scenes and dialogues involving the two characters which symbolise the rules constructing acts of courtly love in Elizabethan English society; not only do Romeo and Juliet understand the intersubjective meanings to their acts, so do the audience.

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87 Smith & Hollis, *Explaining and Understanding*, p. 188
Clifford Geertz also suggests that the key to the study of culturally informed behaviour lies in the intersubjectivity, or public nature, of culture. He cites the example of winking. For a wink to be distinguished from a twitch, the person doing the winking ('winker') and the person being winked at ('winkee') must both understand that what may plausibly be described as a contraction of the eyelid, is actually a wink, and hence conveys a message. Winker and winkee engage in a discourse in the course of formulating, executing, and understanding the wink. Since ascribing meaning is a public act, culture is also public. The task of the anthropologist is to distinguish winks from twitches through “thick description”; that is constructing the meaning given by actors to their interaction through an interpretation of the social discourse being observed: “Cultural analysis is (or should be) guessing at meanings, assessing the guesses, and drawing explanatory conclusions from the better guesses, not discovering the Continent of Meaning and mapping out its bodiless landscape.” The task is not to ‘recreate’ the entire cultural interaction, “taken-for-granted” understandings and all, but rather to detect in particular instances of action broader patterns of significance. Hence a “thick description” of Oxfam’s activities in a particular relief operation will not reveal the whole of Oxfam’s humanitarian culture. It will however serve to show how Oxfam’s humanitarian culture constructed the choices available to it in that particular relief operation:

In order to understand what is being done (or has been done) the investigator must understand the language of the actors, and, in order to do this, she must understand as a whole the social practice within which the action takes place. This in turn requires that she understand the value systems of those active in the practice.

If we assume that particular actions are “cultural artefacts” (that they derive their meaning from Oxfam’s humanitarian culture), then it is possible to deduce the broader patterns of meaning which construct its behaviour from a detailed and close inspection of these actions: “The aim is to draw large conclusions from small, but very densely textured facts; to support broad assertions about the role of culture in the construction of collective life by engaging them exactly with complex specifics.” These conclusions do not have the status of ‘fact’. The observer is not in a position to ‘test’ her conclusions against a ‘true’ account of Oxfam’s culturally informed

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88 Clifford Geertz, *The Interpretation of Cultures* (London: Hutchinson, 1973)
89 Geertz, *The Interpretation of Cultures*, pp. 6-7
90 Geertz, *The Interpretation of Cultures*, p. 12
91 Geertz, *The Interpretation of Cultures*, p. 20
92 Geertz, *The Interpretation of Cultures*, p. 28
93 Frost, *Ethics in International Relations*, p. 34
94 Geertz, *The Interpretation of Cultures*, p. 28
behaviour. What she can do is construct a pattern of meaning based on an analysis of the public justifications for Oxfam's behaviour:

Our double task is to uncover the conceptual structures that inform our subjects' acts, the "said" of social discourse, and to construct a system of analysis in whose terms what is generic to those structures, what belongs to them because they are what they are, will stand out against the other determinants of human behaviour. In ethnography, the office of theory is to provide a vocabulary in which what symbolic action has to say about itself - that is, about the role of culture in human life - can be expressed.95

A thick description of Oxfam's humanitarian culture is made possible by the fact that to some extent it is possible to turn both to its public justifications (in the form of press releases, published accounts, and media accounts96), and to internal justifications of their actions (in the form of internal documents and the memories of members of the organisation who were actually involved in various relief operations over time). Key serving and former Oxfam staff members have been interviewed for this thesis. Two types of interview were conducted, structured and unstructured. In the case of the structured interviews, questions were sent in advance to the interviewees (see Appendices A to F). The unstructured interviews took the form of broad conversations. Most interviews were taped, and written records were kept in all cases.

A key source for the first part of the thesis is Maggie Black's book *A Cause for Our Times: Oxfam, the First 50 Years*97. In particular, Part One of the thesis extensively cites Black. She is a former Oxfam employee and had wider access to archive material in researching her book than it has been possible to make available for this thesis. Her book is thus necessarily a central source in this account of Oxfam's cultural development. Primary source material has been used in preference throughout. Wherever possible Black's work has been cited when it has been supported by secondary sources or consistent with primary source material. Although extensively researched, *A Cause for Our Times* does not seek to understand Oxfam's history from a cultural perspective concentrating on humanitarian relief. Rather it is concerned with telling the story of Oxfam in all of its various aspects and contexts. Moreover her history of the organisation effectively ends with the end of the Cold War since the book was published in 1992. This thesis brings the history of Oxfam forward four years. In doing this it

95 Geertz, *The Interpretation of Cultures*, p. 27
96 Media accounts primarily take the form of newspaper articles which are written by, quote, and cite Oxfam staff, and occasionally staff from other agencies.
understands how Oxfam’s changing humanitarian culture has constituted its practices in post-Cold War crises, and in the context of wider changes in the normative international context.

3. CHAPTER OUTLINE

This thesis does not seek to provide a comprehensive or holistic history of Oxfam’s humanitarian relief activities. The focus of the thesis is the process of normative change which has produced Oxfam’s concept of the legitimate use of force in defence of humanitarianism and human rights in the wake of the Cold War. Specifically it traces the themes of human rights, development, and state sovereignty through key moments of cultural development. Issues of human rights, development, sovereignty have been prominent in many of Oxfam’s relief operations. This thesis is concerned with normative change. The case studies selected show how the organisation’s humanitarian norms have constituted its practice in these areas differently over time. They also show how the development of these practices have been constrained and enabled by external contexts. A comparative analysis of these cases charts the process of normative change in Oxfam’s humanitarian culture which led to its calls for humanitarian intervention after the end of the Cold War. To this purpose, the following six empirical chapters address three central questions:

- How has Oxfam’s humanitarian culture constituted its identity and interests, and how have these in turn made particular actions possible?
- How has Oxfam’s humanitarian culture changed, and how has this made new practices possible?
- How have changing domestic and international contexts constrained or enabled Oxfam’s humanitarian practices?

The thesis is divided into two parts, which form the basis of the comparative analysis of Oxfam’s humanitarian culture. Part One is an analysis of the process of cultural change between 1942 and 1991. Chapter Two begins the ‘thick description’ of Oxfam’s humanitarian culture. It outlines how the organisation was created as an expression of the shared values of its founding members, and as a challenge to the legitimacy of the Allied blockade of occupied Europe during World War Two. This chapter hence establishes the core rules of Oxfam’s humanitarian culture and how these enabled the expansion of its activities outside Europe after the end of the War. This expansion formed the basis of the legitimisation in the organisation’s humanitarian culture of its growing role in the longer term relief of human suffering through development. The increase in
Oxfam's development activities led to an attempt to shift its public identity as an agency concerned only with emergency relief, to include concepts of macro-economic development. Throughout the 1960s Oxfam began to devote an increasing amount of effort and resources to establishing the public legitimacy of its development and relief practices through a more conscious use of the British media, and gradually increasing public education activities. Chapter Two then examines the key internal contestation of the legitimacy of Oxfam's developmental practices at the end of the 1960s by the growing radical constituency amongst its members.

Chapter Three begins with an analysis of how Oxfam's humanitarian culture constituted its practices differently in two major humanitarian emergencies, in Biafra between 1967 and 1970, and in East Pakistan in 1970. It explores Oxfam's experiences in the relief of the Biafran emergency, and how it responded to the Nigerian government's challenge to the legitimacy of its humanitarian practices. Oxfam challenged the exercise of sovereignty by the Nigerian government in constraining the organisation's capacity to initiate and maintain relief operations in the country. This chapter looks at how the Biafra experience led to changes in the organisation's practices in the context of the massive refugee flows and systematic human rights abuse arising out of the secessionist war in East Pakistan. The chapter then examines the aftermath of the internal contestation discussed in Chapter Two in terms of the development of its humanitarian culture to enable more radical development activities. This is understood as a continuing radicalism of staff in the UK, and of the organisation's experience of political repression by authoritarian governments in Latin America. The chapter examines how Oxfam responded to public challenges to the legitimacy of its growing concerns with social and economic rights and justice in the late 1970s. It concludes by examining the organisation's involvement in the relief of the emergency in Cambodia following the Vietnamese invasion in 1979. This chapter attempts to understand how Oxfam's practices in Cambodia were constituted by the core rules of its humanitarian culture in the face of massive operational difficulties and public opposition from Western aligned states.

Chapter Four, which concludes Part One of this thesis, begins with an examination of the important structural changes which followed the replacement of Leslie Kirkley, Oxfam's first Director, by Brian Walker in 1974. Walker's incumbency saw the organisation's shift towards more radical development advocacy to address issues of social and economic rights and justice in particular
operational contexts including southern Africa and the Occupied Territories. Oxfam's legitimisation of the promotion of socio-economic rights constituted growing and more prominent advocacy on issues of civil-political rights arising out of repression and persecution in southern Africa. This is understood in terms of a series of internal debates over the legitimacy of publicly addressing the suffering caused by apartheid, culminating in the adoption of a pro-sanctions position in 1987. Chapter Four concludes by examining how the legitimacy of Oxfam's advocacy on the abuse of civil and political rights was challenged and effectively constrained by the Charity Commissioners for England and Wales in 1990 and 1991.

Part Two of the thesis examines how Oxfam's humanitarian culture has changed as a consequence of the end of the Cold War. Chapter Five opens Part Two and examines how the changing international context has enabled the organisation to promote its humanitarian values and practices. This is illustrated by a study of the organisation's practices in northern Iraq. In particular, it focuses on Oxfam's private lobbying for military intervention to protect human rights and facilitate relief operations. Chapter Five also examines how the international community chose to affirm the emergence of stronger concepts of humanitarian access and protection, primarily through the organs of the UN.

Chapter Six is a case study of Oxfam's practices in the relief of the emergency in Somalia following the final collapse of the Barré regime in 1991. The Somalia operation illustrated starkly the dilemmas for both Oxfam and the international community in the convergence of post-Cold War humanitarian challenges and opportunities. This chapter follows these two themes in analysing Oxfam's practices. The operation was particularly traumatic for the organisation's as a result of intense operational difficulties and chronic insecurity. This chapter locates its public call for military intervention as a development of its advocacy during the Kurdish crisis, and in the wider context of a greater willingness by the international community to use military means to secure humanitarian protection.

Chapter Seven, concludes the thick description of Oxfam's humanitarian culture. It begins with an analysis of the construction of a qualified concept of legitimate humanitarian intervention as a consequence of its experience of the failed intervention in Somalia. This chapter frames Oxfam's activities after the end of the Cold War as an attempt to comprehensively engage the challenges of both complex humanitarian emergencies and the legitimacy and prominence of its
developmental activities. It examines the organisation's practices in the relief of the emergency in the African Great Lakes region following the Rwandese genocide between April and December 1994. Particular emphasis will be placed on understanding how these practices were constituted by the development in Oxfam's humanitarian culture of a concept of legitimate humanitarian intervention reflecting the lessons of the Somalia emergency. The story of the Rwandese genocide did not end in December 1994. Indeed it has continued into the story of the rebellion in Zaire against the Mobutu regime, and more recently in the rebellion against its successor, the Kabila regime. By December 1994 however, the largest refugee flows out of Rwanda had ended, and the emergency in the Zairean refugee camps which had arisen from the conditions of flight of the refugees had largely been stabilised. It is after this time that both the genocidaires in the refugee camps and the RPF began to become active participants in Zaire's ongoing civil wars, leading to a new and more complex stage of the refugee crisis.
Part I: The development of Oxfam's humanitarian culture

Chapter Two

Greece to Stacey

This chapter is the first in a 'thick' description of Oxfam's humanitarian culture. It provides a broadly chronological outline of how the rules which lie at the centre of Oxfam's humanitarian culture have developed between the creation of the Oxford Committee for Famine Relief in 1942 and the departure of the then Deputy Director, Nick Stacey in 1970. It outlines themes in the development of Oxfam's humanitarian culture and the practices which arose from this culture. It considers how particular rules have been incorporated into the organisation's humanitarian culture and what practices have arisen from them. It also considers how these rules have developed, and what effect this has had on Oxfam's practices.

This chapter is divided into two sections. The first discusses the creation of the organisation as an expression of the shared values of its founders. It then describes the consolidation and development of its primary identity as a emergency relief organisation, and the ways this identity was presented both within the organisation and externally to its donors. The second section considers Oxfam's growing involvement in longer-term relief and development activities, and how these practices arose from the development of its humanitarian culture. It ends by describing the key contestation of the organisation's humanitarian culture by Nick Stacey at the end of the 1960s.

1. 'TOTAL WAR' AND THE OXFORD COMMITTEE FOR FAMINE RELIEF

After Axis forces overran Europe in 1940, the western Allies pursued a policy of 'Total War' against them. Part of this policy involved a complete social, diplomatic and economic blockade against all territories under Axis control. The effect of this blockade was to create severe famine in many areas of Europe whose communication with their economic hinterland had been destroyed or disrupted.
during the Axis advance. Greece in particular saw large scale suffering. It had been dependent on imported food in peacetime and the fighting had severely damaged the road system linking the agricultural north to the more harsh and rocky south. Moreover, the suspension of shipments from Britain as a result of the economic blockade led to acute food shortages, particularly in the area round Athens, where 200,000 people starved to death over the winter of 1941-1942. When news of the Greek famine reached Britain through Free Greek organisations and the Greek Red Cross, groups of individuals organised local Famine Relief Committees which were affiliated to a national Famine Relief Committee in London. The objective of this movement was to campaign for the exemption of food and emergency supplies from the blockade, and to collect money against the time when such relief would be allowed by the Allied governments.

Many of the religious leaders, Quakers, pacifists and Idealists who characterised the membership of the various local committees were also opposed to the war. Some had been part of the movements for disarmament and internationalism that followed the First World War. As such their views were unpopular amongst many at a time when huge efforts were being put into mobilising the British population to fight the war;

Sentiments about our membership of ‘one humanity’, the idea of a new world order based on common understanding between peoples, had become unpopular to a degree unthinkable a few years earlier. Their advocates, so recently in the philosophical mainstream, now needed courage to stand up for their principles against the blacker side of the bulldog spirit Churchill had so successfully conjured among his compatriots.

The Oxford Committee for Famine Relief was formed on 5 October 1942, in the Old Library at St Mary-the-Virgin Church in Oxford at meeting called by the Rev. T R Mitford. Speaking of the founders of the Oxford Committee, Maggie Black, Oxfam’s biographer, describes them as people whose outlook had been strongly influenced by the ideals of international understanding to which the carnage of the first World War had given birth. The ‘internationalist’ ideology to which they all subscribed had launched the League of Nations and, in Britain in the 1920s and 1930s, a ferment of movements and societies dedicated to brotherhood and peace.

Cecil Jackson-Cole, the Oxford Committee’s honorary Secretary, described the Committee as a “political protest group” at its inception. It only began to collect funds to aid in the relief of occupied Europe as a positive contribution towards its

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99 Black, *Cause for Our Times*, pp. 10-11
100 Although the Oxford Committee for Famine Relief would not be officially known as ‘Oxfam’ for some time, the Oxford Committee will be referred to as Oxfam.
101 Black, *Cause for our Times*, p. 1
main objective, establishing the principle that there was a primary duty to relieve suffering\textsuperscript{102}. Philippa Foot, a long time member of Oxfam and friend of Gilbert Murray (a founder member of Oxfam) emphasises the informality and congeniality of the group ("At the beginning Oxfam was simply a little group of people"\textsuperscript{103}).

Their appeals were denied by Allied leaders, most vehemently by Winston Churchill, who cited the responsibility of the occupying powers under the Hague Convention for the welfare of civilians in occupied territories. Churchill also claimed that any relief sent would be diverted to the Axis war effort, although there was no evidence of this where relief efforts had been organised within the blockade area, for example, by the Turkish Red Crescent and Swiss and Swedish Red Cross Societies. In the event, only a few very limited shipments of emergency food and medical supplies were ever allowed through to Greece and other famine-stricken parts of occupied Europe\textsuperscript{104}.

The initial membership of the Oxford Committee had been drawn from many different constituencies both religious and secular, and representing a multitude of political opinions and social classes:

In the early days ... what made the Oxford Committee for Famine Relief so distinctive in its ethos was that it cut across the (surely rather awful) English class system. Strongly non-conformist, Oxfam was not, like so many charities of the time, what one might call 'gentry-based'. There was, indeed, one Colonel, who came to meetings in uniform; but Colonel Widdowson was a Colonel in the Salvation Army.\textsuperscript{105}

Individually they had coalesced around their shared opposition to the suffering caused by the policy of Total War. Black describes this as an espousal of "humanitarian neutrality"; "This principle states that the needs of innocent men, women, and children involuntarily caught up in war transcend the political divide."\textsuperscript{106} 'Neutrality' in this context is an over-used term and too imprecise to serve as a useful way to separate Oxfam from many of the other INGOs that existed in 1942 (or today). It must be considered in the particular context of the campaign to relieve famine-stricken occupied Europe to be regarded as an core cultural understanding particular to the original Committee. Oxfam was formed in the context of a long

\textsuperscript{102} Cecil Jackson-Cole, Part Memoirs of C. Jackson-Cole Covering the Earlier Period of Oxfam, dictated to his secretary Joan Wimble at Amulree III, The Ipswich Hospital, Heath Road Wing, Ipswich IP4 5PD, and sent to Oxfam on 8 November 1978, Oxfam Archives (henceforth OA)


\textsuperscript{104} Black, Cause for our Times, pp. 7-8

\textsuperscript{105} Foot, "Justice and Charity", p. 5

\textsuperscript{106} Black, Cause for our Times, p. 2
Chapter Two: Greece to Stacey

history of charitable activity in Britain\(^\text{107}\). Charitable giving and activities were archetypal of the moralistic philanthropy of the Victorian period that had given rise to various British social movements and causes from temperance and factory schools, to parliamentary reform and the Salvation Army. This had arisen from a tradition of paternalist capitalism which revolved around the idea that wealth brought with it a moral responsibility towards the ‘deserving poor’: that is those sections of the poor who deserved to be morally and materially ‘saved’ by virtue of their willingness and desire to be saved\(^\text{108}\). Charities had not been confined to activities within the UK. Missionary movements in particular had been powerful sources of legitimacy (and censure) for imperial expansion throughout much of the seventeenth and eighteenth century. Church based organisations had until the formation of the United Nations been the principle source of non-governmental international relief aid. By 1942 there were also a number of secular INGOs, principally the British Red Cross, and the Save the Children Fund (SCF)\(^\text{109}\). Both these organisations had remained publicly silent on the legitimacy of the Allied blockade and confined their operational activities to within the UK, although SCF had published accounts of the suffering in occupied Europe\(^\text{110}\). For the multi-denominational (and indeed secular) membership of the various Famine Relief Committees, there was no other organisation through which they could have both publicly and collectively undertaken such advocacy and fund-raising activities. Oxfam’s humanitarian culture (such as it was) in 1942 constructed legitimate humanitarianism as being opposed to the policy of denying relief to suffering civilians in Europe. Moreover, the moral imperative to provide relief arose from a sense of duty towards the welfare of others that the members shared in their various ideological forms (religious and secular).

The Oxford Committee had been founded as a challenge to the legitimacy of the Allied blockade. Oxfam did not reflect the entirety of all their values; for example, although there were pacifists among them, there was no stance taken on the morality of the military conduct of the war. Oxfam was not founded on the


basis of the existing normative international framework of humanitarian rules, principally the Hague and Geneva Conventions. Indeed, Churchill had made claims to the legitimacy of the blockade on the basis of these rules. Rather, the values of the Committee’s founders found common expression in a challenge to this argument, on the basis of a shared moral duty towards the welfare of suffering civilians in wartime Europe. It was this value which constituted the practice of attempting to relieve such suffering.

1.2 POST-WAR RELIEF AND EXPANSION BEYOND EUROPE

In the wake of the war the Oxford Committee for Famine Relief began to address the task of relieving the suffering resultant from the devastation wrought by the Allied campaigns through Europe. The Committee’s first major post-War fund-raising campaign was in response to the continued suffering of European refugees. It was at this time that the organisation first began to be popularly known as ‘Oxfam’ as a contraction of the Committee’s full name to reduce the printing costs of advertising. Germany and Austria had been the scene of some of the most intense fighting and had consequently suffered severe damage to civil infrastructure. Public utilities had been destroyed and huge numbers of people had been displaced, particularly in the face of the Soviet advance in the east. There was however resistance from the British government to Oxfam’s calls to relieve the suffering in Europe, particularly in former enemy states, when essential goods were still being rationed in Britain.

Oxfam had been founded to relieve the suffering caused by the destruction and displacement of the war. The end of the war did not lead to an end to this suffering. As such, and despite the surrender of Axis forces in Europe, the calls on the Committee’s founding values remained as strong as they had during the war. The Allied blockade had precipitated the creation of the Committee and its humanitarian culture. With the end of the war, the basis for the legitimacy of its practices was the continued suffering in Europe. So long as this persisted, the organisation’s activities continued to be legitimate. As such continuing its work in Europe was a logical and uncontested extension of the construction of legitimate humanitarian activity which had formed the basis for the Oxfam’s work during the War. By the end of 1945 there was a compromise with the government which permitted them to collect a limited amount of food donated by British civilians and distribute it to suffering people in Europe.

111 Black, *Cause for our Times*, p. 35
112 Black, *Cause for our Times*, p. 28
For much of the initial post-War period, and despite the creation of the UN, NGOs and INGOs bore much of the cost of emergency relief\textsuperscript{113}. Oxfam’s main role at this time was to channel the funds and material (mainly clothing) it raised in the UK to expatriate organisations (mainly religious INGOs such as the Friends Relief Society (FRS), and the Lutheran Relief Fund) and individuals who were engaged in specific projects:

It was from the beginning a ‘donor’ body. Its ideology held that the giver of money, goods or of time, fulfilled a mission as spiritually significant as that of the relief worker. The quest was always for sound and reliable practitioners to use money and relief goods on the donors’ behalf, to provide the essential link between the funds Oxfam could raise and the suffering it wanted to alleviate.\textsuperscript{114}

Oxfam’s activity took place almost exclusively within the UK, and its oversight of the money and material contributed by donors was limited to reports the organisation received from the recipient organisations and individuals. Oxfam’s humanitarian culture was based more on the idea of a moral duty to provide relief than any coherent idea of what was to be achieved by this relief:

Oxfam had not yet completed its metamorphosis from the very simple and straightforward role of overseas conduit for compassion. The Committee was essentially an almoner, selecting charitable good works on behalf of donors at home, and communicating back the ‘good news’ about what their gifts had done ... Searching questions about the way a programme was being run and its relevance to the overall picture of need were not yet part of the organisational vocabulary.\textsuperscript{115}

By 1948, western European states had begun the process of economic and capital reconstruction and political rehabilitation under the tutelage of the Marshall Plan. The FRS, which had been the main recipient of the Famine Relief Committees’ funds, wound up its operations. A debate began Oxfam over whether to follow suit. This was the first significant discussion of the organisation’s role since its creation. It decided to carry on largely through the efforts of Cecil Jackson-Cole, the Committee’s Honorary Secretary. Jackson-Cole, a charismatic and energetic (not to say temperamental) and extremely wealthy Quaker businessman, saw a role for Oxfam in relieving suffering throughout the world. Humanitarian suffering arising out of warfare and ‘natural disasters’ was not confined to Europe, and the moral duty which had formed the basis of the organisation’s creation could not be restricted to operations in Europe. The argument was presented not as a challenge to Oxfam’s humanitarian culture at the time, but as an affirmation. The proposal that the organisation should extend its practices outside Europe (i.e. change the practice hitherto constituted by its

\textsuperscript{113} Black, \textit{Cause for our Times}, p. 52
\textsuperscript{114} Black, \textit{Cause for our Times}, p. 37
\textsuperscript{115} Black, \textit{Cause for our Times}, p. 60
humanitarian values) was not a contestation, either of the legitimacy of its existing practice, raising funds for relief in Europe, or its constitutive rule, that it had a duty towards the relief of suffering. Rather, Jackson-Cole sought to extend this duty beyond those in Europe. Continuing and extending operations would affirm its values, by demonstrating a consistent application of the duty to provide relief on the basis of humanitarian need. Providing relief outside Europe would be as legitimate an activity as the relief of the suffering of European civilians. Jackson-Cole’s position was supported by a number of other influential members of the Oxford Committee including Gilbert Murray, Master of Balliol College, Oxford University. Whilst many other local Famine Relief Committees dissolved themselves, Oxfam continued to raise funds and collect clothes to send to various local NGOs engaged in the relief of European refugees. The legitimacy of the organisation’s existence had been founded on the basis of humanitarian need in Europe. The success of its appeals confirmed this legitimacy both culturally and publicly. As such the strength of this public legitimacy constituted by its donor support, formed the basis of this expansion:

On 30 September it resolved unanimously that, in Milford’s [Rev. T R Milford, a founder member of the Oxford Committee] own words, ‘there could be no reason for stopping while human need remained. Suffering caused by the war had opened the way for a flood of goodwill which must try to meet need anywhere however caused’. The decision to not only remain in existence but to extend its activities outside Europe was hence a consolidation of the constitutive rule which had brought Oxfam into existence; the moral imperative to relieve suffering.

As its contribution to the relief of the European refugee crisis continued, Oxfam became involved in the relief of refugees escaping from other wars around the world117. The first crisis to attract its attention was in the Middle East after the creation of Israel as thousands of Arab refugees began to flee the newly formed state. This in turn was overtaken by the crisis of refugees in Hong Kong escaping the civil war in China. To facilitate this increase Oxfam had to redraft its constitution to state that its aims included “the relief of suffering arising out of war or any other cause in any part of the world”118. “From then on, any idea of closing down faded into the background. Whether they realised it or not, the Committee had set the foundation for a widening overseas programme, [and] with it the need for expansion at

116 Ben Whitaker, A Bridge of People: A Personal View of Oxfam’s First Forty Years (London: Heinemann, 1983) p. 18
118 Oxfam, A Brief History of Oxfam, Oxfam Information Department (henceforth OID), SB/PR, November 1980, OA
Oxfam was very much an emergency relief agency at this time. The creation of the organisation had been in response to an emergency situation, and the majority of its activities throughout the 1940s and 1950s were concerned with emergency situations, most characteristically the relief of large scale refugee flows. Again this was consistent with the centrality of the moral imperative to provide relief.

As the organisation became involved in more and more crises it began to receive growing levels of donations to support these. Oxfam found itself expanding to meet the growing demands this placed on the organisation. A premises at 17 Broad Street in Oxford had been acquired in 1947 to house a gift shop and office, and a permanent manager had been appointed in 1949. The most important appointment the Committee made was in 1951, when Jackson-Cole recruited H Leslie Kirkley to the post of General Secretary (later re-designated Director General) to oversee the day-to-day running of Oxfam. Kirkley held this post for twenty-five years and played a pivotal role in the growth of the organisation and the consolidation and development of its humanitarian culture. It is difficult today to find anyone who knew or worked with Kirkley who has anything detrimental to say about him. Malcolm Harper who worked for Oxfam throughout the 1960s, 1970s, and early 1980s remembers Kirkley thus:

"In my opinion, in a way, the greatest person in Oxfam's history was Leslie Kirkley. I was young when he employed me and I had a great affection and respect for him as I was his personal assistant for eighteen months, so I got to know him very well. He was in the right sense of the word a superb manipulator. He engendered enormous loyalty amongst the staff."

In the wake of World War Two there had been a real need to provide refugees and displaced people in Europe with basic material possessions such as clothes, which had been destroyed or which they had had to abandon during their flight. Clothing appeals had in fact been a common part of INGOs' emergency relief before the War, and so the practice was easily included as part of Oxfam's activities. Post-War clothing appeals for European refugees had been very successful, despite being mounted at a time when many forms of rationing were still being enforced, and most British people were very aware of shortages in material necessities. Since then donations of clothing had increased rapidly. However, as Oxfam's operations expanded outside Europe, supplies of used

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119 Stamp, Oxfam and Development, p. 2
120 Black, Cause for our Times, p. 33
122 See Freeman, If Any Man Build, Breen, interview
northern European clothing became less useful. Shipping clothes to the scene of the emergency also cost a lot of money, and their supply was arguably less useful than direct cash grants to relief agencies in the field, who could then use the money to buy more appropriate local supplies. When, in 1956, the storage facilities for the clothes collected by Oxfam was closed, the issue of the group's policy on clothing appeals was raised. Whilst it would have been difficult to justify abandoning the policy entirely, Kirkley was in favour of emphasising the grant-aided projects (the channelling of cash rather than clothing towards relief projects). Clothing appeals however were symbolic of the origins of Oxfam as a popular expression of a moral duty towards the welfare of others. Moreover, they were perceived as being central to the organisation's identity as a relief agency, and in any case were a simple expression of donor compassion; "Clothing appeals were deeply entrenched in the Oxford Committee's modus operandi, even its identity." Jackson-Cole advanced a pragmatic reason to retain the policy; each item was given a monetary value in Oxfam's accounts, and so served to make the group's administration costs appear lower than they were. In the event the policy of clothing appeals remained a central element of Oxfam's activities and the organisation took over the clothing warehouse itself. Indeed, Jackson-Cole expanded the activity at local group level as a means of raising the organisation's profile and hence attracting more cash donations.

The maintenance and use of clothing appeals was more than simply a matter of creative accounting. Clothing cost money to collect, process, store, and distribute. It was also increasingly being found to be inappropriate to many emergency situations. Oxfam's decision affirmed the importance within the organisation of maintaining the public legitimacy of its activities. Minimal expenditure on administration was felt to be an important part of this. Equally importantly, and bearing directly on its role in publicising Oxfam's work, it was a popular means for donors to affirm their approval of the organisation's public identity. Since the public identity was constituted by the rule that Oxfam had a duty towards the welfare of suffering populations, clothing appeals were a source of public legitimisation of the organisation's humanitarian culture.

Throughout the 1950s, despite some occasional and small operational presences in emergency relief operations, Oxfam remained essentially a donor

\[123\] Black, Cause for our Times, p. 55
organisation, channelling funds to other organisations. The vast majority of its activities were concerned with the amelioration of emergencies. More and more of these were occurring outside Europe, and most followed or accompanied war. The many wars of independence occurring throughout Asia and Africa caused large refugee flows and suffering. International relief organisations were present at most of them, and Oxfam in particular was beginning to build up a degree of technical expertise in providing relief. The war for independence from French rule in Algeria began in 1954 and by 1957 130,000 refugees had been displaced to Morocco and Tunisia where supplies of food were low, and sanitary conditions in the refugee camps had reached crisis point. Oxfam despatched supplies of clothing, footwear and baby food to the nascent Moroccan and Tunisian Red Crescent Societies and the few other relief agencies at the scene. The supply of these items was increasingly becoming a standard feature of the Oxfam’s relief activities and owed much to their experience of post-War European relief. The growth in the size and scope of the organisation’s activities had occurred in a largely ad hoc manner. Oxfam had grown as each emergency it publicised led to an increase in income. Although this funding did tend to decline somewhat as emergencies subsided or donor attention shifted elsewhere, levels of income rarely returned to previous levels and usually left Oxfam with a net increase in income. The organisation itself was small, consisting of the volunteers (who did the fund-raising, and sorting and collection of relief goods), the members of the Executive Committee, and a few paid staff. Kirkley’s style of management had been very loose and informal reflecting the size of the organisation, but most importantly a concern that Oxfam be flexible enough to be able to expand or extend its activities as new calls were made on its humanitarian values: “He was a very pragmatic person ... he was a man of his time in a sense. But where he was incredibly astute, and he really used to wear a woolly cardigan, under a woolly exterior, was at using opportunities to take Oxfam forward.”

Culturally Oxfam remained dominated by the concept of a duty to relieve immediate life threatening suffering. The identity of the organisation was constructed by its members essentially as a means of stimulating public concern for suffering overseas, and then to act as a response mechanism for that public concern. Little attention had been given to the effects of this aid. Although the

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124 Black, *Cause for our Times*, p. 60; Most of these presences took the form of a single member of Oxfam (often Kirkley) at the emergency scene to organise and dispense funds to ‘appropriate’ local relief schemes.

125 Black, *Cause for our Times*, p. 54

126 Elizabeth Stamp, interview, Oxford, 11 June 1996
debate over clothing appeals had raised this question to some degree, it was left up to the organisations to whom the relief was channelled to ensure its suitability and effectiveness. In effect, Oxfam’s responsibility was seen to end with the despatch of aid. It was not until the organisation itself began to be operationally involved in the direct provision of relief in the field that these practices came to prominence within Oxfam. Hence whilst technical experience was beginning to enhance its relief mechanisms, the organisation’s identity was still dominated by the same practices which its founders had sought to undertake in 1942. Only with the involvement in the relief of longer term suffering in the 1960s was there a development of the rule that the principle function of the organisation effectively ended with the stimulation and facilitation of morally motivated giving. Some longer-term projects had been undertaken amongst what were turning out to be permanent refugee populations in the Middle East and Far East, but these had arisen out of Oxfam’s involvement in the initial crises which caused the refugee flows.

2. THE 1960s AND THE SHIFT TOWARDS DEVELOPMENT

The 1960s were to see not only a far larger operational role for Oxfam, but also a dramatic shift in its humanitarian practices towards the amelioration not only of emergencies, but also the longer term suffering caused by chronic and endemic poverty. Oxfam became increasingly concerned with the longer-term relief of poverty since this was the main, and most perennial source of suffering in the South. A number of developments precipitated this change in organisational emphasis. The first was a change in the nature of Oxfam’s funding: “By September 1959, annual income for the first time topped half a million pounds, and for the first time the cash income exceeded the volume of clothing and other gifts in kind.”127 Whilst much of this increase was spent on supporting many of the same relief operations that the clothes were directed to, it also allowed a greater freedom to allocate funds to support longer-term projects. The large part that clothing appeals had played in Oxfam’s activities was not only symbolic of its concern with short-term relief; so long as clothing remained the largest share of the organisation’s resources, short-term relief would by necessity constitute the major part of the organisation’s activities. The increase in cash income created the possibility for Oxfam to diversify its activities into longer-term relief and development activities.

It was in this context that Oxfam joined the Freedom from Hunger Campaign (FFH), started in 1960 by the then Director General of the UN Food and

Agriculture Organisation, Dr Binay Ranjan Sen. FFH's aim was to mobilise opinion throughout the world towards strengthening the economic capacity of ‘Third World’ states to resist hunger. This was done through co-ordinated advocacy and fund-raising campaigns in individual countries by NGOs and other organisations. Oxfam took a leading role in the British National FFH Committee. It was this participation in FFH more than anything else that marked the beginning of the organisation’s over-riding concern with long-term economic development, and the first major presentation of Oxfam to its donors as a development agency. For many members this was their first foray into activism since the organisation’s origins in World War Two, and for the whole organisation it was the first instance of a campaign of development advocacy and education. After Oxfam’s participation in FFH, the Committee wanted to see itself - as it does today - as a development rather than a relief organisation, however often the long-term work of removing the causes of poverty might be interrupted - as we know only too well that it still is - by wars, earthquakes, floods and drought.

Participation in FFH also led to Oxfam’s first real attempt to enquire into the place and function of some of its longer-term relief projects in the overall development of the South. FFH sought to bridge the gap between the macro projects funded by the UN and bilateral aid, and the smaller scale projects run by INGOs. This process involved in the first instance the identification of the ‘root causes of hunger’, and also methods of ameliorating them; all applications for aid were judged on their merits against a list of criteria drawn up by the FFH committee to assess the impact of the proposed project on the local economy and the capacity of local people to resist hunger. Oxfam had never been quite so comprehensive or organised in its assessment of applications for grants. Although applicants were assessed for their credibility and ability, the allocation of grants was not guided by any coherent plan, or vision. Each application was assessed on its own merits (“however ‘merits’ were defined at a given moment”), which were judged by the Grants Sub-Committee. Most grants were responses to particular emergencies or needs identified by individual recipient organisations. It was Kirkley’s policy to remain flexible and responsive by deliberately avoiding the declaration of specific ‘grand’ objectives or criteria and hence being absolutely tied to these.

128 Black, Cause for our Times, p. 72
129 Stamp, interview; Harper, interview
130 Foot, “Justice and Charity”, p. 7
131 Black, Cause for our Times, p. 73
132 Black, Cause for our Times, p. 73
Another development that led to a shift in Oxfam’s emphasis from the relief of emergencies towards the relief of poverty was a growing operationalisation of its longer term relief. As Oxfam’s involvement in Africa increased, Kirkley decided that the time had come for the appointment of Jimmy Betts, a former colonial officer, as the organisation’s first Field Director in 1961. The move marked the establishment of a permanent operational element within Oxfam. A charismatic person with an often unconventional approach, Betts worked from Basutoland (later to become Lesotho) with a brief that covered the whole of southern Africa. His energetic and tireless activities eventually helped to move the locus for Oxfam’s overseas programme from the UK to the field. As Oxfam grew, and as the number of crises it responded to increased so the number of its Field Directors grew. With the appointment of Field Directors, Oxfam began to re-address the entire method of its allocation of funding and resources overseas:

The field director plays a key role in Oxfam’s overseas programme. All resources for assistance are channelled to him or her. He will visit ‘the project’ and discuss the request with those responsible. He will then seek such local advice as he may need before forwarding the application and his recommendation to Oxford. Here, background information is built up, the need analysed, and the request is then considered for funding. Once approved the field director becomes responsible for visiting the project from time to time to see that all is going well, to discuss any problems, and to give advice. At the same time ... the field director takes a more active role - seeking out possible projects for funding, encouraging local groups to formulate projects and programmes that Oxfam might help, and generally being ‘the ears and eyes’ of Oxfam in his part of the world.

Field Directors brought the organisation more intimately into contact with the terrible conditions that many people in the South experienced on a day to day level. At the same time they expanded Oxfam’s involvement in the relief of this poverty through many small scale long-term development oriented projects.

With the emergence of many newly-independent former colonies in the 1960s, the relationship between North and South began to change. The new image of the South, to be created to a large extent by Oxfam and the increasing number of overseas aid agencies, was one of poverty, malnourishment and social and technological ‘backwardness’ grounded in the application of the economic language of statehood to the newly independent states:

However deft with a spear or proficient with a talking drum, the average tribesman’s material wealth was non-existent; people often had too little to eat; shelter and clothing were minimal; life expectancy was low; children died from minor causes; sickness was common and often fatal; in short they lived in poverty. Nothing about this was new - except that it was a revelation. This was because

133 Black, *Cause for our Times*, pp.76-77
134 Stamp, *Oxfam and Development*, p. 6
‘living standards’ had never been the window on these societies through which most observers had previously been looking. This image, so prevalent at the time, and so influential since, has been criticised from many quarters. It is in many ways entirely consistent with the colonial image it replaced of exotic, quaint and often savage people entirely different to Europeans in look and behaviour. It still revolved around the idea of European superiority over the rest of the world, albeit with a narrower focus on social, economic and political conditions, as opposed to the moral and ethical superiority emphasised in the past. The solution to the degradation of most of the human race was to ‘Modernise’ them from poverty to sophistication through the introduction of technology and industrial methods of production and management: “If only aid could be given on a grand enough scale, on dimensions like those of the Marshall Plan, the growing gap between the prosperity of the rich countries and the poverty of the rest could - surely - quickly be closed.” These ideas were products of their times. The European refugee crisis was subsiding and the continent was well on its way to recovering from the effects of the Second World War. For the members of organisations like Oxfam, who were increasingly becoming involved in crises in the newly independent countries of the south, there was a genuine desire to resolve the problems of poverty they encountered. The most readily identifiable expression of this poverty, arising from the experience of relief in places like Bihar in India, Hong Kong, Korea and Congo, was hunger.

For Oxfam the 1960s was marked by a desire to orient their activities towards the eradication of hunger, both in their relief and development operations. The involvement in development was initially an elaboration of the original concern with the relief of suffering which had brought Oxfam into existence. Until the 1960s, the ‘suffering’ which Oxfam sought to relieve had been seen as arising from emergencies (whether ‘natural’ or ‘man-made’). By the 1960s, Oxfam was beginning to take the position that the suffering caused by such short-term emergencies was intensified by the much longer-term suffering of the majority of the world’s population arising out of poverty. Poverty in turn arose out of the economic under-development of the South. As such, internally members were trying to redefine Oxfam’s identity not only as a ‘relief’ agency, but also a ‘development’ organisation. One important effect of the advent of Field Directors and Oxfam’s involvement in FFH was that the organisation no longer saw the

135 Black, Cause for our Times, p. 68
136 For a highly influential account of the creation and maintenance of this image, see Edward W Said, Culture and imperialism, (London: Vintage Books, 1994)
137 Black, Cause for our Times, p. 69
138 Black, Cause for our Times, p. 69
moral responsibility of its members as ending with the despatch of aid. For Oxfam members, 'legitimate' humanitarianism concerned with the relief of suffering not only involved a duty towards the welfare of others, but also a duty towards ensuring that relief be extended to longer-term suffering arising from hunger. Moreover, there was a duty to ensure that the aid that was sent be effective in achieving a longer term improvement in the condition of the recipients.

In the early 1960s increasingly radical debates began to occur within Oxfam over the issue of how to best achieve the objectives of the organisation. More and more of the younger supporters felt that the only way to find a permanent solution to the problems of hunger and underdevelopment was to engage in overt political lobbying and advocacy in a far more controversial way than ever attempted before. There was a great deal of sympathy for this position from within the Executive Committee of Oxfam, and particularly from Kirkley. This was at a time however when Oxfam was beginning to come under scrutiny by the Charity Commissioners (see below), and so it was decided that a cautious and gradual approach would be taken. Academic debate and theorising fed into Oxfam's policy. A particularly prominent issue that arose in the field of development economics, and in many ways that has remained ever since, was that of the 'population explosion'. Malthusian theories of the relationship between population growth and the material resources needed to sustain it led to apocalyptic predictions of mass international starvation. This seemed to be confirmed by the results of real improvements in medical and social provisions introduced in the 1950s (leading to declining death rates) and the failure to increase agricultural production. These arguments were very powerful for an organisation that had drawn from its experiences of emergency relief the issue of the elimination of hunger as an important part of its mission. For many of Oxfam's field personnel their experience of the squalor and suffering in the cities and refugee camps of the South seemed to bear this out, and the idea that Oxfam should engage in family planning education gained momentum within the organisation. Despite fears that such activity would alienate much of the Christian support (particularly among Catholics) that had been at the base of Oxfam's fundraising and operational activities, it was decided that the organisation would include family planning as part of its development activities. In the event, despite some initial controversy, there was little reduction in the overall level of Oxfam's funding, and even criticism from the Catholic church was muted.

139 Black, *Cause for our Times*, p. 107
140 Black, *Cause for our Times*, pp. 92-96
The expansion of development activities did not occur at the expense of emergency relief. Emergency relief was regarded within the organisation as a key part of its humanitarian culture, and its public identity. There was no desire within the Oxfam to change this since there was a perception that this would have severely damaged the organisation's public credibility. An image of Oxfam as a 'fire brigade' ready to respond to the next emergency, wherever it might occur, had been established as a result of previous high profile emergency relief activities. Emergency relief had been the founding purpose of the organisation, and the increasing concern with development was legitimised on the basis of the same constitutive rule which had formed the basis of Oxfam's relief practices, namely the duty to relieve suffering. The legitimacy of both sets of practices, development and relief came from this fundamental concern with the amelioration of suffering. It also meant that in the event of an emergency, it was that much easier to raise funds for relief. Indeed, the first major humanitarian emergency of the decade would prove to be an important factor in establishing Oxfam as one of the major British charities. The civil war which ensued in the former Belgian Congo on its independence in June 1960 preceded a famine in the South Kasai region as hundreds of thousands of refugees fled the fighting. At the request of the Congolese government UN member states despatched a large UN military and civilian peace-keeping operation, the UN Operation in the Congo (ONUC), with an unprecedented mandate. ONUC soon became embroiled in both conflict with the local combatants and, on a much smaller scale, involved in the relief of the famine.

Oxfam was quickly involved in helping to fund the relief effort through the Congolese Red Cross. Despite the efforts of the organisation and the fact that the first reports of the famine had come in well before December 1960, the British media was not to carry major coverage until a month later when the Daily Mirror carried a four page feature of the crisis. Once the press coverage 'broke', the Oxfam fund raising campaign gained massive momentum; the Daily Mirror's article was on 6 January 1961, and on 9 January alone, postal donations to Oxfam alone reached £20,000: The massive outpouring of public generosity was something completely new. It came from coverage in the newspapers - there were no television pictures; and even the press coverage was modest and the pictures mild by the standards of later African disasters ... The starving child of the Congo [a common, if anonymous

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141 Black, Cause for our Times, p. 109
feature of Oxfam’s publicity at the time] in early 1961 was a temporary phenomenon and, on disaster mortality scales, not a spectacular claimant: perhaps 10,000 deaths altogether. But that starving child tapped a new well of compassion and launched a new perception of Africa, poverty, and the hungry world. For good or ill, that same perception launched the Oxfam that we know today.

An important lesson arose out of this. It was not enough for Oxfam itself to be aware of a emergency and to publicise it. It was only when the press publicised the emergency that it was possible for a major relief operation to be mounted by Oxfam. Until January 1961 Oxfam had only been able to make three contributions of £5,000 to the relief effort, but by the end of September 1961 it had spent £313,826 on relief in the Congo. The organisation’s fund raising campaign was most effective in the context of the media’s own publicisation of the emergency. Indeed there was a degree of co-ordination between Oxfam and the media with some newspapers carrying free advertisements for the group. Black even cites Edward Heath, then Lord Privy Seal, as attributing to the popular dynamic created by, among other things, the Oxfam publicity campaigns, the pressure which led to the British government directly contributing to the relief efforts. The huge benefits wrought during the Congo crisis showed how important it was that in future every effort be made to encourage the media to adopt Oxfam’s cause, primarily in fund-raising terms, but also in an advocacy role. It reaffirmed the necessity to maintain the public legitimacy of the organisation’s identity and practices, since this bore directly on its ability to fulfil the objectives constituted by its humanitarian culture.

Oxfam’s increased size, scope and activity attracted the attention of the Charity Commissioners. The Charity Commissioners of England and Wales are the statutory body whose task is to oversee the activity of English and Welsh charities, both domestic and overseas, and ensure that this was within the scope of British charity law. They are responsible for extending and regulating charitable status to organisations (including Oxfam) whose activities it judged to be in the ‘public benefit’. Charitable status conferred a number of benefits to organisations, the greatest of which was exemption from taxation on its income. One of the most prominent of the Commissioners’ functions has been to ensure that charities do not engage in ‘political’ activities. Charity law hence both constrained and enabled to Oxfam’s practices. Tax exemption makes a substantial financial contribution to

143 Black, Cause for our Times, pp.65-67
144 Black, Cause for our Times, pp. 65-66
145 Black, Cause for our Times, p. 66
146 Tom Ponsonby, "Reform noted", The Spectator, 16 March 1974, pp. 321-322. p. 322
the organisation's budget. Consequently, the loss of charity status would mean refunding exempted taxation in the short term, and in the long term would mean a reduction in relative levels of income. Equally importantly, for charities like Oxfam, the withdrawal of charitable status threatens a drop in donor income. The importance of maintaining charitable status relates to the symbolic importance of charities in British society, where they have traditionally been seen as serving valuable social functions through their association with philanthropy and social welfare. Although charitable behaviour is regulated by law, and hence revolves around the interpretation of technical and contested concepts (such as 'public benefit'), withdrawal of charitable status would inevitably mean the loss of a degree of public legitimacy. As such charity law, and in particular the prohibition on 'political' behaviour, constrains the range of possible activities available to the organisation.

In the wake of the Charities Act of 1960 there was concern among the Commissioners that the growing involvement in advocacy activities, exemplified by Oxfam’s involvement in FFH, was increasingly 'political' and hence, according to the Charities Act and the interpretation of the courts, not 'charitable'. On a related issue they drew a distinction between the development work the organisation was increasingly becoming involved in, and the famine relief that the title of the organisation (the Oxford Committee for Famine Relief) implied, seeing the former as outside the stated objects of the organisation. The Commissioners announced in 1962 that they would investigate the activities of overseas aid charities during 1964. The implicit target of their investigations was to be Oxfam and FFH.

The Charity Commissioners were concerned with the question of whether or not the development oriented activities that Oxfam was beginning to be involved in were 'charitable'. Their definition of what was charitable revolved around the 'immediacy' and 'tangibility' of the needs Oxfam was trying to meet in its operations. As such, what was being expressed by the Charity Commissioners was their approval of a particular approach to relief which was increasingly becoming discredited within Oxfam; that is the targeting of only the most immediate aspects of suffering. It was moreover an attack on the organisation's shift towards development. At a time when Oxfam's humanitarian culture was

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147 Black, *Cause for our Times*, p. 86
148 Black, *Cause for our Times*, p. 87
149 Black, *Cause for our Times*, p. 86
150 Black, *Cause for our Times*, p. 89
increasingly constituting longer-term development as legitimate humanitarian action, such exhortations were exceedingly unpopular within the organisation.

Oxfam’s disagreements with the Charity Commissioners on the legitimacy of development extended beyond the matter of the outcome of such aid; it was the Charity Commissioners intention that the only developmental work deemed ‘charitable’, public works, were appropriate within the UK and Commonwealth, expressing what they saw as Oxfam’s identity as a ‘British’ organisation. They felt it would be inappropriate for money raised from British taxpayers to be used for the purpose of “relieving taxpayers in foreign countries”\textsuperscript{151}. Other British charities were also incensed by this position and many prominent supporters mounted public campaigns against such an interpretation. To a large extent Oxfam’s resistance to this was an effort to free itself from a construction of humanitarianism based on national interest. It was also an assertion of the organisation’s independence by resisting narrow political agendas, an action reminiscent of its creation. In effect the Charity Commissioners were challenging the legitimacy of Oxfam’s practices in the field, and, in terms of advocacy, in the UK. They were attempting to assert a concept of legitimate humanitarian practice based on perceived national interest. The impossibility of Oxfam agreeing with this position arose from the fact that the organisation had been founded as a challenge to the legitimacy of such practice in 1942. Oxfam was founded on the basis of a moral duty towards the welfare of others, and the question of where this duty should extend geographically had been settled conclusively in 1948.

The debate with the Charity Commissioners, although brief and uncontroversial by comparison with later disagreements (see Chapter Four), saw an important assertion by Oxfam of the legitimacy of its humanitarian culture, and the practices it constituted. It centred on the public meanings ascribed by the Commissioners to Oxfam’s developing humanitarian identity. Participation in FFH had been constituted by the legitimacy in Oxfam’s humanitarian culture of longer-term development activity as a means of alleviating the suffering caused by poverty. This arose from its constitutive rule that members have a duty towards the relief of suffering, and the organisation’s experience in the field that endemic poverty was a key cause of suffering. If advocacy beyond the short-term publicisation of emergencies was ‘political’, and if development was judged to be beyond Oxfam’s legitimate mandate, the organisation might have to refund the tax

\textsuperscript{151} Black, \textit{Cause for our Times}, p. 90
which had been exempted on that part of its expenditure used to fund advocacy work \(^{152}\).

In 1965 these issues were resolved by a redefinition of Oxfam's 'objects' clause (that part of the organisation's formal and legally binding constitution which dealt with Oxfam's objectives) after consultation with both the Charity Commissioners and the Inland Revenue so as to be inclusive of the activities they wished to pursue. The settlement of this issue was due in no small part to Kirkley's skill as a negotiator \(^{153}\). The resolution of the debate with the Charity Commissioners confirmed the shift in emphasis from relief to development. Oxfam was still primarily concerned with the relief of emergencies. Now however the internal shift towards regarding not only short-term and immediate suffering, but also long term suffering arising out of poverty had been publicly legitimised. The new clause described Oxfam's main objective as

\[ \text{to relieve poverty, distress and suffering in any part of the world (including starvation, sickness or any physical disability or affliction) and primarily when arising from any public calamity (including famine, earthquake, pestilence, war or civil disturbance), or the immediate or continuing result of want of natural or artificial resources, or the means to develop them, and whether acting alone or in association with others} \(^{154}\). \]

At the same time that the new clause was adopted by an Extraordinary General Meeting of the trustees on 6 May 1965, the name of the organisation was officially changed from the Oxford Committee for Famine Relief to Oxfam:

\[ \text{the change was symbolic rather than practical. The words "famine relief" were going out of the name forever, just as their meaning had gone from a great part of the organisation's work. Famine prevention, albeit for only a few of the world's millions, was now within Oxfam's grasp. And without any question of abandoning those who needed urgent help, the priority had to be made clear.} \(^{155}\) \]

Whilst both changes had emerged out of a debate with the Charity Commissioners, they both served to affirm Oxfam's cultural development in legitimising longer-term developmental activities.

The high degree of publicity surrounding the organisation's involvement in the relief of the Congolese emergency and FFH had served to establish Oxfam's prominence in Britain as a relief organisation concerned with the long-term relief of hunger. Increasing amounts of money were being spent on publicity, in proportion to rising income. Expenditure on advertising was increased during what

\[^{152}\text{Black, Cause for our Times, p. 88}\]
\[^{153}\text{Stamp, interview}\]
\[^{154}\text{Black, Cause for our Times, p. 91}\]
Black describes as "key psychological moments", such as emergencies. The increased publicity the organisation attracted at these times only served to increase the popular identification of Oxfam with emergency relief. The rapid increase in income also created a dynamic for organisational growth; the number of paid staff increased in 1963 from 30 to 200. These paid staff, a growing number of whom were involved in specialised activities, became more responsible for the running of the day-to-day operations of the organisation. Many of them fitted the existing pattern of having a high ideological commitment to the purposes for which they felt Oxfam stood:

Although there were some highly professional people on the staff and serving in a voluntary capacity, Oxfam was still a family of individuals whose links were forged by motivation and idealism. Credentials for employment owed more to commitment to the cause and an enthusiasm to use abilities in its service than to any notion of building a career in the charity world or in the still nascent world of 'development'. No-one joined the staff for financial reward: salaries were low and many who could afford to gave up most or all of their entitlement. Joining Oxfam was rather like joining a church, although it was a distinctly secular organisation and its shared creed open to many interpretations. Whatever the elusive quality of Oxfam fellowship and however ill-defined its articles of faith, for many of those who joined its crusade then or since, membership - even temporary membership - of this 'church' has been the most important influence in their lives. It has not only helped to fashion their world view but its values have affected their personal lifestyle and aspiration. An underlying element of fervour helped power Oxfam's physical and perceptual expansion; it has also been a yeast fomenting away inside the organisation, always creatively but sometimes divisively as well.

One of the members of this new intake of well educated and highly motivated staff was Elizabeth Stamp who became head of the newly formed Information Department. She joined Oxfam in 1963, having previously worked in the Economist Intelligence Unit. Her task was to integrate Oxfam’s new development concerns into its educational and advocacy activities, both within and, in particular, outside the organisation. As such she occupied a key place in making the public construction of the complex issues involved the organisation’s wider relief and development activities meaningful as legitimate humanitarian activities: "Gradually, image by image, Oxfam was helping develop a new way of looking at the world, an ideologically charged view of other countries and cultures, a more considered version of the predicament symbolised by the starving child." This role in education was all the greater in view of the scarcity of other major sources of information on poverty in the South at that time. Television coverage was only beginning to be confirmed as a major vehicle of popular opinion formation and very few people had actually travelled in the South. As such the size and already high profile of

\[156\] Black, *Cause for our Times*, p. 80
\[157\] Black, *Cause for our Times*, p. 81
\[158\] Black, *Cause for our Times*, p. 104
Chapter Two: Greece to Stacey

Oxfam meant that the activities of its Information Department were disproportionately important not only in creating images of the problems of the South, but also in establishing the role of Oxfam in resolving them.

2.1 THE STACEY AFFAIR

In May 1968, Oxfam acquired a new Deputy Director, the Reverend Nicolas Stacey. Stacey was a political and social radical who had found the Church of England too conservative to act as a vehicle for his views. Charismatic, and very popular amongst the younger members of Oxfam, he was particularly skilled at interacting with the media. Stacey was only at Oxfam for a relatively short time (until 1970), and his incumbency proved to be a particularly turbulent period. Stacey was keen that the organisation should take a far more proactive and (at the time) radical approach to the problems of relief and development, focusing more on the economic and political structures which created and maintained poverty and emergencies.

The early 1970s saw a general re-appraisal of Oxfam’s role in development. The experience of the late 1960s and the early 1970s, saw many disappointments in the development field. The approach that had been adopted by Oxfam arising from early doctrines of development, known as Modernisation theory, saw the problem of poverty lying in a lack of adequate and accessible technology. The answer lay in ‘high yield’ crops, sophisticated machinery and contraception. Little attention was paid to the cultural, social or economic context in which development was practised; many farmers did not have the time or resources to devote to risky and alien technological ‘fixes’ that had little place in their existing diets and local economies. This was not the case everywhere, and in some places high technology development had been successful in achieving its aims of increasing the material wealth of individual farmers. However the societies in which they existed were far more complex than originally thought, and positivist economic, social and political theories which had been in vogue throughout the 1950s and 1960s did not direct attention towards the impact of Modernisation on sections of population and practices beyond the intended target. Moreover, even by the positivist standards by which they were assessed, the Modernisation programmes had failed in many places, and reinforced the dependency of many newly independent states on the international capitalist economy. No cohesive

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159 Black, Cause for our Times, pp. 104-105
strategy had been followed in the formulation and maintenance of many development projects.

It was felt by an increasingly radical, and generally ‘young’, section of Oxfam’s supporters that the small amounts of aid delivered by INGOs did not even amount to ‘plastering over the cracks’¹⁶². The only real solution to world poverty was for the governments of Northern states to redefine their relationship with the South by significantly increasing their aid budgets. The most valuable contribution Oxfam could make to the alleviation of poverty in the South was to use its prominence to put public pressure on wealthy states (primarily the UK) to redress the economic inequality between North and South. The trend towards a greater advocacy role in development had started much earlier, but the appointment of Nick Stacey proved to be a major catalyst in pushing the debate to the forefront of the organisation’s activities. When the World Bank issued a report in 1969 calling for increased aid from the North to the South and alterations to the trade relations between the two, Oxfam joined other British INGOs in a programme of activities called ‘Action for World Development’. Lobbies within Oxfam however wanted a more comprehensive policy of advocacy and public education. They saw Oxfam’s direct aid as a well meaning but negligible contribution to the cause of eradicating poverty in the South¹⁶³. As one member of this radical constituency put it in an article in *Oxfam News* (the organisation’s newsletter)

> What the Voluntary Agencies should be doing is this: by all means continue with their small acts of charity, but do not think that they are thereby doing wonderful things. But spend MOST OF THEIR TIME educating the public to the political, economic and social consequences of the failure to help the poor countries properly. Oxfam tube adverts should speak (simply of course) about UNCTAD or declines in G.N.P., about Che Guevaras and Ho Chi Minhs, about the anger of the poor, about how the world will fall to pieces if something is not done.¹⁶⁴

Stacey was prominent as a member of this lobby. When he arrived at Oxfam, and despite the growing legitimisation of longer-term development, the organisation’s public identity was dominated by its emergency relief practices. Neither Stacey or the constituency he represented were proposing that emergency relief activities were illegitimate, or unnecessary. The debate was not over the importance of maintaining this type of activity, or of responding to emergencies when they arose; rather it concerned the primary emphasis of the organisation’s activities. Emergency relief was a short term activity, which was lucrative in terms

¹⁶² Rev. Nick Stacey, interview, Selling, 16 June 1998
¹⁶³ Stacey, interview
of the income it generated, and which served Oxfam's primary moral purpose in an easily communicable way. There was a concern however that whilst this remained the most prominent part of the organisation's public identity, the most important developmental concerns could not be addressed. Moreover, the mode of Oxfam's existing developmental activities diverted precious resources towards achieving small and locally confined changes in economic circumstances, when the real developmental challenge was in the massive inequality and exploitation between North and South. The challenge that the radical constituency within Oxfam presented was to promote these wider developmental concerns as the central aspect of the organisation's public identity, and to promote these in the wider international community.

Stacey felt that the volunteers who staffed Oxfam shops and operated the organisation's fund-raising apparatus were dominated by socially and politically conservative middle-class people, many of whom saw Oxfam as a way of sating their consciences rather than seriously addressing the complex issues of poverty and suffering in the South. As such, the organisation's public identity was falling out of touch not only with the growth of radicalism among many young people in the UK (particularly, but not exclusively, among university students), but also with the reality of the distribution of power in the international economy. The high profile of Oxfam's emergency operations had built up a large donor constituency in British society. Stacey was concerned that the organisation should capitalise on this existing base of support, and the potential support among the young, to develop a more fundamentally advocacy based approach to the relief of suffering. Writing in 1971 after he left Oxfam, Stacey recorded that:

I had not been at Oxfam very long before it became clear to me that changes in direction and emphasis coupled with an increase in discipline were necessary if the organization was to recapture the dynamic it had in the middle sixties. ... the public's attitude to the Third World, to development and overseas aid is so very different today to what it was in the late 1950s and early sixties. The formula that had been so successful in those days would not in my opinion carry it through the 1970s.

In a confidential memorandum he had been asked by Leslie Kirkley to prepare on proposals for the future of the organisation in October 1969, Stacey wrote:

165 Stacey, interview
166 Stacey, interview
167 Stacey, interview
168 Stacey, interview; Elizabeth Stamp, interview, Oxford, 24 March 1998; In this context, Stacey had been involved in the founding of an advocacy group outside Oxfam's formal organisational structure, Third World First (3W1) in March 1969 to stimulate support for the organisation among students and campaign on broader international issues of poverty. Kellner, "Dissension hits Oxfam"
169 Stacey, Who cares?, pp. 294-295
Chapter Two: Greece to Stacey

The present turning point in Oxfam’s history has much in common with the one that faces all charities when they are a quarter of a century old. Charities are usually started by a handful of people with great vision, dedication and drive; as the charity grows in size and significance, the founder members get old and invariably more cautious (although this is sometimes rationalised as increased wisdom). The committee structures become more rigid, bureaucracy increases and the initial enthusiasm and vision become eroded ...

Oxfam has been a product and expression of the national mood in the late 1950s and first half of the 1960s ... I believe there is evidence which shows that the tide which was flowing for Oxfam, and which has been the fundamental reason for its success, is now on the turn - and may have been for two or three years ... Some of my reasons: ... Increasing comments by regional organisers that Oxfam has a middle-aged image. Our inability so far to catch the imagination of the young professional and technocrat classes. The vulnerability of Oxfam is shown by the way a shortfall in our budgeted income plays havoc with our expense ratio, and the virtual impossibility of achieving an immediate, effective reduction in expenditure to bring it down to 20 per cent ... Because the problem of world development is now acknowledged as being so vast, and the donor never sees the result of the donation, once disenchantment about overseas aid sets in, charities in this field may suffer more quickly than a home charity operating on a narrower front and able to show results. War on Want has already suffered a severe drop in income. 170

Stacey’s proposal was that Oxfam be transformed from an operational/donor relief and development agency into an organisation primarily concerned with public education and advocacy. Oxfam would divest itself of most (although not all) its development programmes and concentrate on educating the British public in development issues, and lobbying the government and international institutions to redefine economic relations between North and South 171 . This would be done by diverting the income generated by Oxfam’s growing network of shops from direct involvement in the South towards advocacy in the North. Stacey was attempting to take the organisation’s concern with the long-term and endemic suffering caused by poverty to one possible logical conclusion. Oxfam had originally become involved in development activities as an extension of its emergency relief activities in dealing with the long term victims of ‘emergencies’. The objective of returning affected populations to situations of normalcy could not be achieved where governments did not have the economic resources to provide their citizens with welfare and social security once the immediate crisis had passed. What made populations vulnerable to emergencies was their endemic poverty. Moreover, poverty in itself was a direct cause of hardship and distress, even in times when populations were not undergoing the trauma of ‘natural disaster’. The best way of dealing with the crisis of underdevelopment in the South was to go directly to the cause of global inequality

170 Nicolas Stacey, The Future of Oxfam, Confidential Memorandum to the Director, 16 October 1969, Nick Stacey’s papers
171 Whitaker, Bridge of People, p. 26
and address the international economic exploitation of the South by the North. Oxfam would follow the examples set by some other British interest groups and spend most of its income campaigning for changes in British policy towards, and in, the South\textsuperscript{172}. This would also serve to harness the popular radicalism of many young people at the time\textsuperscript{173}.

Stacey was contesting the legitimacy of some of the key elements of Oxfam's humanitarian culture, and the identity of the organisation as an operational relief and development agency. Oxfam had been founded on the basis of a duty towards the welfare of others. The donation of funds and goods towards its relief and development activities was a fulfilment of this duty; hence the repeated emphasis on the organisation's role as a direct expression of the values of its members and supporters. Oxfam's growing operationalisation and support for individual relief and development projects was constituted by the duty of its members. It confirmed and reinforced the constitutive rule of the organisation. Moreover, Oxfam's direct involvement in relief and development had formed the basis of its public appeal - donors knew that by making contributions to Oxfam they could achieve a direct impact on the suffering which they were concerned to ameliorate. The organisation had gone to great efforts to construct this public identity, and financially it was significantly dependent on the support this engendered: "one starving child will raise ten times what development education about Zambia will raise you, or nutrition education in Zambia will raise you."\textsuperscript{174}

Stacey was attempting to integrate this moral duty with economic theories concerning the distribution of power within the international economic system. The suffering caused by both poverty and emergencies was rooted in the inequalities and inequities inherent in post-colonial economic relations between North and South. Since it was the economic inequalities between Northern and Southern states which caused the suffering Oxfam sought to relieve, the organisation should devote its limited resources to addressing this situation (and not specific programmes in the South). What Stacey was in effect proposing was that the collective duty of members which had formed the basis of Oxfam's humanitarian culture should be redefined as a collective duty of people living in Northern states. This collective duty would be much better expressed through the control that powerful Northern states exercised over international economic relations. In the UK, and in the case of Oxfam, this meant realigning the

\textsuperscript{172} Whitaker, \textit{Bridge of People}, p. 26
\textsuperscript{173} Martin Woollacot, "How they stymied Nick Stacey", \textit{The Observer}, 24 January 1970
\textsuperscript{174} Harper, interview
organisation from being directly involved in the relief of suffering to lobbying the British government to reform its own international economic, and aid, policies: there is a strong case for an organisation like Oxfam attempting to stimulate and lead a national movement which would ensure that the peoples and Government of Britain play their part in the world poverty issue - potentially the most explosive and unquestionably the most urgent problem in the world today. Such a campaign would go to the roots of the problem. It would be intellectually credible. It would appeal to the young. It could prove the cause for which many are looking.  

The opposing argument, and the dominant opinion within Oxfam, reflecting the constraints and enablements of charity law, was that the prevailing legal and political atmosphere in Britain meant that to follow this course of action would require the abandonment of charitable status and all the advantages that went with it.  

While more campaigning needed to be done, and the existing development programmes needed to be better co-ordinated, Oxfam's small development projects were making tangible improvements in the standard of living of many people in the South. Moreover the duty of members which lay at the heart of Oxfam's humanitarian culture could not be subsumed within a broader collective duty of Northerners towards the South. Writing in Oxfam News, Alan Davidson argued

What is the Good Samaritan supposed to have done? Pass by on the other side calling "Can't stop now, I'm on my way for the whole Jericho road to be transformed". ... I would suggest that his best course would be stop and give all the help he can. Then go on to the campaign meeting. Where he would arrive with greater moral authority, knowledge and genuine passion for having helped with his own hands. ... I believe that a campaigner is in a far stronger position if he is practising what he preaches. The overseas aid programmes of the voluntary agencies provided by the supporters who want to help, are the solid bedrock upon which the education that they do should rest.

There was considerable opposition to Stacey's position within Oxfam from people such as Ken Bennett (then Overseas Aid Director) who saw in the aid programmes real and quantifiable results. Many grassroots members of the local fund-raising committees were also wary of moving the organisation's focus from the amelioration of the visible welfare problems of the South, to the far more complex issues of North-South relations. Even Kirkley, who had encouraged the development of an educational role for Oxfam, was unhappy. With Stacey's proposed reforms, favouring a much more low-key approach to public education

176 Whitaker, Bridge of People, p. 26; Stacey, interview  
177 Alan Davidson, "Well, speaking as one of the tamed ...", Oxfam News, June 1968, Oxfam News file, OA  
178 Black, Cause for our Times, pp. 156-157  
179 Kellner, "Dissension hits Oxfam"
and advocacy that would be less offensive to the Charity Commissioners\textsuperscript{180}. Indeed, there had been increasing criticism in the press of Oxfam’s more radical advocacy activities\textsuperscript{181}.

The culmination of the Stacey’s challenge came in February 1970 when the Council of Management considered his proposals for the future of the organisation. In the event, it rejected Stacey’s proposals for reforming Oxfam’s education and advocacy activities, following which he left the organisation\textsuperscript{182}. The most decisive argument had been that the diversion of funding from the shop network and the divestment of much of the organisation’s regional structure would not be financially realistic. As difficult as it was to promote development in the South, even the limited activities the organisation already undertook were legitimised by its knowledge of and involvement in the field. Oxfam could ‘show’ why funding needed to be channelled towards specific projects by pointing to the poverty it encountered in the South. It could also point to the visible effects of local development projects in quantifiable and (hence) accessible terms. Hence field experience was the source of legitimacy for development in the first place. As such, donor income was seen by Stacey’s opponents as dependent on Oxfam’s identity as an agency able to directly channel funds to the South. Stacey’s argument that a shift towards more radical development advocacy would capitalise on the support (both financial and volunteer) of the more radically inclined young was felt to be too great a risk. The financial argument was thus based on a particular construction of Oxfam’s identity. The fact that the strongest opposition to an emphasis on radical advocacy, and a relative decline in the prominence attached to emergency relief, came from Oxfam volunteers (many of whom came from the very same social groups who formed the bulk of the organisation’s donor base) was the central legitimising source of this argument. As such, the financial argument became inseparable from the perceived conservatism of donors, and the very real conservatism of the bulk of members.

CONCLUSIONS

Between 1942 and 1970 Oxfam underwent two critical transformations. The first was the entrenchment and elaboration of the key cultural concept of the moral duty of individuals towards securing the welfare of others at times of crisis. Oxfam was founded as a spontaneous response by a number of individuals who coalesced around the rule that the duty towards the relief of suffering should not be

\textsuperscript{180} Kellner, “Dissension hits Oxfam”
\textsuperscript{181} Ivan Yates, “Charities in the firing line”, The Observer, 11 January 1970
\textsuperscript{182} Black, Cause for our Times, p. 160
over-ridden even in the context of Total War. After the end of the war, the strength of this rule was affirmed by extending it to those suffering in other parts of the world. It was not until Oxfam began to establish operational presences in the South and became concerned with the longer-term relief of poverty (arising out of a concern with hunger) that this rule was clarified by a duty to ensure the effectiveness of the relief that was delivered. This operational involvement in development, and the more and more frequent relief of emergencies arising out of war and ‘natural’ calamities, established the public identity of Oxfam as a major British relief and development agency. The growth in Oxfam’s income and activities facilitated (and required) an expansion in the organisation’s size. Much of this growth was directed at projecting the organisation’s cultural identity as a humanitarian organisation by consolidating the public identification of Oxfam with the relief of suffering (both long and short-term) in the South.

The shift to development raised key issues for Oxfam. The identification of poverty as the most perennial cause of suffering in the South prompted consideration of the best way to address this suffering. The Freedom From Hunger Campaign at the beginning of the 1960s had set a precedent for using advocacy activities to augment the organisation’s aid programmes. The appointment of Nick Stacey as Deputy Director in 1968 led to the raising of new arguments which challenged the dominant interpretations of Oxfam’s humanitarian culture. Stacey had challenged the legitimacy of Oxfam’s practices on the basis of the rule that the organisation was concerned with the amelioration of suffering arising from poverty. By far the greatest source of poverty, and hence suffering, in the South was the exploitation of the South by the North. For Stacey and the constituency who found expression in his proposals, the alternative practices he advanced addressed the key problem of underdevelopment far more effectively than direct involvement in the South.

Stacey’s contestation of the efficacy, and hence the legitimacy, of Oxfam’s existing developmental practices in the South was a debate over its growing identity as a developmental agency. Both Stacey and his opponents were advancing competing accounts of the most legitimate way to address poverty-related suffering. For the radical constituency in Oxfam, existing developmental practices were seen as depleting scarce resources which were better spent on radical advocacy. For his opponents however, this threatened Oxfam’s development activities in the field, which they felt was a key source of the legitimacy of Oxfam’s identity as a humanitarian organisation. Moreover, they argued that such
advocacy risked sacrificing charitable status, and alienating donors and volunteers who valued Oxfam because of its field operations.

The failure to adopt his proposals indicates that, at the time, the primary legitimising source of Oxfam’s development practices was donor support. The giving of resources by donors was perceived by members to be the product of their identification with the values and practices of the organisation, more precisely the direct provision of relief and services in the South. Crucially however the programme of development and relief projects was culturally accessible to many of Oxfam’s members, particularly those in the regional network (who operated the organisation’s shops) and who formed the bulk of Oxfam’s voluntary membership. As such the legitimacy of these practices was far more firmly established than those Stacey was proposing. The debate over Stacey’s proposals also indicates the importance of field experience in constituting and legitimising normative change. It was Oxfam’s experience of hunger in the South which led to its concern with development. Moreover, it was the critical function of field operations in justifying donor support which formed the basis of the economic arguments advanced against Stacey. If Stacey could not establish a consensus on the primacy of radical development advocacy amongst Oxfam’s members, it could not form the basis of the organisation’s public identity.

Although Stacey’s proposals were challenged by instrumental financial arguments, these were predicated on a particular understanding of the legitimacy of Oxfam’s identity as a humanitarian organisation. Donor support served a key legitimising function as well as providing the necessary financial and material resources which allowed the organisation to operate. As such, in seeking, and indeed receiving donor support, Oxfam was asserting the legitimacy of its own values. It was this legitimising function that had formed the basis of the expansion of activities outside Europe, which in turn had led to the organisation’s adoption of developmental concerns. This leads to an important conclusion: Oxfam is unable to resist donor demands that it respond to particular instances of suffering. The existence and viability of Oxfam as a humanitarian organisation was felt to be dependent on its identification by donors as a worthy recipient of funds. Thus it was central to the maintenance of this identity to be seen to respond to suffering directly and immediately in the South.

Shared values underlay the debate over Stacey’s proposals. The entire contestation had in fact justified the legitimacy of the organisation’s growing
concern with development. Both sides had based their arguments on what they felt to be the most legitimate way of fulfilling the constitutive duty to relieve suffering by addressing poverty. Crucially, although the debate had included competing understandings of the prominence of emergency relief in Oxfam's public identity, there was no debate on either side over its legitimacy. As such, the contestation was not over whether Oxfam should have a development identity or an emergency relief identity, but on how development should be undertaken, and what should be the balance between development and relief. Stacey himself was prominent in defending the legitimacy of Oxfam's emergency relief during the Biafran crisis. This emergency also demonstrated the central importance of maintaining the legitimacy of Oxfam's activities among its donors, when the organisation sought to mobilise their opinion against British support for the Nigerian government.
One aspect of the Stacey affair had been the attempt by radical members to promote Oxfam’s identity as a developmental organisation at the expense of its profile as a predominantly emergency relief oriented agency. Stacey and his constituency had not however contested the legitimacy of emergency relief practices per se. They had been primarily concerned with emphasising the scope and profile of its developmental advocacy activities. One aspect of the outcome of the Stacey affair however emphasised the perceived importance of emergency relief in legitimising Oxfam’s identity as a humanitarian agency. The Biafra emergency between 1967 and 1970, which coincided with Stacey’s incumbency as Deputy Director, saw both the radical and conservative constituencies within Oxfam defend this key aspect of the organisation’s identity and practice. The Biafra crisis also saw Oxfam raise the arguments which had formed the basis of its creation, the primacy of humanitarianism over more narrow state-centred political interests, in the context of what for the Nigerian government was a struggle to assert its sovereignty. Key lessons for the conduct of emergency relief operations emerged from Oxfam’s experience of relief in the Biafran war. These lessons emphasised the constraining power of the rule of state sovereignty, and framed the way the organisation approached advocacy in succeeding emergencies. The first two sections of this chapter focus on how Oxfam’s developing humanitarian culture constituted its practices in the emergencies in Biafra and East Pakistan.

The third section examines how the failure of the Modernisation doctrine led to the legitimisation in Oxfam’s humanitarian culture of a stronger emphasis on radical development advocacy. This occurred without contestation, and on the basis of the organisation’s experience in the field, through the language of socio-economic rights and justice. By the late 1970s, Oxfam was being challenged more
and more often by elements of the conservative British political right for its advocacy of socio-economic rights. The organisation’s response was to assert the legitimacy of its new approach to relief and development. The final part of the chapter examines a key episode in the history of Oxfam’s relief of complex emergencies. The Cambodian relief effort in 1979 saw the organisation undertake relief on an unprecedented scale. Oxfam’s operations also saw an important affirmation of the primacy of its humanitarian values in the context of the controversy surrounding the legitimacy of the new Cambodian government.

1. THE BIAFRAN CRISIS

The crisis that arose from the Nigerian civil war between 1967 and 1970 proved a major watershed for Oxfam. Soon after independence in 1960, tensions began to rise between members of the northern Hausa and Fulani peoples, who formed the majority of the population, and the Ibo peoples who dominated southeastern Nigeria. After a bloody coup by Ibo army officers was followed by an even bloodier coup by Hausa officers in 1966, many Ibo began to flee toward the oil-rich south-eastern corner of Nigeria. In 1967, the area’s military governor, Colonel Odumegwu Ojukwu declared its secession from Nigeria, to form the Republic of Biafra. The Federal Nigerian government, with economic and diplomatic support from the British government, launched a brutal military campaign to re-conquer Biafra, and imposed a complete economic blockade on the territory. As more Ibo fled Nigerian repression into the interior of an already overcrowded Biafra, food shortages began to arise throughout the country. Very soon these shortages turned into a famine as Federal forces captured the main food-producing areas of Biafra

Oxfam was involved in the relief of the Biafran emergency from the outbreak of the civil war, working through other NGOs in the field. Initially, its policy was to emphasise the suffering caused by the war without discussing the wider issues behind the conflict, such as the support of external powers, notably the UK, for the Nigerian government, or the instances of gross human rights violations. An almost equal amount of aid was channelled to areas re-taken by Federal Government forces, as to Biafra itself. Moreover, no public attention was initially given to Oxfam’s involvement in the relief activities within Biafra. The Federal authorities were increasingly beginning to regard anyone who entered

Biafra or made public statements critical of Federal policies as supportive of the Biafran cause. People who did so were not only being excluded from Federal held areas, but being declared persona non-grata within Nigeria. The BBC’s then West Africa correspondent Angus McDermid recalls questioning a Nigerian official on whether he had been declared persona non-grata after a visit to Biafra at the beginning of the war:

‘Well, have I been?’
‘No, you haven’t.’
‘Am I likely to be?’

‘Ah, well, you are always welcome in our country, but if you ever set foot in Biafra again, you will be declared persona non grata!’185

Oxfam was channelling aid to Biafra through the ICRC. The ICRC was stockpiling relief on the Spanish island of Fernando Po and organising intermittent flights into Biafra as Federal authorities would permit. As Federal forces advanced on Biafra however, the few airlifts of food organised by the ICRC proved inadequate to meet the growing needs of Biafran civilians. The ICRC was unable to establish a secure method of delivering relief supplies to Biafra, since the Nigerian government was unwilling to permit a regular airlift. Moreover, the Biafran authorities were unwilling to permit food to be delivered through Federal held territory via a land corridor. In May 1968 the head of the Federal government, Major-General Yakubu Gowon, withdrew permission for the ICRC flights in an attempt to put pressure on the Biafran authorities186.

West Africa had traditionally had a strong missionary presence, and church organisations were the first to respond to the emergency187. Catholic and Protestant churches created an organisation called Joint Church Aid to airlift relief from Fernando Po and the Portuguese island of São Tomé at night directly into Biafra irrespective of Nigerian permission. Often the aircraft flying in the Joint Church Aid relief were also bringing in weapons and ammunition to supply the Biafran forces. Increasingly this illicit aid route became the most reliable way of reaching the millions of people behind Biafran lines. After the suspension of the ICRC airlift Oxfam began to direct some of its relief to the Joint Church Aid operation. Oxfam had begun to tentatively publicise the emergency from July 1967 through its own publicity apparatus. The story did not ‘break’ in the media until June 1968. The few journalists who were covering the famine initially found it difficult to arouse interest among news editors: “The first photographs, taken by the Daily

185 Harrison and Palmer, News Out of Africa, p. 10
186 Black, Cause for our Times, p. 120
187 Harrison and Palmer, News Out of Africa, p. 20
Express's David Cairns, were in fact dismissed by his editor as mere Oxfam posters of no news value or interest whatsoever to the British people."\(^{188}\)

When the news of the Biafran emergency began to emerge in the UK press, the public response was so huge that Oxfam decided to abandon the position it had agreed with the other members of the Disasters Emergency Committee (DEC) to confine publicity to the general suffering caused by the war on all sides. The DEC had been created in 1963, at the suggestion of the then Minister for Overseas Aid, Barbara Castle, to launch joint publicity campaigns for the largest British INGOs involved in emergency relief. The members of the DEC at the time were the British Red Cross, Oxfam, Save the Children, Christian Aid, and War on Want. Fund-raising through the DEC at times of emergency consolidated the activities of all five agencies to capitalise on publicity in the media, and collectively allowed them more television coverage than they would have received individually. The DEC had agreed not to launch a major campaign until the ICRC had managed to establish a secure route into Biafra. It was feared that to do so before then would jeopardise the ICRC’s negotiating position. The media coverage of the Biafran conflict after June 1968 however was unprecedented. By comparison the coverage of the Congo emergency at the beginning of the decade had been small\(^ {189}\).

As a result of the media coverage a tremendous dynamic was created within Oxfam to respond immediately to the Biafran emergency. The Muslim Hausa dominated Federal Government was portrayed in the media as pursuing genocidal policies against the mainly Christian Ibo, with substantial British military and economic support\(^ {190}\). Many church organisations and prominent journalists and politicians were advocating not only relief for the Biafrans, but outright support for the Biafran cause. The Federal blockade was portrayed as being the chief obstacle to the relief of the Biafrans, and British support for the Federal Government was seen as the major facilitating factor. In fact, the inability of the aid agencies to relieve the emergency owed as much to the refusal of the Biafran authorities to allow any relief operations that might threaten their military operations. Ojukwu had already rejected a number of cease-fire proposals put forward by both the Federal government and international mediators. The Biafrans had however employed a European public-relations firm to ‘manage’ the media

\(^{188}\) Harrison and Palmer, *News Out of Africa*, p. 28
\(^{189}\) Harrison and Palmer, *News Out of Africa*, p. 11
coverage so as to promote the Biafran account of the causes and conduct of the conflict.\textsuperscript{191}

Oxfam’s decision to launch its own large scale fund-raising campaign for Biafra must be seen in the context of the media publicisation of the emergency. It was a ‘supply led’ response.\textsuperscript{192} The failure of the other members of the DEC to respond similarly indicates however that there was also an internal dynamic within Oxfam which constituted this change in policy. This internal dynamic was present in many of the debates taking place within the organisation over how to approach the problem of relieving the Biafran emergency. As in 1942, civilians uninvolved in conflict were being starved to death as a result of a ruthless economic blockade. Again, the pursuit of national interest left the British government on the side of those enforcing the blockade. Culturally, Oxfam’s decision to abandon the policy agreed with the other members of the DEC was constituted by its founding values. The language used in the media of genocide and concentration camps\textsuperscript{193} further reinforced the impression among many Oxfam members that the duty to relieve the Biafran emergency was imperative.

Oxfam had arranged to borrow a Hercules aircraft from a private hire company to fly supplies into Biafra from the Portuguese island of Fernando Po. They had however failed to get permission from the Federal authorities, and in the meantime the aircraft became unavailable. Kirkley sent a telegram to the then Prime Minister Harold Wilson, urging him to use his personal influence with the Federal Authorities to secure permission for an unconditional airlift: “In view of the rapidly deteriorating situation in Biafra with daily death rate of children now reported at 3,000 we urge you exert your strongest possible influence in support of mercy mission flights under responsible international relief agencies control.”\textsuperscript{194} Kirkley stated to the Times that he was not hopeful that such an arrangement would be agreed by Nigeria.\textsuperscript{195} Whilst Oxfam and other agencies were building up supplies in Fernando Po, the death toll in Biafra was increasing. Kirkley further emphasised the enormity of the task of moving the supplies already at Fernando Po and the inadequacy of the British government’s relief policy:

You need at least three planes doing a shuttle service if you are to make an impact on the problem. The trouble is that when you operate on that scale your costs are

\textsuperscript{191} Harrison and Palmer, News Out of Africa, p. 22
\textsuperscript{192} Black, Cause for our Times, p. 122
\textsuperscript{193} Harrison and Palmer, News Out of Africa, p. 31
\textsuperscript{194} The Times, “Nigeria threat to relief planes”, 6 July 1968
\textsuperscript{195} The Times, “Nigeria threat to relief planes”
going to be high - £300,000, which is £50,000 more than the entire government relief offer for the whole of Nigeria.\textsuperscript{196}

With reports of a deepening emergency in Biafra, impatience grew within Oxfam at the inability to deliver the relief being stockpiled at Fernando Po. The Federal authorities refused to allow day-time relief flights unless they landed in Nigeria first to have their cargoes checked\textsuperscript{197}. Such a condition was rejected by the Biafran government on the basis that they feared that the Federal government would interfere with the relief supplies. Although not included in Biafran public statements, this would also allow the Federal government to intercept the arms that some of the planes were carrying (which was the intention of the Nigerians). Unfettered relief flights, as Oxfam was demanding, would effectively create a breach in the Federal blockade through which arms and other supplies could reach the Biafrans. The Nigerian government announced on 6 July that it would regard air-drops of relief which had not first been checked into Biafra as hostile acts\textsuperscript{198}. General Gowon went on to specifically condemn Oxfam for involving "involving itself politically" in the Nigerian crisis, describing it as a hostile organisation\textsuperscript{199}.

At a time when many post-colonial states were in the process of consolidating their sovereignty, taking action which could be interpreted as siding with a party that was disputing the sovereignty of the largest former British possession in west Africa was particularly controversial. A visit by Kirkley to Biafra in 1968 to try to persuade the government to allow a secure land corridor for relief added to the impression of many in the Federal government that Oxfam had sided with the secessionists; "From the Nigerian perspective, Oxfam was acting as if the Federal desire to defend the nation's integrity was irrelevant and the colonial sun had never set"\textsuperscript{200}. An editorial in \textit{Oxfam News} in August 1968, whilst being careful to assert that the organisation was not to start making 'political' statements or positions, acknowledged the demands from many supporters that it take a stance which was more damning of the Nigerian government. It stated that Oxfam "would be delighted to hear that every Member of Parliament is receiving an avalanche of letters from his constituents" on the issue of British support for the Federal Government\textsuperscript{201}.

\textsuperscript{196} \textit{The Times}, "Nigeria threat to relief planes"
\textsuperscript{197} \textit{The Times}, "Nigeria threat to relief planes"
\textsuperscript{198} \textit{The Times}, "Nigeria threat to relief planes"
\textsuperscript{199} \textit{The Times}, "Wilson assurance to Oxfam on safety of Biafra flights", 8 July 1968
\textsuperscript{200} Black, \textit{Cause for Our Times}, p. 123
\textsuperscript{201} Oxfam, "Editorial: Danse Macabre", \textit{Oxfam News}, 34, August 1968, Oxfam News file, OA
Stacey in particular, to the outrage of the Nigerian government, spoke in emotive terms to press, radio and television journalists about the dire conditions in Biafra and the imperative to deliver relief regardless of the opinions or agenda of the Federal government. Writing of the overwhelming response of the British public to the Biafran famine in an article in *The Spectator* entitled “Must Biafra starve?”, Stacey was highly critical of both Nigerian and British governments:

The barriers of public ignorance and indifference were broken. They were quickly replaced by intense interest and concern which is now understandably in danger of turning into frustration, utter despair and deep disappointment.

Frustration at our inability to get significant quantities of supplies into Biafra. Despair because we know that unless a large-scale operation is mounted in the next few days the problem will solve itself in weeks - millions will be dead. Utter disappointment at Colonel Ojukwu's apparent refusal to allow a land corridor, even supervised by the Red Cross, until a cease-fire is agreed. (To the western mind his claim that his people would think the food was poisoned may be hard to understand, but it is a very real fear.) Utter disappointment at Major-General Gowon's unwillingness to agree without strings to a temporary Red Cross daytime aid lift from Fernando Po into Biafra. Utter disappointment with the British government for allowing the situation to develop the way it has.

The British public realise that we can have little influence over events in Vietnam. They instinctively feel that we should still have some influence in Nigeria, especially as we have been told this is the justification for supplying the Federal forces with arms. What is this influence worth if Lord Shepherd [head of the British government's relief effort in Nigeria] cannot even persuade Major-General Gowon to allow a Hercules, chartered by Oxfam under the auspices of the Red Cross, to ferry stock-piled Norwegian stock fish provided by the World Council of Churches from Fernando Po into Biafra?

Some, including the Nigerian government, took great exception to the tone and substance of such statements. What for many members (including Kirkley) was a legitimate expression of their humanitarian concern, was perceived by the Nigerians as partisan and arrogant neo-imperialism. Oxfam was increasingly alienated from both the British and Nigerian governments as a result of its public advocacy. These statements were criticised by some in the British media as impeding British efforts to negotiate access with the Nigerian authorities. Stacey did make it clear in the *Spectator* article and others that the organisation was responding to what it felt was the greatest need:

All Oxfam advertisements, broadcasts and articles have made it abundantly clear that our main immediate concern is for the Ibos in beleaguered Biafra simply because they are in the greatest need. I believe the work of the voluntary agencies far from being an embarrassment to the British government, should positively strengthen its hand in its negotiations with Lagos.

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204 Stacey, “Must Biafra starve?”; see also *The Times*, “Wilson assurance to Oxfam on safety of Biafra flights”
Such statements did little however to reduce the controversy around the position which the Nigerian government felt Oxfam was taking. Moreover, most of the publicity came from senior staff in Oxford and London with little reference to Tim Brierly, the organisation’s Field Director in Nigeria.

Taking a position on the civil war had significant consequences for the organisation’s operations in both Nigeria and Biafra. The whole crisis showed that the provision of humanitarian aid was not neutral. The decision to publicly criticise the Nigerian government was taken at headquarters level based on emotive press reports which revealed genuine suffering, and which appealed to the core of Oxfam’s humanitarian culture. It alienated Oxfam from the Federal Government, and compromised its operations in the field. The Nigerian government made official protests to Oxfam over its behaviour and field workers, notably Tim Brierly, found it more and more difficult to work at a time when Oxfam was trying to establish an operational relief presence in Nigeria. An Oxfam team of specialist relief workers with experience in Nigeria were initially excluded from working in areas ‘liberated’ by Federal Forces, where reports from other organisations and the media revealed as dire a situation as existed within Biafra itself.

The Biafran experience highlighted the importance of Oxfam’s humanitarian culture in constituting its practices. The centrality of the collective duty of members towards the welfare of others and the importance of the public affirmation of the legitimacy of that duty meant that it was almost inevitable that Oxfam would break with the agreed policy of the DEC. As Stacey’s challenge to the interests and identity of the organisation showed, for Oxfam this consisted of undertaking relief and development activities among the suffering. In this case, the donor interest was not stimulated by Oxfam itself, but by intense media coverage. Much of this coverage was not only emotive, but partisan. Although many journalists in the UK were taken in by the sensationalist accounts originating with the Biafran government itself, many others in Britain were genuinely moved by the real suffering of the Biafran people and the atrocities committed by Federal forces. There was little critical analysis of the situation. This was in any case made more difficult by the fact that the Nigerian government had managed press relations very badly. Not only were no correspondents allowed near the battle front, the government in Lagos was very secretive on all matters regarding the conflict. The Biafrans by contrast organised tours of the country and diverted resources, such as

205 Black, Cause for our Times, p. 126
communications and fuel, towards foreign correspondents. Moreover, the most sensational aspect of the media coverage was of the famine in Biafra. Michael Leapman, the correspondent of the Sun (then a very different newspaper) recalls with relish his discovery of numbers of starving children in a hospital in Biafra:

It was the pictures that really made that first story, some marvellous pictures of kids in great distress. And talking to the doctor, who said: 'This one here is going to die tomorrow'. It was very moving stuff. I'd never done much of the heart-throbbing, sob-story stuff before; I'd been mainly in diplomatic reporting. I wrote down what [the doctor] said and reported it back. And the Sun ran it as a series over about three days and sent me back a week later!206

The Sun's main rival, the Daily Sketch, even despatched a cargo of baby milk itself, reporting the story under the headline "Milk - not murder"207.

For an organisation whose public identity was dominated by the direct provision of materials and services, failure to be prominent in the relief of Biafra would have been a telling absence in the eyes of its donors. It would constitute a critical judgement on the public legitimacy of Oxfam's identity as a humanitarian agency. At a time when the public was itself aware of a terrible humanitarian crisis as a result of media coverage, this could have had long term consequences for Oxfam's prominence and fund-raising ability. The organisation's public legitimacy as a humanitarian organisation was at stake. Moreover, the meaning given to the famine in Biafra within Oxfam was of a prima facie case of the type of situation to which it had been founded to respond to, with its imagery of blockades, starvation, and concentration camps. Equally importantly, there was great pressure within Oxfam to take a more activist approach to 'Third World issues' generally, which culminated in Stacey's proposal to the Oxfam Council in February 1970.

The decision to break with the DEC and publicly criticising the failure of the Nigerian authorities to provide safe passage to relief flights was constituted by the organisation's humanitarian culture. The evidence, claims, and imagery of extreme suffering proved the Biafran famine to be a situation with which Oxfam could claim to be legitimately concerned. This constructed the suffering Biafrans to be the objects of members' duty towards the welfare of others. It also generated popular compassion which justified Oxfam's own humanitarian culture and practice. The result of this in the first instance was to place a greater value on publicising the emergency than on observing the agreed DEC policy: the organisation's public identity as a humanitarian agency constituted its interests in taking a public stance on the provision of relief. Oxfam's primary concern with the

206 Harrison and Palmer, News out of Africa, p. 29
207 Harrison and Palmer, News out of Africa, p. 31
suffering within Biafra (rather than those behind Federal lines) arose out of the overwhelming emphasis of popular concern with the condition of the Biafrans. One consequence was that the meaning given to the agency’s inability to deliver relief was that this was the result of the Federal blockade. Identifying Federal policy as the main obstacle to the relief of the emergency meant that the British government was implicated as a result of its failure to put adequate pressure on the Nigerians to allow free access, and by implication, its diplomatic and economic support for the Nigerian regime. The public statements of Stacey and Kirkley highlighting the blockade reflected these meanings.

In the wake of Oxfam’s disagreements with the Charity Commissioners in the early 1960s, the implicit attacks on British policy towards Nigeria risked verging on the definition of political activity. This type of forthright moral stance on inter-state issues was entirely consistent with the type of activity that Stacey’s supporters were urging the organisation to undertake. Just as the wider proposals of this constituency (to undertake more prominent and radical advocacy activities) were contested by some members, so the public stance that Oxfam seemed to be taking was not popular with all members. Some feared the unwelcome attention of the Charity Commissioners, whilst others were concerned that controversial public advocacy activities risked damaging the organisation’s popular image.

Another aspect of the dispute with the Federal government over the public meanings being presented by Oxfam within the UK, came from the field staff, notably Field Director Tim Brierly. The popular donor compassion which the organisation hoped to channel became inextricably linked in the media with sympathy towards the Biafran cause. For the Federal authorities, engaged in a costly conflict to reassert Nigerian territorial integrity, the blockade was an integral part of their military campaign. Not only did it add to the pressure on the Biafran authorities by burdening them with the feeding of millions of refugees, it prevented large scale trade in the territory’s major economic resource, oil. It further harassed the illicit arms shipments being flown in by the same mercenary pilots bringing in the Joint Church Aid relief. The public claims by Oxfam that the most legitimate thing to do in view of the famine was to allow unrestricted relief flights threatened the claims by the Nigerians that the Biafrans were in fact rebels within the Nigerian state. For the Federal government, the war, and indeed the blockade, were an internal matter subject only to Nigeria’s sovereignty. The meaning it applied to Oxfam’s public statements was that they constituted an unacceptable attack on their sovereignty. Hence, Gowon’s statement in July 1968 that the agency was
interfering in Nigerian politics. The public attacks on Oxfam by the Nigerian authorities meant that Brierly found it more difficult to work since the organisation was often identified as hostile. He grew increasingly unhappy with what he felt were unilateral actions by Oxfam members in the UK, based more upon sensationalist media accounts there than on any comprehensive understanding of the necessity to maintain Nigerian consent in the delivery of relief. In July 1968, the Observer reported that Tim Brierly had resigned. It cited the source of Brierly's resignation as being the division within Oxfam over whether or not Oxfam should play a political lobbying role in addition to its straightforward humanitarian function. This activists claim, is essential because thousands of people are dying daily as a result of the political deadlock between the Nigerians and Biafrans which is preventing Oxfam and other relief organisations doing their work.208

Brierly had in fact only threatened to resign. His threat and the prospect of being excluded entirely from Nigeria caused Kirkley to despatch Ken Bennet, the Overseas Aid Director to Lagos to repair relations with the Federal government.209

Reports of human rights violations, and the frustration with the refusal of both parties to allow air or land relief corridors continued however. In March 1969 there was widespread reporting of the Federal policy of bombing civilian targets to increase the drain of Biafran resources towards feeding their own population. This reawakened the debate over taking a more outspoken stance on the conflict, and the organisation began to organise public opinion against continued British support for the Federal Government. In a press release in April 1969, the Chairman of Oxfam’s Board of Trustees, Charles Coulson, stated that

The people of this country should clearly understand the bizarre paradox in which they are now placed - they must pay taxes to the British government in part to sustain a military operation against the very peoples their consciences demand they should help to keep alive by donations to charities like Oxfam.210

Coulson’s statement reveals the importance of popular donor support in legitimising Oxfam’s public identity and humanitarian practice. It also implicates the British government in creating and maintaining the emergency through support for the Federal authorities. Meanwhile the food scarcity situation within Biafra had deteriorated so much that the ICRC began an airlift of the supplies which it had been stockpiling in the absence of the agreement of the Federal government and in the face of Nigerian threats that they reserved the right to shoot down the flights. In 1969, aircraft that had been used to transport the Joint Church Aid supplies (and arms for the Biafran forces) were used to attack Federal forces. The Nigerian

208 *The Observer*, “Has Oxfam man on spot resigned?”, 14 July 1968
209 Black, *Cause for our Times*, p. 124
government took this to be evidence of the long suspected partisanship of the aid agencies, and in June an ICRC transport was shot down by a Nigerian fighter aircraft. When the ICRC delivered protests to the Nigerian government their personnel were declared \textit{persona non grata} and all ICRC operations in Nigeria were suspended. This marked the end of the 'official' relief effort for Biafra, although the Joint Church Aid airlift continued, now much expanded by supplies from agencies, including Oxfam, that had formerly supported the ICRC effort. Federal forces continued to advance throughout the end of 1969, and in January of 1970 Ojukwu fled abroad and Biafran forces surrendered. Although all foreign journalists, relief workers and missionaries were expelled from the re-captured territory, Oxfam continued to supply relief aid to the area under the umbrella of the Nigerian Red Cross\textsuperscript{211}.

In Biafra, the organisation's public statements, which had sought to secure access and hence the conditions under which its primary humanitarian objectives could be fulfilled had actually compromised its activities in the field. Oxfam had been viewed as a threatening Nigerian sovereignty by the Federal government, who had the coercive power to restrict the organisation's operations. The advocacy had had the opposite effect to that intended. Oxfam was soon to become involved in the relief of another major emergency in East Pakistan. Its practices in the amelioration of the suffering of Bengali refugees fleeing persecution by Pakistani forces would reflect the lessons of Biafra.

\textbf{2. EAST PAKISTAN}

East Pakistan had been devastated by a cataclysmic cyclone in 1970. Large numbers of people had been killed and many more died of malnutrition and disease in its wake. The response of the East Pakistan government had been slow and ineffective. In some of the worst affected areas, existing state emergency reserves were only distributed after the arrival of foreign relief. After the annulment of democratic elections in by the Islamist military dictatorship in January 1971, political tension in East Pakistan began to increase. The election had been won overwhelmingly by the secular Awami League which represented the majority Bengali-speaking population of East Pakistan. The Awami League, which won the election on a platform of regional autonomy for East Pakistan and a fair distribution of resources between the two halves of the country, began to campaign for the secession of East Pakistan into the independent state of Bangladesh. The popularity of the independence movement threatened to de-stabilise the Pakistani

\textsuperscript{211} Black, \textit{Cause for our Times}, pp. 128-130
state, and in March 1971 West Pakistani forces launched a brutal campaign of repression. Terrible massacres and gross human rights violations by the Pakistani armed forces generated massive refugee flows across the border into India. The Pakistani forces were supported by units of locally recruited militia attached to Islamist political parties. These militias were responsible for some of the worst atrocities, particularly those against Bengali Hindus. Oxfam, which had been involved in the relief effort after the cyclone, established operations in the northeastern Indian states of West Bengal and Assam for the refugees. Conditions in the refugee camps, already terrible in these poor states (even by Indian standards) which were completely unprepared for such an influx, drastically deteriorated as the summer monsoon rains set in. Epidemics of cholera, typhoid and malaria broke out among the refugees. Oxfam began a publicity campaign in May, although the news did not ‘break’ in the media until June 1971, sparked by an outbreak of cholera near Calcutta.

Oxfam had already organised many teams of Indian doctors, nurses and medical students, and supplied them with salaries and medical equipment and other materials bought locally. The use of indigenous resources by Oxfam in the relief of the Bengali emergency of 1971 owes a great deal to a number of factors. Oxfam had a long involvement with local Indian development NGOs. It was able to liaise with these in the relief of the emergency through its Field Director, Alan Leather. There was also a conscious attempt to work with local governmental agencies, who were considered the only people able or qualified to deal with an emergency on this scale: by August 1971 over eight million Bengalis had arrived in India, with the prospect of many times that number arriving as the war in East Pakistan intensified. Oxfam itself was involved in the relief of about 500,000 refugees. Moreover most of the necessary relief supplies were available in India. Nonetheless there was pressure in Britain for Oxfam to mount an emergency airlift after a DEC appeal in June, and some emergency equipment unavailable in India was flown out. Oxfam’s response was hampered by the decision of the Charity Commissioners to not allow funds raised for the relief of Bengalis after the 1970 cyclone in East Pakistan to be used for the relief of Bengali refugees in India. Cyclone relief in any case was academic because of the war and the exclusion of relief workers from East Pakistan by the Pakistani authorities.

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212 For a wider discussion of the origins and consequences of the East Pakistan crisis, see Talukder Maniruzzaman, *The Bangladesh Revolution and its Aftermath* (Dhaka (Bangladesh): Dhaka University Press, 1988)
213 *The Economist*, “Frustrated Charity”, 12 June 1971
214 Black, *Cause for our Times*, p. 150
215 *The Economist*, “Frustrated Charity”
As the monsoon rains continued throughout the summer, media interest in the UK began to wane. Faced with a deepening emergency and a reduction in income Oxfam took the unprecedented decision in August to mount a political advocacy campaign aimed not at Oxfam's supporters, but directly at governments and the UN. The significance of this decision in the wake of the experience of relief in Biafra cannot be overstated. Mindful of the Biafra operation Kirkley had initially been hesitant, but eventually agreed that the urgency of the situation left Oxfam with little choice. Access to the refugees was not a problem, as it had been in Nigeria. Although the Indian government had imposed certain conditions on foreign relief agencies (that they use Indian personnel and supplies as far as possible), these were consistent with Oxfam's existing relief practices in India. When it had responded in 1963 to a famine (the Indian government had insisted that it be referred to as a 'food shortage') in the north-eastern state of Bihar, Oxfam had organised and funded local NGOs and other civil society institutions to distribute relief. At the time this had been considered the best way to use limited funds, and compensate for the lack of state emergency infrastructure.

There were two important considerations for Oxfam at this time. The first was to maintain a high profile, both of the emergency, and its own involvement in the relief effort. The number of refugees was steadily growing whilst their condition was getting worse. A drop in income at this point would have been disastrous. Equally important was concern for the civilians still in East Pakistan. The Pakistani authorities has expelled all foreign relief workers and most foreign journalists, and imposed strict censorship throughout both East and West Pakistan. The absence of these sources meant that it was very difficult to verify the condition of those people who did not want to or were unable to leave. There were thought to be few medical services in the country, and none at all in those areas where the fighting was most intense. Many of the poorest in East Pakistan had not yet recovered from the devastating cyclone the year before. Accounts from the refugees in India revealed horrifying tales of systematic rape and the brutal persecution of Bengali civilians, particularly the Hindu minority, by Pakistani military and paramilitary forces. The numbers of people suffering and dying in

216 Some other agencies, notably SCF, who were at the time more accustomed to predominantly expatriate-run emergency operations experienced severe difficulties in working with the Indian authorities. Indeed in September SCF withdrew its operations, citing the unacceptability of Indian attempts to regulate international relief operations. Lady Alexandra Metcalfe, "India Diary", The World's Children, p. 75, December 1971, SCF (A)
217 Elizabeth Stamp, interview, Oxford, 11 June 1996
Pakistan and on the trek to India were unknown, but were assumed to be much higher.

The East Pakistan emergency was even greater in scale than the Nigerian civil war. Oxfam had never been operationally involved in the relief of so many people in its history. Even more people were arriving daily to receive the already scarce resources of the Indian government, UN agencies, INGOs, and local NGOs. The war in East Pakistan was the direct cause of the emergency in the refugee camps in India, and its continuation was exacerbating the emergency to massive proportions. Within East Pakistan, a country still awaiting relief for an emergency a year old, the situation could only have been worse. If it had been legitimate for Oxfam to undertake public advocacy activities on the issue of Biafran relief, then it could only be even more so in the case of the East Pakistan emergency. Unlike Biafra however, the British government was not openly supporting the Pakistani regime. Most of the organisation’s advocacy activities were hence directed internationally. Publicity within the UK concentrated on publicising the suffering of the civilians (to generate funds), and encouraging British support for international peace efforts. In the wake of the Biafran emergency however Oxfam was cautious not to alienate the Pakistani government. To have done so would not impede its relief efforts in the short term, since these were exclusively in India. Oxfam however did not want to jeopardise the chances of operating in Pakistan in the case of the achievement of a cease-fire, or compromise its operations in West Pakistan. In any case, the media coverage of the refugee crisis also carried extensive reports of the human rights abuses perpetrated by Pakistani forces. There was no public position taken by the agency on the human rights abuses. Instead, Oxfam’s international advocacy took the form of calling for an end to hostilities in East Pakistan so that a secure environment could be created for the return of refugees from India218.

A number of prominent international figures including Senator Edward Kennedy, Mother Theresa, Martin Woollacott, John Pilger, and (then) Bishop Trevor Huddleston contributed to a book published by Oxfam called The Testimony of Sixty. This contained eye-witness accounts of the atrocities of Pakistani forces, and the conditions in the refugee camps219. Newspapers were primed with stories and opinion. Oxfam volunteers personally visited all the diplomatic missions of UN member states in London asking that the level of aid

218 Oxfam, Oxfam News, November 1971, Oxfam News file, OA
219 Black, Cause for our Times, p. 152
for the relief effort be increased and that measures be taken to resolve the conflict in East Pakistan. Supporters were urged in advertisements in the press to write to their MPs (a cut out coupon with the desired wording was included) urging the same, and an international lobby was formed at the UN\textsuperscript{220}. In the event a solution was not forthcoming from the international community. On 3 December 1971 Indian forces crossed the border into East Pakistan in support of the existing guerrilla operations there by Bengali forces, and by 16 December Pakistani resistance finally collapsed and the independent state of Bangladesh was born.

3. A GROWING CONCERN WITH 'JUSTICE'

Stacey’s departure had not ended the debate within Oxfam on how to best achieve the alleviation of poverty. Many of Stacey’s most vocal supporters had left with him in 1970. There remained however a strong constituency within the organisation who sought a greater degree of development advocacy activity. Like Stacey’s supporters, they were often young, having recently joined the organisation out of moral and ideological commitment, and many of them occupied junior and middle management positions. Despite the affirmation of its traditional funding of small scale development projects as a fundamental aspect of Oxfam’s identity and practices in 1970, debate continued as to whether it should do more to educate its donors in the causes of poverty. Kirkley circulated a minute in March 1972 after an internal conference:

"Over the week-end I met with Divisional Heads and discussed Oxfam’s current situation and the future of the organisation. We agreed that our primary objective is the meeting of desperate needs and to achieve this end we must significantly widen our constituency. Our great strength lies in our substantial resources of funds and people, which should enable us to recruit and mobilise a popular movement. While not contracting out of the legitimate exercise of political influence we did not see Oxfam as an intensive political pressure group - this is a function to be performed by others, probably with our blessing and support from time to time ... Top priority should be given to winning new friends and for this purpose we must make a simpler basic appeal than that employed recently. Parallel with this activity we must look afresh for new ways of involving people once their interest has been aroused and educating them in the main issues confronting the Third World.\textsuperscript{221}

Although Stacey’s specific proposals had been rejected in February 1971, many of the arguments which underlay them were accepted by his opponents within the organisation. In particular, there was a growing recognition amongst the senior staff that there existed a constituency of young people in the UK who were receptive to radical developmental advocacy. Oxfam would benefit from

\textsuperscript{220} Oxfam, \textit{Oxfam News}, November 1971

\textsuperscript{221} Leslie Kirkley, Minute on conference at Charnley Manor, 4 March 1972, cited in Ben Whitaker, \textit{A Bridge of People: A Personal View of Oxfam's First Forty Years} (London: Heinemann, 1983) p. 28, italics in original
harnessing their support and funding. Hence Kirkley’s reference to “winning new friends”. The practices adopted to achieve this was to expand its activities in educating donors in the kind of development activities and practices which Oxfam already undertook.

Such commitments sought to harness radical activism outside the organisation without explicitly committing Oxfam to such activism. This did not go far enough for many members. A report in January 1973 by a public relations firm, Sackur, Wood Associates, employed by Oxfam highlighted the consequences of the continuing contestation over Oxfam’s practices:

Oxfam’s image with the public is not the same as the perceptions of Oxfam by its own staff ... The public think of Oxfam as an agency principally involved in relieving hunger in the world. The staff mostly think that Oxfam should be either largely involved in economic development or largely concerned with opinion forming or influence in the UK. The lack of consensus among staff, and between staff and supporters, has dangers for Oxfam ... No meaningful communications strategy can be put into effect unless it reflects a commitment to a clear line of policy by the whole organisation. Management in Oxfam has traditionally encouraged autonomy and freedom of expression among the staff. This style is appropriate to a young, rapidly expanding organisation, but Oxfam is now mature and relatively large ... We recommend a radical review of the range of activities throughout Oxfam, to establish medium and long term priorities. This should lead to a greater concentration of effort in overseas aid on certain types of project at the expense of others. It will require setting clear objectives, and justifying all activities in terms of their contribution to the objectives, e.g. in the fields of fund raising and education.

In an attempt to arrive at a compromise the Oxfam Council agreed that 5% of Oxfam’s annual income would be spent on public education. A Public Affairs Unit was established to commission, conduct, and publicise research on particular issues in poverty and development.

These measures did not end the debate. In June 1974, Robin Sharp, representing a section among Oxfam’s middle-management put forward explicit proposals on the future of Oxfam’s activities in the UK and overseas:

“We, Oxfam, are a partnership of people rich and poor reaching across the barriers of power and oppression, privilege and deprivation, and working to eliminate these inequalities that divide us. Bringing people together in an understanding of their common humanity, it is our purpose to strive for the justice, freedom, and equitable sharing of resources without which more than half the world’s people are presently deprived of their dignity and self-respect: justice and freedom, so that through surrender of the obstructive powers and privileges concentrated in the hands of the few, all could become subjects of their destiny instead of its objects.

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222 Elizabeth Stamp, interview, Oxford, 24 March 1998
223 Kirkley, Minute, cited in Whitaker, Bridge of People, p. 28
225 Whitaker, Bridge of People, p. 29
A sharing of resources, so that the products of the earth and collective labour of its people are distributed to ensure for all the basic human rights of food, shelter, education and reasonable conditions of life ... recognising that our role in working for these objectives is one small part of a universal struggle, the direction and scale of our activities must be calculated to take a maximum advantage of (i) Oxfam's influence and authority in Britain and other industrialised countries, and (ii) our direct knowledge and experience of development in the Third World. We reaffirm our belief in Oxfam's direct role in the development process, firstly through the financing of community projects which meet the criteria set out above and secondly through the activities of the trading company in providing employment and markets. This direct role should be maintained on account of its intrinsic merits, its value as an example of what should be achieved, the scope for innovation and experiment which is not afforded by larger official aid schemes, and the continuing, close contact with practical community problems which enables Oxfam to keep its other activities in a proper perspective. At the same time, recent history has shown that aid programmes alone will never resolve the conflicts and inequalities which concern us. Any significant improvement must depend on a fundamental change of attitudes between rich and poor. In parallel with the direct action programme, therefore, equal emphasis must be placed by Oxfam on activities conducive to this kind of change, both through the medium of public opinion and through those who directly influence the course of public affairs. 226

It was significant that the letter was sent under Sharp's name. He was a newcomer to the organisation, having recently been appointed as head of the Public Affairs Unit. As such, he was not associated with the radical constituency who had supported Stacey, although it was precisely this constituency whose views were represented in the letter227. The constituency represented by Sharp was strengthened by events in Latin America228. Many right wing governments in Latin America in the late 1960s and 1970s saw the activities of development workers as threatening the political, economic and social status quo that they sought to maintain. Often in the context of military counter-insurgency operations against what were in essence peasant risings, increasing numbers of development workers were detained by the state, and in some countries they became targets of death squads and were 'disappeared'. As indigenous political and social organisations were outlawed and persecuted, and insecurity made it difficult for overseas agencies to establish operations, the Catholic church became the major source of non-state developmental activity. Many of the radical Catholic priests who organised these activities were themselves part of the movement described as 'liberation theology'. Working with individual, often terribly poor, communities, these projects were entirely more grassroots in character than the type of activity

226 Robin Sharp, letter, cited in Whitaker, Bridge of People, pp. 29-30
227 Stamp, interview, 24 March 1998
228 Stamp, interview, 24 March 1998
which had characterised Oxfam funded projects in the wake of the Freedom From Hunger campaign in the early 1960s.

By the early 1970s however it was becoming apparent that the Modernisation doctrine which had formed the basis of most of Oxfam’s development practices was failing to achieve its objects. The macro-economic production targets that Modernisation was intended to meet had not been achieved. All too often inappropriate machinery and practices had been used, and local cultures and conditions had not been considered in the rush to introduce high yield crops, and high technology-intensive production methods. Oxfam had seen some success in India and Tanzania, but in both these places the organisation’s own projects had occurred in the context of assertive governments who were attempting to pursue policies aimed at self reliance. Even in these places however the models towards which both Oxfam and these countries’ governments were aiming were based on Western capitalist assumptions of the ‘desired result’ and often involved technical ‘fixes’. Oxfam had sought to align its development projects within the macro-economic development of the state. Macro-economic development had not been forthcoming however, and extreme poverty (née absolute poverty) throughout the ‘Third world’ was deepening. Indigenous development organisations in Latin America however aimed at redefining the complex economic and social structures in which the poverty stricken themselves existed at a local level. Their grass roots development doctrines represented a credible alternative to Modernisation, which remained consistent with the rule that Oxfam must be involved in the direct provision of development. Oxfam had increasingly been involved in funding more and more of these projects, and the doctrines of grass-roots development and social and economic justice were very well received by the more radical constituencies within Oxfam:

The basic development policy strategy, of ‘teaching a man to fish’, [had] come under repeatedly insistent questioning ... because in several areas it was realised by Oxfam's workers that their clients had no access to - or any prospect of such 'water' in which they could 'fish'. Increasingly, debate and concern turned to such questions as how poor people might gain access to water or land so that they might have a chance of being able to support their families - whether in Latin America, Africa or Asia. Oxfam’s wish to help ‘the poorest of the poor’ made it impossible or irresponsible to ignore the political constraints in which it worked. 229

In countries ruled by governments who represented tiny elites, such efforts challenged the very fabric of the society on which these elites were founded and

229 Whitaker, Bridge of People, p. 37
where their interests lay. As such people involved in them became targets of repression:

People who worked for any kind of social improvement - even literacy or family planning - were branded as subversives. Those who defended the rights of peasants to their land, who sought to alter the traditional balance of power, who called for the rule of law and the growth of democracy, were systematically hunted down. 230

The campaigns of terror launched by many of these governments caused huge refugee flows and made the business of relief and development inside countries almost impossible. Initially Oxfam tried to be circumspect about these abuses on the basis that to publicise them would jeopardise continuing relief and development projects and personnel. The Annual Report of 1981 reveals that the numbers of people working or connected with Oxfam projects who had been the target of state terror had been deliberately suppressed until they became so large that the need to protest had outgrown this rationale. In Guatemala, Oxfam had been forced to close its office and move staff to neighbouring Mexico after the army began an extremely brutal campaign of counter-insurgency and terror. Anyone associated with any sort of organised social activity was potentially at risk of being 'disappeared' 231. Similarly in Honduras in 1975, devastating floods occurred in the context of peasant unrest over intense social and economic inequality. Many Oxfam relief and development projects had to be closed down and staff withdrawn after the army attacked peaceful demonstrators, protesting over an inadequate government response to the suffering. This news is reported however in a confidential Emergency Bulletin (internal reports on particular emergencies that Oxfam was involved in), reflecting the view at the time that this news should not be included as part of Oxfam's publicity and advocacy material 232.

Oxfam did not publicise the human rights abuses perpetrated by state agencies on development workers in the 1970s, reflecting the power of the normative international context which constituted the host state's primacy in humanitarian crises within its borders. The organisation did not want to jeopardise what limited access it did have. The grass-roots approach to development which originated in many church-run projects in Latin America increasingly fed back into Oxfam through its Latin American Field Directors 233. As more and more Oxfam development projects in other parts of the world began to adopt such an approach,

230 Black, Cause for our Times, p. 201
231 Whitaker, Bridge of People, p. 37; see also Black, Cause for our Times, p. 201
232 Oxfam, "Honduras (confidential)", 8 July 1975, OID, Emergency Bulletins by Date Order 1974-1987 file, OA
233 Stamp, interview, 24 March 1998
this added to the internal pressure within Oxfam on the need to reinterpret its mission. A ‘think tank’ was formed within the organisation in 1974 to examine the implications this new developmental doctrine had, not only for Oxfam’s activities, but also for the organisation’s identity. Kirkley retired in September 1974, and the new Director, Brian Walker, agreed with the trustees that the work of the think tank should be towards producing a consensual and definitive statement of Oxfam’s new role. The result, a document entitled “Oxfam: An Interpretation”, was adopted by Oxfam's trustees in March 1975 and circulated throughout the organisation:

Oxfam believes in the essential dignity of people and their capacity to overcome the problems and pressures which can crush or exploit them. These may be rooted in climate and geography, or in the complex areas of economics, politics and social conditions. Oxfam is a partnership of people who share this belief - people who, regardless of race, sex, religion or politics work together for the basic human rights of food, shelter and reasonable conditions of life. We believe that, if shared equitably, there are sufficient material resources in the world to enable all people to find fulfilment and to meet basic human needs. We are committed, therefore, to a process of development by peaceful means which aim to help people, especially the poor and underprivileged overseas.

This development will sometimes generate conflicts of choice both for us at home and our partners overseas, but it must be a commitment to a process whose elements are dignity, criticism, and change in which people decide their own priorities within their own cultural styles and their own scale of values. Oxfam's contribution is modest within the constraints of our limited resources. But we have learned that we can serve as a small scale social catalyst; helping and encouraging people to realise their full potential; helping small groups to become self-reliant and to combat the oppressive factors in their environment.

As the repression exercised against Oxfam’s projects increased throughout the 1970s, pressure within the organisation mounted to address these issues. In an article in New Society in 1974, Anthony Smith speculated that

The further that Oxfam moves away from the soup kitchen role to the task of comprehensive community development - the permanent abolition of hunger in a region - the nearer it moves towards an involvement in the politics of the country which it is endeavouring to help.

Oxfam’s development advocacy had become more radical by the end of the 1970s, and there was concern that the organisation risked censure from the Charity Commissioners. There was criticism in the media of the new advocacy activities it was undertaking. In a highly hostile article in the Daily Telegraph in 1978, George

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234 Black, Cause for our Times, pp. 186-197
Szamuely identifies the development advocacy of Oxfam with articles in the *New Internationalist*:

Marxist-Leninist dictators like Mao, Castro and Samora Machel are almost always given fulsome praise. Angola, Mozambique, and Guinea-Bissau and China are described as “exciting countries” where completely new social models are being created. The journal exudes breathless ecstasy about “new orders” and “new men”: Chinese communes are “momentously promising forms of social organisation” untainted by individualism and materialism which produce greed, inequality, racism and sexism. Leading articles advocate violent revolutionary changes arguing that “the destruction and oppression wrought by poverty is the greater terror.

Thus, without editorial responsibility, and without necessarily endorsing every word, Oxfam and Christian Aid own and back a politically extremist publication.

Szamuely ends by explicitly and pejoratively attacking the practices legitimised by “Oxfam: An Interpretation”:

> what can the search for social justice, for equality, for the eradication of the “root causes” of poverty mean except more “constituency education” or, what is the same thing, propaganda, more lobbying, more “direct action” involving helping strikers or immigrant groups, more spurious educational institutions at home and aiding guerrillas and bandits abroad?

In fact Oxfam had little to do with the day to day running of the *New Internationalist*, and had no sway over editorial policy. Szamuely’s article however represents one in a series of attempts by organisations and lobbies on the right of British politics to ascribe illegitimacy to the advocacy campaigns of Oxfam and some other development organisations by claiming that they were ‘political’ activities. In 1978, the Charity Commissioners had warned Oxfam that some of its advocacy activities verged on being unacceptable. Walker published a public defence of Oxfam in the *Daily Telegraph* in 1979:

> In one sense, every penny spent overseas has a political consequence, insofar as it alters or reinforces the local power structure. Today, 25,000 people will die because they have no clean water to drink. The simplest, most humanitarian, response we can make is to analyse the water table of the area, and, if appropriate, help people to sink a well to provide clean drinking water. Yet this can have profound political consequences. If, hitherto, the people have survived only because a rich landlord, or money-lender or political boss, has allowed them to

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237 The *New Internationalist* is a development journal established jointly by Oxfam and Christian Aid in 1973 to present radical developmental discourse to a non-academic audience. It was felt that the journal would provide a forum for advocacy outside the organisation which might otherwise involve Oxfam in controversy if presented by the agency itself.

238 George Szamuely, “Political use of charity”, *Daily Telegraph*, 12 April 1978

239 Szamuely, “Political use of charity”


241 Price, “Uncharitable fight”, August 17 1979
access his water supply - the price being their labour at harvest time, or their vote in an election or their wives and daughters at bedtime - then our humanitarian gesture acquires political significance.\footnote{242}

In talking of the “simplest, most humanitarian response”\footnote{243}, Walker was publicly affirming the legitimacy ascribed by Oxfam’s humanitarian culture to its direct participation in grass roots development. Walker talks however of the “political consequences”, and “political significance” of these activities. This construction of development activities which were not in themselves political, but had political consequences, underlay the public legitimacy of the organisation’s practices. Walker does not make any specific claim to legitimacy for ‘political advocacy’. This is entirely consistent with meanings ascribed to development advocacy by Oxfam’s humanitarian culture. Grass roots development projects are legitimate (“simplest, most humanitarian”). The “political consequences” and “significance” arose from the fact that these activities by necessity addressed the structural inequality and injustice that enforces the poverty the projects aim to relieve. In any case the political realm with which Oxfam was implicated was not in the UK. There was no legal precedent on the legitimacy of political behaviour in an international context. As such, to have deemed Oxfam’s involvement in foreign or international politics (something which Oxfam in any case denied) as illegitimate would require its critics to first establish this as a precedent in British charity law. Despite their public criticism, the Charity Commissioners had stopped short of taking this action themselves\footnote{244}.

Having argued that Oxfam’s grass roots development activities were legitimate, Walker, in the same article, goes on to legitimise Oxfam’s concern with social and economic rights by using the language of international human rights:

\begin{quote}
During Jimmy Carter’s Presidency the cardinal issue of “human rights” has been brought to the fore. In 1948 Mrs Roosevelt promoted, and the United Nations endorsed, the “Universal declaration of Human Rights,” and mankind took a step forward. This concept reflected the need of Western Europe struggling out of the Second World War, and of America, about to assume the leadership of the West, but many of its clauses are inappropriate to the basic needs of millions of people at their present stage of development.

The Declaration upholds political and judicial rights, which we must help to implement, but what the majority needs immediately is a commitment by all nations to the abolition of absolute poverty and its consequences by the end of this century ... 

... Is it not as important to outlaw absolute poverty as to declare a right to rest of leisure? Is it not as important to declare that all people have the right to
\end{quote}

\footnote{242}{Brian Walker, “For the starving, food can have political significance”, \textit{Daily Telegraph}, 10 January 1979}
\footnote{243}{Walker, “For the starving”}
\footnote{244}{Price, “Uncharitable fight against poverty”}
clean water as to guarantee the right to freedom of movement within their country? Is it not as important to abolish illiteracy as to guarantee people the right to free, elementary education?\textsuperscript{245}

Walker's article was an attempt to justify Oxfam's practices in the language of two public contexts, in the first instance, British charity law. It was within this framework that its critics were claiming Oxfam's activities to be 'political'. For Walker, although Oxfam's work had political dimensions, it was not itself inherently 'political' under charity law. He then used the language of international human rights to legitimise Oxfam's own concern with rights and justice. Walker's defence of the public legitimacy of Oxfam's development and advocacy activities reflects the authority which "Oxfam: An Interpretation" had acquired within the organisation's humanitarian culture. Michael Harris, then Director of Emergencies, affirmed the legitimacy of these meanings as arising out of Oxfam's actual experience of development in the field in the early 1980s:

'Poverty ... is so often allied with peoples' search for justice and basic human rights. Faced with the terrors and murders within the countries of Central America it is becoming increasingly difficult to remain uninvolved. It is the refugee who is becoming the political weapon of the countries concerned. Can we refuse aid? Can we pass by on the other side? In my view this would be impossible; we must always respond to human need whatever the cause. What we must avoid at any cost is involvement in violence of any sort; and ensure that any help we can offer is made available to all who require it, as well as ensure its proper and correct use. ... Allied to this is the crucial task of how we communicate on the home front. We must put across in our own country our views of the problems of the poor world and our belief that the rich world must identify itself with these problems.'\textsuperscript{246}

Throughout the 1970s Oxfam became involved in increasingly controversial development and advocacy activities. By the end of the decade, this controversy also engulfed the largest emergency relief operation the organisation had ever mounted, in Cambodia following the Vietnamese invasion in 1979.

4. CAMBODIA

The experience of relieving the Cambodian emergency was to be a defining moment in Oxfam's history. The fall of the US backed Lon Nol government in Cambodia to the Khmer Rouge in 1975 began what has been described as a holocaust for the Cambodian people. The Khmer Rouge doctrine of creating the 'perfect' socialist society plunged the Cambodian people into a pre-industrial dark age. The cities were emptied of people who were transplanted to collective farms in the countryside. Anyone with any technical or specialist knowledge (high school students fell into this category) were targeted for extermination, and for the rest

\textsuperscript{245} Walker, "For the starving"

\textsuperscript{246} Michael Harris quoted in Whitaker, Bridge of People, pp. 37-38
even minor violations of Khmer Rouge laws might result in torture or death. When Vietnamese armed forces invaded Cambodia in 1979, the extent of the mass murder was revealed. Fewer people had been killed and made destitute than in Biafra or East Pakistan. The emergency was however unequalled in its intensity, and initially, depth.

The retreat of the Khmer Rouge into the north western part of Cambodia near the border with Thailand in the face of the Vietnamese advance left a wake of destruction. The Khmer Rouge had followed a ‘scorched earth’ policy where possible. Even in areas where this had not happened, rice harvests had not been collected and effective agricultural production had not occurred for over a year. The massacres of the intellectuals had left the country with negligible health and welfare provision and there was no state infrastructure to deliver these services had they existed. In July, the Vietnamese government requested 129,000 tons of food aid from the World Food Programme on the basis that 2.2 million Cambodians faced imminent starvation.

In the highly charged political atmosphere of the time, most non-Soviet aligned states condemned the Vietnamese invasion as an act of intervention and hence illegal under international law. In view of the international political sensitivity of having dealings with Vietnam’s allies, UNICEF and the ICRC made secret visits to Phnom Penh to make arrangements with the new Vietnamese backed government installed there. Jim Howard, one of Oxfam’s Asia Field Directors, visited Phnom Penh in August 1979 with a planeload of aid organised by two French doctors, and was astonished by “the almost complete disintegration of the country’s infrastructure - roads, vehicles, energy supplies, equipment, surveys, maps, communications, paper on which to write instructions, pens to write them with, and qualified people to carry them out.” The absence of skilled personnel and civil infrastructure was a particularly acute problem for Oxfam, since they were faced with a new government that had a definite political and economic agenda. Moreover the Cambodian government was mistrustful of Western agencies, including Oxfam, and had no experience of working with them. There were no local agencies through whom the organisation could work. Working through the Vietnamese authorities or armed forces, the most practical option, was out of the question since this would inevitably have alienated donor support.

247 Black, *Cause for our Times*, p. 217
248 Black, *Cause for our Times*, pp. 218-219
249 Harper, interview
250 Black, *Cause for our Times*, p. 220
Chapter Three: Biafra to Cambodia

Appalled by the emergency he found, Howard immediately set about assessing emergency needs, and making contact with members of the new administration. On returning to Oxford in early September, Howard announced Oxfam’s immediate expenditure of £250,000 on emergency relief, and described in very emotive terms the conditions he had seen. A few days later, the Daily Mirror published an article by John Pilger which confirmed Howard’s account. Pilger was moreover highly critical of the insistence of UNICEF and the ICRC to negotiate terms of access with the new government. He posited that the failure to do this was more the fault of the agencies themselves than the suspicion of the Cambodian government. Pilger’s account ‘broke’ the story, and immediately other media organisations began to widely cover the emergency. A huge donor response was triggered, directed mainly at Oxfam251.

There was no questioning of the initial Vietnamese assessment of 2.2 million people facing starvation, and there was a great deal of pressure on Oxfam to respond. As in Biafra, there was both a supply and a demand led dynamic for response to the emergency. The involvement of Oxfam in relieving the Cambodian emergency occurred in a background of Cold War controversy and conflict. The provision of relief was a highly political act in the context of media criticism of the role of the West, international institutions’ failure to provide aid, and the alignment of Western and Eastern bloc states over the issue of the Vietnamese intervention. Most Western states still considered the Khmer Rouge to be the legitimate government of Cambodia, whilst most Soviet aligned states had recognised the Vietnamese-backed government.

In September 1979, under US and Chinese pressure the UN General Assembly refused to recognise the new Cambodian government. The Phnom Penh government consequently became increasingly hostile to UNICEF and ICRC, identifying them with the wider Western political agenda. They wanted UNICEF and ICRC to give assurances that they would not supply relief to civilians in areas still controlled by the Khmer Rouge before they would be allowed to commence relief operations in Cambodia. Refugee and displaced persons camps along the Thai-Cambodia (where most Western states were directing their emergency relief) border had quickly come under the control of the Khmer Rouge. These camps were a base of recruits and sustenance for their forces, and there was widespread

251 Black, Cause for our Times, p. 220

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diversion of aid\textsuperscript{252}. Publicly, the refusal of the ICRC and UNICEF to agree conditions of access further added to the perception among many donors that they were 'dragging their feet'\textsuperscript{253}. Until this time, Oxfam had been pursuing a policy of public alignment with the position of UNICEF and the ICRC on the matter of 'aid to both sides'. With the arrival in Cambodia of Brian Walker, Oxfam's Director, this position changed.

Walker felt that Oxfam's support for UNICEF and the ICRC's position was preventing it from responding to the terrible humanitarian emergency which seemed to be getting worse. Mindful also of the intense pressure in the UK for Oxfam to respond massively and immediately, Walker proposed the creation of an INGO consortium headed by Oxfam. Faced by the intransigence of the Cambodian government in their negotiations with UNICEF and the ICRC, and convinced that other agencies would be available to help civilians in Khmer Rouge held territory, Walker accepted the Cambodian government's conditions for access. Oxfam would end its alignment with the UN and Red Cross agencies (who were in any case on the verge of being expelled from Cambodia\textsuperscript{254}). For Walker this agreement was simply efficacious to the speedy delivery of relief to the needy.

On 10 October 1979 the Consortium was formally constituted in Brussels. INGOs had never before taken sole responsibility for a relief operation on this scale. Despite this, and despite the difficulties of working in the devastated Cambodia of the day, the members of the Consortium felt that only a huge and immediate relief effort could avert emergency, and that this could only be achieved through a co-ordinated and unified relief mechanism\textsuperscript{255}. As the first shipment of relief from the Consortium arrived in Cambodia however it emerged that UNICEF and the ICRC had at last reached a tentative agreement with the Cambodian government on the conditions for their relief operations that respected the desire of these agencies to be able to provide relief to those under Khmer Rouge control. In view of the size of the relief effort that UNICEF and the ICRC were able to initiate, the Consortium revised their plans to supplement the activities of these agencies\textsuperscript{256}.

\textsuperscript{252} The Economist, “Food is neutral”, 19 July 1980; The Economist, “Food as usual; politics almost”, 2 August 1980
\textsuperscript{253} Black, Cause for our Times, p. 225
\textsuperscript{254} Brian Walker, interview, Arnside, Cumbria, 23 June 1998
\textsuperscript{255} Oxfam, “Cambodia/Kampuchea”, EB4, 22 October 1979, OID, Emergency Bulletins by Date Order 1974-1987 file, OA
\textsuperscript{256} Black, Cause for our Times, p. 228
Until this time Oxfam’s policy of not supplying relief to civilians under Khmer Rouge control had been largely academic, since most civilians had been within Cambodia because of Thailand’s ‘closed door’ refugee policy. When the Vietnamese army launched a new offensive in October 1979 however new refugee flows away from the Vietnamese advance were formed and Thailand was forced to open its borders. This created a new pressure on Oxfam’s commitment to only relieve suffering in government held areas. These new refugee flows of sick, starving and wounded civilians received widespread media coverage. Coming at the same time as the broadcast of a documentary film by John Pilger, Year Zero, about the atrocities perpetrated by the Khmer Rouge, a new donor dynamic was created in Britain. A prominent BBC television children’s programme, Blue Peter launched its own appeal for funds, which it specifically tied to Oxfam’s own fundraising apparatus 257. The new media coverage, the high profile of the Blue Peter campaign, and Oxfam’s previous publicity all served to further identify the agency as a major relief actor in Cambodia.

Despite the media attention given to the crisis in Cambodia, the legitimacy conferred by the Blue Peter campaign, and the growing evidence of the terrible atrocities committed by the Khmer Rouge, Oxfam mounted its relief operation in the face of some criticism in the UK. Some members were concerned that the scale and prominence of the operation was diverting the organisation from its recent affirmation of primarily developmental concerns. Others in the wider British media and charitable sectors made the criticism that Oxfam’s success in raising funds for Cambodian relief was occurring at the expense of charities concerned with domestic issues 258. These criticisms, which were concerned essentially with the effects of Oxfam’s success, were a sign of the prominence and influence of the organisation within the British charitable sector at this time. Criticism also came from some who felt that however well intentioned, the agency and its consortium partners were politically naïve and were being manipulated by communist states to legitimise the new Cambodian government and embarrass the Western states who had refused to recognise it. The aid would in any case be diverted to feed the Vietnamese occupiers 259. Oxfam made the point of attempting to verify to the greatest degree possible that Consortium relief was not diverted. The agreement with the Cambodian government to restrict aid to areas under its control had been made on condition that field staff would have unrestricted access throughout the country to ensure that the aid was not being diverted. For example, in view of the

257 Black, Cause for our Times, p. 229
258 Whitaker, Bridge of People, p. 8
259 Whitaker, Bridge of People, p. 9
total absence of infrastructure, Oxfam had secured at short notice a fleet of lorries from British Leyland\(^{260}\). Each of these trucks, painted white, had a different number emblazoned on it. This would allow field staff to verify more easily the location of any vehicle at any particular time. One night, Walker received a telephone call from a journalist, asking him to comment on reports that an Oxfam lorry (giving the number) had been seen carrying supplies in Ho Chi Min City (formerly Saigon). On investigation Walker managed to verify that that particular vehicle had been despatched to Ho Chi Min City to collect relief supplies which had mistakenly been delivered there, and had not in fact been diverted by the Vietnamese army\(^{261}\). Such claims continued to dog the operation however. In 1980, an article in the *Economist*, which had discussed the diversion of aid by the Khmer Rouge in the refugee camps along the Thai border, remarked that "it still seems to be distributed more efficiently than whatever manages to filter through the Cambodian government system."\(^{262}\) It was these criticisms to which Oxfam was most sensitive, since they challenged the public legitimacy of its involvement in the humanitarian crisis. Walker remembers that the British government, which under Margaret Thatcher had aligned its foreign policy closely with that of the US, was actively opposed to Oxfam's operations which it saw as legitimising an illegal regime in Cambodia\(^{263}\).

At this time however reports began to emerge that the predicted famine had in fact not materialised. Oxfam's own Chief Medical Advisor, Dr Tim Lusty, on the basis of the limited information available, produced a report saying that whilst there was still considerable suffering throughout the country, there was no reason to believe that there was any prospect of a continuing food shortage. More importantly Lusty claimed that the role of external food aid had been marginal in securing this situation. The absence of any logistical operation or infrastructure had moreover made it difficult to distribute the Consortium relief\(^{264}\). In particular, Lusty reported that whilst there had been widespread *malnutrition*, there had been little if any *starvation*\(^{265}\). The difference between the two terms is medically very significant. Malnutrition is caused by the absence of *sufficient* food. People who were affected by malnutrition were physically weak. In this state, even minor infection could be fatal. Starvation, which can arise from malnutrition, was caused by a total absence of food leading to a break-down of life-supporting bodily

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\(^{260}\) Stamp, interview, 11 June 1996
\(^{261}\) Walker, interview
\(^{262}\) The Economist, "Food as usual"
\(^{263}\) Walker, interview
\(^{264}\) Black, *Cause for our Times*, p. 232
\(^{265}\) Walker, interview
functions. Both conditions constituted life-threatening health crises, and both required a speedy response. The scale of the necessary response to the two conditions was very different however. Starving populations were on the point of death, requiring massive medical and nutritional intervention, whereas malnourished populations could be relieved more easily through nutritional supplements and medical care. Moreover, there was a stronger symbolic and moral urgency to the word 'starvation', than the more technical term 'malnourishment'. As such Oxfam’s claims of imminent starvation were basing a moral appeal on a situation which did not in fact exist. Lusty's report was confirmed by other Oxfam and IGO personnel in the field; Robert Mister, Oxfam's Disasters Officer, after visiting Cambodia in December reported that he 'saw no evidence of famine, starvation or serious hunger. In fact, I found it hard to believe that there ever had been famine or starvation on a massive scale in the parts of the country I visited.' Oxfam accepted that some of the initial assessments of the crisis had been based more on the visible suffering than on technical appraisals of food supply and health needs.

The absence of famine owed as much to the efforts of the Cambodians themselves, in recultivating abandoned fields, turning to alternative local sources of food, and through the activities of the Cambodian government which suspended both tax collection and its economic programme. The efforts of the international relief operations had undoubtedly been valuable, but it had only been part of the solution. Oxfam, in responding to the idea of an imminent tragedy had overlooked the role of the Cambodians themselves in relieving their hardship, and had moreover overestimated the emergency. An internal report in 1983 was highly critical of Oxfam's operations in Cambodia:

There were over-expenditures; there was operational confusion; there was political naivety; expectations of Oxfam's partnership with the government were misplaced; above all there was a failure to recognise what pressures such a vast, unprecedented programme would place on Oxfam and expand administrative capacity fast enough to meet them.

The gap between Oxfam's initial construction of the emergency and the conflicting reports coming from their field staff was however later recognised. This was identified as a problem of an absence of specialist involvement in the initial

266 Walker, interview
268 Walker, interview
269 Black, Cause for our Times, p. 232
270 Tigger Stack, "How Oxfam became involved in Kampuchea", Report on the Kampuchea Emergency Programme, August 1983, commissioned by the Asia Field Committee (Restricted Circulation) cited in Black, Cause for our Times, p. 235
assessment of the emergency and emergency needs. It was felt that as strong as the failings in the operation may have been, to over-react to them would be wrong since it was the organisation’s susceptibility to the particular kind of dynamic created by the media coverage that lay at the heart, not only of Oxfam’s creation, but also of the ‘character’ of the organisation at the time. The criticism of Oxfam’s characterisation of the suffering as one of starvation whilst technically important, was culturally a narrow issue. The organisation’s culture and identity constituted its interests in responding to suffering. Both malnutrition and starvation cause suffering, and it was the Cambodians’ suffering to which Oxfam was responding, however caused. As such, whilst the point was accepted and the organisation stopped using the term in referring to Cambodia (and has been very careful in using it ever since), this did not reduce or destabilise the legitimacy of Oxfam’s response. Walker remembers that he “made a mistake in not spotting the difference between starvation on one side, and malnutrition on the other. In a sense … as a human, what did it matter what doctors called it?” Indeed, during and for long after the Cambodian relief effort, and to some extent still, it was regarded as the organisation’s finest hour.

The speed and the scale of the Kampuchean relief operation were in a different league from anything done by Oxfam in the past. The impact on the organisational psyche was similar to that of 20 years ago when the Congo famine was at its height; those then at Oxfam had felt as though they were playing leading parts in an international crusade. The effort for Kampuchea was similarly gaining a heroic and folkloric stature.

CONCLUSIONS

The Biafran crisis demonstrated the importance of the link between advocacy in the UK and humanitarian access in the field, and the limits of Oxfam’s ability to achieve normative change in the international context. Even the neutrality of the ICRC had been compromised, and Oxfam had come close to this itself. The organisation’s advocacy had compromised its ability to actually deliver relief in the field. The decision to publicise the emergency and take part in its relief had been vindicated by the genuine and extreme human suffering that the media and visits by Oxfam staff had revealed. With thousands dying of malnutrition the most important thing was to get relief to the suffering as soon as possible, and the Federal blockade was the primary obstacle to this. As such, it was the Federal blockade which was the target for most criticism. However, the resulting deterioration of relations with the Nigerian government had ultimately

271 Black, Cause for our Times, p. 232
272 Black, Cause for our Times, p. 235
273 Walker, interview
274 Black, Cause for our Times, p. 228
jeopardised Oxfam’s ability to deliver relief. The vocal public criticism of the Federal blockade had severely limited the organisation’s ability to achieve its stated objectives, the early delivery of relief.

Oxfam had challenged the legitimacy of the Nigerian government’s blockade of Biafra. This was important in the international provision of humanitarian relief for a number of reasons. After initially suspending the ICRC flights, the Nigerian government had agreed to allow flights which landed in Federal territory before flying on to Biafra. This was not only an attempt to control the supply of arms to Biafra, it was also a symbolic assertion of Nigerian sovereignty and territorial integrity. Oxfam’s public statements placed it in de facto opposition to the Nigerian government. They were not only perceived to be an attack on Nigerian sovereignty but also its conduct of the war. For Oxfam, its criticisms were legitimate expressions of humanitarian concern. It was challenging the power of Nigerian sovereignty to restrict relief on the same basis that it had challenged the legitimacy of Total War; the primacy of humanitarianism above all other concerns. The importance of the organisation’s public identification of the blockade as the primary cause of suffering was twofold. Firstly it accounted for the inability to deliver supplies, and so was an element in establishing the public legitimacy of Oxfam’s activities with its donors. Secondly, it added to the pressure on the British government to use its influence with the Nigerian government to allow relief flights. The organisation’s privileging of its humanitarian concerns over the political and military agenda occurred in an international political context which was not permissive of such claims.

Oxfam’s activities in the relief of the East Pakistan emergency showed a greater acknowledgement of the power of the primacy of state sovereignty within the normative international context. The organisation was hesitant to engage in lobbying activities after their recent experience with the Nigerian government. Public statements which had been interpreted as disputing the exercise of state sovereignty had compromised Oxfam’s relief activities. The military campaign by Pakistani forces however were deepening a terrible emergency which far exceeded that of Biafra. The practices adopted by the agency allowed it to highlight the cause of the emergency without using public language that might be perceived to threaten Pakistani sovereignty. Specifically identifying the conflict between Pakistani forces and Bengali insurgents as the source of the refugee flows directed international action towards the establishment of a cease-fire within East Pakistan. In one sense this was not particularly controversial. An end to the fighting was the
declared aim of both the Indian and Pakistani governments, the UN Security Council, and all UN member states. Hence, calling for a cease-fire could not be interpreted as an attack on Pakistani sovereignty. Publicising the events which had stimulated Oxfam’s advocacy campaign, the continuing arrival of more Bengali refugees with ever more shocking atrocity stories focused attention on Pakistani policies within East Pakistan. Publicly calling for an end to the war whilst at the same time publicising the atrocities allowed Oxfam to engage in public advocacy without undertaking practices which might jeopardise its ability to conduct future relief activities. This analysis of Oxfam’s actions during the East Pakistan emergency shows a much more self-conscious approach to the impact of advocacy in the North on its operations in the field. The organisation did not use the emotive language of the Biafran emergency, but neither did it remain silent on the issue of atrocities in East Pakistan, which was the cause of the massive refugee flows. The East Pakistan emergency showed that the organisation’s practices, although constituted by its humanitarian culture, were also constrained by the rules of legitimate international humanitarianism. It would not be until after the Cold War that the organisation would again feel confident in asserting the primacy of its humanitarian concerns over the constraints of state sovereignty (see Part II).

Internally, Oxfam’s identity continued to be contested by members who felt that the most legitimate way to address poverty was through more radical advocacy activities. Although Stacey’s specific proposals had been rejected in 1970, many members within the middle and junior levels of the organisation felt that more development advocacy was not only justifiable, but necessary. These concerns were presented in Sharp’s proposals in 1974. Whereas Stacey had been perceived to offer a choice between advocacy on the one hand and operations on the other, Sharp proposed an integration of the two. Stacey had challenged the key understanding that the most legitimate way of expressing Oxfam’s humanitarian culture was through the direct provision of relief materials and services. His proposals were rejected by the Oxfam Council because this understanding lay at the core of the organisation’s identity. Sharp was also proposing a radical new agenda. The most important aspects of this were the specific references to justice, freedom, and human rights. Oxfam had not traditionally used these terms to describe the objectives of its activities. The rights referred to in Sharp’s proposals were socio-economic, or second generation human rights. The promotion and provision of such rights would necessarily involve Oxfam in addressing the inequality in the distribution of political and social power at an

international level, and potentially at the level of individual states. Most importantly, since this would underpin its usage of the public language of rights and justice until the early 1990s (see Chapter Seven), these new concerns and practices were themselves justified on the basis that they addressed "basic needs". The organisation's concern with addressing the 'root causes' of suffering arising from poverty involved meeting these 'basic needs', to which the suffering had a 'right'.

These radically different practices were not presented within the organisation as a challenge to Oxfam's core values. The proposals confirmed the organisation's identity as a legitimate humanitarian organisation. They centred on the day-to-day inequality experienced by the poverty-stricken, and not only structural inequality in the international economy. Oxfam would propagate not only a relationship expressing compassion, but also solidarity. This was entirely consistent with the core rule that members have a duty towards the welfare of others. Sharp's proposals recognised this duty since they addressed not only the suffering caused by poverty, but also the root causes of that poverty. The latter would be done by expressing solidarity with the poverty stricken through the legitimising language of socio-economic rights and justice. For donors, supporting Oxfam would also be to express solidarity with the provision of economic rights and justice not just to the 'Third World', but in the 'Third World' itself.

An important aspect of this process which was not present in the debate over Stacey's proposals was that many of the meanings propounded by this constituency was confirmed by experience in the field. The failure of Modernisation to deliver what had been promised led to a growing shift towards grass roots development. In Latin America however, Oxfam's relief and development activities were being hampered and harassed because the poverty they sought to address formed the basis of the distribution of socio-economic and political power within the state. Those who monopolised the coercive power of the state had used force against Oxfam-funded projects and workers. Unlike Biafra, it had not been public statements made by the organisation in the UK which had jeopardised operations in the field. The very conduct of development activities had provoked a coercive response from the state. For those within Oxfam who wanted to emphasise issues of justice and rights through advocacy activities, the experience of development in Latin America validated their contention that the eradication of poverty in the field required Oxfam to address issues of the

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276 Sharp, cited in Whitaker, *Bridge of People*, pp. 29-30
equitable distribution of resources within the state. This analysis emphasises the key role of field experience in producing normative change in Oxfam's humanitarian culture. The spread of Field Directors had led to the promotion of development as a key organisational activity. Field Directors in Latin America had found themselves working with liberationist movements who used the language of rights and justice, and it was on the basis of this direct experience in the field that Oxfam was able to justify its rights and justice oriented development activities. Hence Sharp's proposals were successful where Stacey's had failed not only because they validated field operations as a core aspect of Oxfam's identity and practice, but also because in Latin America the language of rights and justice arose directly from these very field operations.

The demands of the radical development constituency within Oxfam were met by "Oxfam: An Interpretation". Although the language of rights and justice was not specifically used, much of the language of Sharp's proposals was. The document incorporated the idea that ameliorating the suffering arising from poverty could require Oxfam to address wider socio-economic conditions. This in turn, might justifiably require the organisation to undertake more controversial development and advocacy activities. "Interpretation" hence marks a key development of Oxfam's humanitarian culture. This document based the legitimacy of activities which expressed solidarity with local development movements in the South facing state opposition, on the rule that it is an intrinsic element of Oxfam's identity that it undertake development activities in the field. It also established the rule that these activities be directed towards the support of local efforts to address inequality and injustice. "Oxfam: An Interpretation" thus represented the development of Oxfam's identity as an agency legitimately concerned with the achievement of social and economic justice and rights. This document (which represented internal normative change) was the key legitimising source for the organisation's public defence of rights and justice oriented practice in the late 1970s.

Although it justified advocacy expressing solidarity, it did not specifically commit Oxfam towards publicising the abuse of civil-political rights which arose out of the denial of social and economic rights in Latin America. Sharp's proposals had framed the concepts of justice and equality in the organisation's activities in terms of social and economic rights. Inequality and injustice could hence be legitimately addressed by the promotion of such rights in the field, and through Oxfam's advocacy in the UK. At the same time however it was felt that public
support for the provision of civil-political rights would threaten the organisation's ability to undertake development activities in the field. Oxfam's decision not to publicise the abuses perpetrated against its own projects and workers throughout the 1970s reflected this. It would not be until the issues of violent Israeli repression in the Occupied Territories and the enforcement of apartheid in South Africa in the 1980s, that Oxfam would legitimise advocacy which made a link between the denial of socio-economic rights and the abuse of civil-political rights (see Chapter Four). Moreover it was only the wider and unprecedented changes in the normative international context after the end of the Cold War and the challenges of post-Cold War civil conflict, which enabled Oxfam to publicly assert the defence and promotion of civil-political rights as constitutive of its humanitarian identity (see Part II).

Towards the end of the 1970s however, the intensity of state repression drew Oxfam more and more often into controversy over the public legitimacy of its advocacy activities. Critics claimed that the organisation's development advocacy was illegitimate by appealing to the prohibition of 'political' activities in British charity law. Oxfam disputed this meaning, since the consequences of not doing so might restrict its ability to pursue the practices validated by "Oxfam: An Interpretation". These debates over the meaning of the organisation's practices were crucial. Claims that its practices were 'political' threatened Oxfam's charity status. The loss of charitable status would not only lead to significant financial loss in the form of taxable income, but risked alienating a significant proportion of the organisation's more conservative donor base. Its response was to assert that both its advocacy and development activities were constituted by its concern for justice and rights. Oxfam's experience of development in the field showed that the provision of basic improvements in living standards could threaten the position of socio-economic elites. Where this led to political repression and the abuse of state power it was entirely legitimate for the organisation to address the issue of the denial of socio-economic rights through advocacy activities as a measure which was supportive of its primary field based development activities.

In Cambodia Oxfam's activities had occurred in the context of wider controversy over the legitimacy of the Vietnamese invasion and the new Cambodian government by Western and Western-aligned states. This put pressure on Oxfam to at least support the ICRC and UNICEF strategy of negotiating comprehensive conditions of access before commencing operations. This would have ensured the legitimacy of the relief operation, since it would not be subject to
diversion by the Cambodian or Vietnamese authorities. The decision to abandon
the ICRC and UNICEF position that there be no restrictions to relief operations
had not been made lightly. As in Biafra, the sheer scale and overwhelming urgency
of the crisis meant that the moral imperative to extend relief became overriding.
The practical difficulties of delivering relief, although great, were not the same as
in Biafra; the problems were largely logistical, and not based upon the need for
opposition military forces to reciprocate access. The number of people affected by
the crisis in East Pakistan in 1971 had been greater and equally severe. The Indian
government however had had a far greater capacity to undertake relief activities
than the new Cambodian government. Moreover, many international relief
agencies had been present in West Bengal and Assam, and were able to utilise
existing resources in the area. Neither of these conditions existed in Cambodia,
and in any case Cambodia had no civil infrastructure. Delaying relief operations
would not decrease the logistical problems of distributing relief within Cambodia,
whilst it would inevitably increase the scale of the tragedy. Although Oxfam had
been involved in large and difficult relief operations before, Cambodia posed a
unique challenge to its ability to extend relief, and at the same time made an
unprecedented call on its moral commitment to relieve suffering.

In Biafra, the Ojukwu government had made free access to Biafrans
dependent on the negotiation of a mutual cease-fire with the Federal Nigerian
government. Fulfilment of the conditions for humanitarian access was beyond the
immediate capacity of aid agencies, and depended on their ability to bring pressure
to bear on the Federal government. The determination of the Pakistani authorities
to exclude aid agencies similarly precluded Oxfam from initiating operations in
East Pakistan, despite the recognition that there must be even greater suffering
there than in the Indian refugee camps. In Cambodia Oxfam had the power to fulfil
its own conditions for access, by agreeing to the conditions demanded by the
Vietnamese-backed government. The only obstacles to extending relief would
have come from within Oxfam, if agreeing to these conditions would have violated
core humanitarian principles. When the scale and urgency of the conditions were
confirmed by staff in the field, the meaning ascribed to the Cambodian emergency
was that it was an irresistible call on Oxfam’s values. The organisation’s
humanitarian interests were best served therefore by the immediate initiation of
relief operations. UNICEF’s and the ICRC’s positions were obstacles to the
imperative to relieve suffering. Oxfam had decided to break with these agencies
despite the risk that this practice might be interpreted as illegitimate because of the
wider challenge to the legitimacy of the Cambodian government by Western states.
The enormous public response to media coverage and Oxfam's publicity justified this action. Although significant mistakes and misjudgements were subsequently recognised by the organisation, the operation was a success: Oxfam had fulfilled its primary duty towards the welfare of suffering Cambodians on an unprecedented scale. Even if technical mistakes had triggered an over-reaction, this did not detract from the overall validity of the organisation's response. As such, the reports of over-reactions and errors were a matter of making adjustments to technical assessment methods, and did not jeopardise the validity of Oxfam's humanitarian values.
Part I: The development of Oxfam’s humanitarian culture

Chapter Four

Southern Africa and Israel

This chapter addresses important developments in Oxfam’s humanitarian culture in the late 1970s and throughout the 1980s. Brian Walker’s arrival as Director in 1974 led to key changes in the organisation’s structure, and the process by which policy was formulated and adopted. Walker’s approach was far more formal than Kirkley’s had been, and his incumbency was marked by the codification of policy in a way never before attempted. The first section of this chapter outlines how this formalisation occurred in the context of Oxfam’s inclusive and consensus-based approach to policy-making. The process of codification reflected the legitimisation in the organisation’s humanitarian culture of advocacy on civil-political rights, arising out of Oxfam’s rights and justice oriented development in southern Africa. The second section therefore begins an examination of the organisation’s policy towards southern Africa, and how this developed through a process of internal debate over the legitimacy of addressing the issue of apartheid in its activities. These changes in practice were enabled by Oxfam’s changing humanitarian culture, but the third section of this chapter shows how they were in turn constrained by British charity law. The fourth and fifth sections bring the themes of the organisation’s rights and justice oriented approach to development, and the growing advocacy on civil-political rights together by looking respectively at the adoption of a pro-sanctions policy and advocacy on human rights abuses arising out of the Israeli occupation of the West Bank and Gaza. The final section analyses the key challenge to the legitimacy of Oxfam’s advocacy by the Charity Commissioners of England and Wales in 1991.

1. THE CODIFICATION OF CULTURE

When Brian Walker had arrived at Oxfam in 1974, he and his Deputy Director, Guy Stringer, had begun to introduce reforms to the organisation’s
structure and management. Most of these reforms were structural and commercial, intended to allow it to organise and regularise the its limited financial resources. Oxfam had undergone huge and largely ad hoc growth under Kirkley. Kirkley had been able to manage the disparate energy and ability of members and supporters by operating the decision-making structures as informally and as simply as possible:

During the process of growing up we have taken on additional responsibilities consistent with the knowledge and experience we have gained and the growing confidence of more and more people in our capacity to act for them ... We must build up an effective system of communications within a flexible organisation, be prepared to experiment in group control and machinery and not clutter ourselves up with a paper democracy that requires an inordinate amount of time and effort to run it.277

Under Kirkley policy had tended to ‘emerge’ from verbal discussions and negotiations amongst staff little of which had actually been written down (Stacey’s and Sharp’s proposals had been notable exceptions)278. This process of policy formulation emphasised the participation of individual members who constructed intersubjective meanings consensually. Kirkley had himself mediated many of these discussions, and although he had a key institutional role in the formal adoption and implementation of policy, he rarely ‘directed’ it, as his title implied. The strong informal participation of Oxfam’s members in its policy making processes throughout the early part of the organisation’s growth had become confirmed as a central element of its identity. This had been a practical way of establishing the legitimacy of Oxfam’s activities among its members in its early years, when, although steadily growing, the numbers of staff had been relatively small and mainly UK based. Under Kirkley, this consensual method of creating and ascribing intersubjective meaning had become established as a core aspect both of Oxfam’s identity and practice. As such, Walker and Stringer’s attempts to reform Oxfam’s structure and financial and commercial practices could only take place in the context of ‘advocacy’ within the organisation:

There are ... limits to how strictly management disciplines can be imposed on the organization, for all its declared enthusiasm for professionalism and efficiency. Oxfam is extremely democratic. Decisions, on everything from major policy issues to simple operational matters, are arrived at through consensus, with almost everyone, whatever his rank, having a say. This means that, for senior managers, reaching the right conclusions is not enough. They have to be able to sell their ideas to the rest of the staff as well.279

277 Leslie Kirkley, “A personal message from the Director”, Oxfam Review 1967, pp. 21-22, Oxfam Review file, OA
278 Elizabeth Stamp, interview, 24 March 1998, Oxford
By the late 1970s, Oxfam had grown enormously in size, the scope of its operations in the UK and overseas, and financial income. When Walker arrived, Oxfam was increasingly being drawn into more complex and controversial areas of operation, and using ever more sophisticated field methodologies. The number of staff, particularly in the field, had grown vastly and many of them (particularly, but by no means exclusively, those involved in Oxfam’s operations in Latin America) were espousing increasingly radical developmental agendas. Kirkley’s own personality, and diplomatic and informal management style, had been a key element in holding all this together. Walker’s approach was different to Kirkley’s. He had worked in the private sector prior to joining Oxfam and was concerned to bring many of the practices of business and commerce to the voluntary sector. Walker said of his reforms in an article in Management Today in 1980 that

We’re just trying to do what every businessman is trying to do, ... that is to be proper stewards of our resources. There are major dilemmas and major areas of conflict in trying to introduce modern management methods into an organisation like Oxfam, but we have even less right to misuse money than a normal business.

In 1974 he had joined an organisation which had experienced an extraordinary burst of growth in size and scope. Moreover, debate continued over Oxfam’s approach to development and advocacy in the wake of the Stacey affair. “Oxfam: An Interpretation” had served a key symbolic function in accommodating many of the practices desired by radical members. The ‘organic’ growth Oxfam had experienced was a consequence of its dependence on voluntary work and, at different times, the influence of particular personalities such as Jackson-Cole, Kirkley, and Stacey. The rules of its humanitarian culture had similarly evolved ‘organically’ through consensus and as the organisation had begun to expand its range of activities. These rules were drawn together in “Interpretation” to create an account which could be distributed amongst members and drawn upon to give meaning to Oxfam’s actions.

“Interpretation” marked the beginning of a trend towards more codification of Oxfam’s positions and principles. Increasingly policy making began to become more formalised and institutionalised. The Sakur, Wood Associates report in 1973 had indicated the need for Oxfam to reconcile the divisions within the

280 Elizabeth Stamp, interview, Oxford, 24 March 1998
281 Manasis, “The Oxfam Complex”, pp. 56-57
282 “Oxfam: An Interpretation”
283 Elizabeth Stamp, interview, 24 March 1998; Brian Walker, interview, Arnside, 23 June 1998
organisation before the organisation could effectively formulate a communications strategy. "Interpretation" was an attempt to tackle this problem. The participatory nature of Oxfam's humanitarian culture meant that new practices had to be negotiated between proponents and the rest of the staff. "Interpretation" provided a transcript of the cultural rules through which legitimacy could be ascribed to Oxfam's practices. This document was later drawn on to justify many of the new practices the organisation began to undertake indicating the importance of achieving a shared consensual understanding of the legitimacy of new practices.

The challenges to Oxfam's development practice and advocacy from the British political right in the late 1970s (see Chapter Three) meant however that the development of a more radical approach to poverty-alleviation in the South was a gradual process. Walker in particular, whilst keen to engage the broader issues of poverty and injustice, was very conscious of the importance of maintaining the legitimacy of Oxfam's practices within charity law. In a paper delivered to the Society for International Development in 1982, he stated that "in my own country, and I suspect in many others, the general public, which tends to be fairly conservative in these matters, reaches a view about the nature and purpose of a Voluntary Agency very similar in practise to that required by the law." This posed a key dilemma for Oxfam, how to undertake radical advocacy and development activities, which were already being publicly contested, within the constraints of British charity law? The organisation's approach was twofold. The first was to keep its advocacy within the letter of the law. On his arrival at Oxfam, Walker had taken legal advice on the public construction of legitimate charitable activity in UK charity law:

> [we felt that] if the primary objective of any grant is consistent with the objects of the charity, and non-political, but that the subsequent consequences of that gift turn out to be political you can't be hurt, you can't be got at by the Charity Commissioners, because its within the law. ... if you quietly did your work so that if for example you helped ... the mothers of trade unionists who were imprisoned, their wives and children, and if you designed a welfare programme to help those mothers, wives and children, that was a charitable act within the law. But if the consequence of that was that the dispossessed and disappeared movement [was strengthened] ... you were still within the law.

It was this understanding of charity law which formed the basis for the separation of 'political motives' from 'political consequences'. Oxfam's activities arose from its 'charitable motives'. Since Oxfam understood the operative concept in law to

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286 Walker, interview
be the public intention behind action, to emphasise the humanitarian purpose of
development and advocacy activity would effectively affirm its legitimacy.

At the same time, Oxfam gradually created space for yet more radical
advocacy by progressively legitimising new practices. The intention was that by
repeatedly undertaking increasingly radical advocacy activities which still
appeared to fit the letter of the law, the organisation could gradually expand the
definition of what was acceptable.
you can equally talk about the Latin American dictatorships, the Grandmothers and
Mothers of the Disappeared, later on you could talk about Pol Pot and Cambodia,
and they all fit into the same pattern, how far could we go, push the frontier out,
not for ideological reasons of a party political nature, but because of our
humanitarian instincts, and our desire to help people in need. 287

The separation of ‘political motives’ from ‘political consequences’ was central to
this. In a paper he prepared on political advocacy for Oxfam in August 1979 he
made the case that
No one wishes to see the I.R.A collecting money with impunity on our streets, nor
powerful vested interests manipulating charities to propagate their jaundiced views.
But common sense, and the sense of fair play, should enable our legislators to
liberalise charity law, without opening the flood gates to abuse. There is ample
room for manoeuvre. 288

The 1980s would see Oxfam become involved in more controversial
advocacy activities, particularly over repression in southern Africa and the
Occupied Territories. In each case, a primary defence the organisation used for its
advocacy was that it was motivated by humanitarian concerns. A key legitimising
principle was that the organisation’s advocacy addressed real suffering in the field.
Walker remembers that
I tried to say [to the Charity Commissioners] that ‘look our work is not political in
that prime ideological or party sense, it is humanitarian, you know in common­
sense what that means, which can have political consequences’ ... we really did
believe that we should take the lead from the field, and it was the people we were
working with in the field, the poor women, the poor men at village level who
determined our agenda. 289

By the end of the decade however, this public reasoning would break down over
the issue of sanctions against South Africa.

2. SOUTHERN AFRICA

Until the 1980s, Oxfam had avoided adopting a position on the liberation
struggles in southern Africa. Although it had supported a number of development

287 Walker, interview
288 Brian Walker, “Charities and Politics”, 7 August 1979, Brian Walker’s papers
289 Walker, interview
projects in Rhodesia and South Africa, there had been no public stance taken on the inequalities of apartheid. Neither had there been any involvement in the relief activities of local organisations which also actively opposed the policies of the regimes in these countries. Unlike Latin America and (to some extent) Asia, there were large constituencies in Britain of the opposing sides in the southern African conflicts. The British Anti-Apartheid Movement was growing in membership and becoming more and more prominent, and the brutal repression of the South African and Rhodesian governments was becoming an anathema to liberal opinion in the North generally. There were however strong commercial and trading links between the UK (including among some of Oxfam’s more wealthy members) and the South African and Rhodesian regimes. Many on the right of British politics were strongly opposed to the liberation movements, seeing them as proxies for the Soviet Union. It had been felt by many within Oxfam that taking a public position on repression would involve the organisation in illegitimate ‘political’ activity, and inevitably alienate donor support. The effect of this within these countries however was to make it more difficult to try to maintain the legitimacy of Oxfam’s work among many black southern Africans, particularly as the liberation struggles intensified. Not taking a position on apartheid in particular was seen by many involved in the conflicts as effectively taking a stance. Apartheid was such a pervasive and intrusive system, and such an anathema to liberal opinion and anti-apartheid organisations, that to not take a stance on the morality or legitimacy of the system was interpreted by many as refusing to object to it.

Throughout the late 1970s Oxfam struggled to maintain the public legitimacy of its relief and development operations in southern Africa, in the face of increasing contestations by the liberation movements. The newly independent government of Mozambique indicated in 1978 that Oxfam was unwelcome in that country because of its links with projects run by white South Africans and Rhodesians. The intensification of the struggle in Rhodesia caused large refugee flows into neighbouring countries in the late 1970s, and many within the organisation were concerned that it was not involved in their relief. In 1979, it was decided that Oxfam would extend relief to refugees from Rhodesia, on the basis that its expenditure would in no way imply support for the political agendas of the local organisations with whom it worked. A key determining factor in making

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290 Maggie Black, *A Cause for Our Times: Oxfam: The First 50 Years*, (Oxford: Oxfam and Oxford University Press, 1992) p. 245. This included school feeding and agricultural training programmes run by Oxfam. School education (particularly the policy adopted in South Africa in the 1970s of teaching exclusively in Afrikaans) and ‘returning’ black Africans to non-industrial, largely agrarian ‘homelands’ was integral to the euphemism of ‘separate development’; any activity which made them more effective, it was argued, helped reinforce the apartheid regime.
grants would be the requirement to verify exactly where and how Oxfam's funding was being spent. Moreover, there would be a conscious attempt to make sure that aid would go to all people displaced by the conflict, both in refugee camps in neighbouring states, and within Rhodesia itself. That there had been any significant discussion at all on whether Oxfam should extend relief to Rhodesian refugees indicates the sensitivity of the issue of operations in southern Africa. Later in 1979, Oxfam broke with the positions of the ICRC and UNICEF and began activities in Cambodia in a storm of international controversy (albeit with massive donor support), yet there were extended internal discussions before it began operations with Rhodesian refugees, and then in a very limited and cautious way.

Within South Africa, Oxfam had become involved in development projects which were directly addressing suffering caused by apartheid structures such as projects working with domestic servants, and migrant workers' rights. Many of these grants were kept secret, since some senior staff were concerned that to publicise them would be to court public controversy, and potentially damage donor support. Elsewhere, Oxfam's relief and development projects were also coming under intense pressure as a result of state sponsored terrorism and increasingly violent confrontations between state and opposition movements. Civil conflict in Latin America was becoming more intense, particularly in Nicaragua, Guatemala, and El Salvador. Hundreds of thousands were displaced by conflicts in these countries, both internally and across international frontiers.

The issue of the connection between development and violence was arising more and more in Oxfam's operations. The move towards 'grassroots' development meant working with groups of people who, because of the very activities which the organisation was trying to promote, were targets of organised state terror. Such groups were in essence attempting to disrupt the political and economic status quo, having first recognised this status quo as the source of their poverty. Where this was in the interest of particular socio-economic groups who monopolised the state, as was the case in South Africa, Rhodesia, and many countries in Latin America, the coercive organs of the state were used to defend it;

291 Black, Cause for Our Times, p. 245
292 Black, Cause for Our Times, p. 246
293 Elizabeth Stamp, interview, 24 March 1998
"Where this was the case, the Oxfam mission could not wholly escape the overlap between removing obstacles to people's development, and protecting their human rights."

2.1 THE PRINCIPLE OF 'NEED'

As more and more Oxfam projects began to be affected by violent conflict, Walker initiated a formal review of Oxfam's policy in such situations. The resulting document, "Policy statement regarding the response to need in the context of human conflict and political repression", drew extensively on "Interpretation" and was formally adopted by the Oxfam trustees in mid-1979. In March 1979, the Council of Management issued a statement on Oxfam policy in conditions of violent political repression:

a) 'Need' is the trigger ensuring a response from Oxfam;
b) Oxfam is a 'non-violent' agency, working within the 'rule of law' at home and overseas;
c) Monitoring and evaluating grants in conflict areas in essential;
d) Projects agreed for funding aim to support Third World partners in their struggle for justice;
e) We support people rather than organisations;
f) Our policy must be consistent on a global basis.

The key rule which would govern Oxfam's involvement in operations in the context of violent conflict was "'Need'". The concept of 'need' is not enunciated; how exactly it is to be assessed is left unclear, although by implication this could be done through existing methods of technical assessment. Publicly stating that the primary motivation for the initiation and maintenance of Oxfam's activities was 'need' would confirm that it was addressing the suffering of aid recipients, and not expressing solidarity with the wider political agendas of partner groups. Working with groups who publicly espoused wider political agendas was justified by the application of the concept of 'need'; Oxfam's choice of partners was a matter of practicality. The important thing was that the organisation restricted its activities to the direct alleviation of suffering, and did not extend to supporting the activities of violent opposition groups:

We reaffirm our belief in non-violence and deplore bloodshed, but we do not accept that a grant to, or at the request of, such an organisation (for humanitarian work) would of itself constitute support for all or indeed any of its objectives or

295 Black, Cause for Our Times, p. 247
297 Black, Cause for Our Times, p. 247
methods ... Nor should we overlook the fact that failure to respond to human suffering may also be interpreted as a political decision.\textsuperscript{298}

The claim that to \textit{not} extend relief may itself be regarded as political emphasises the fact that this statement of policy was directed both at identifying what practices were culturally legitimate, and at publicly justifying those practices.

Although the 'need' policy was explicitly concerned with field operations, it had resonances with Robin Sharp's proposals in 1974 for more radical rights and justice oriented advocacy activities. Sharp had claimed legitimacy for this on the basis that it addressed 'basic needs'. To say that Oxfam's activities were legitimate because they addressed need was nothing new. This had always been an explicit part of its donor appeal. The 'need' policy had explicitly drawn on "Interpretation" in extending the central source of the organisation's humanitarian legitimacy (its duty to relieve suffering) to the new practices of rights and justice oriented development work.

\subsection*{2.2 ADDRESSING APARTHEID}

The legitimacy of Oxfam's policy on relief and development practices in the context of violent conflict continued to be contested by southern African liberation movements, and anti-apartheid organisations in the North. The Zimbabwean government in 1981 was mistrustful of aid agencies who had not expressed solidarity with the liberation struggle in Rhodesia. Although Oxfam fared better than many other agencies (since it had been quick to initiate projects in the newly emerged Zimbabwe) it was still treated with suspicion by some Zimbabweans. Oxfam's Field Director in Zimbabwe, Michael Behr, remembered that "[b]ecause Oxfam didn't support the liberation movement, some Zimbabweans ask, "Why should we allow you to operate?"\textsuperscript{299}.

The new policy stopped short of publicly addressing the issue of apartheid, and indeed of advocating support for organisations involved in relief activities who also adopted overtly anti-apartheid policies. There was for example the issue of African National Congress (ANC) and South West African People's Organisation (SWAPO) administered refugee camps outside South Africa and Namibia. Oxfam had been hesitant to publicly reveal it's involvement in these operations on the basis that this might be interpreted by British donors as implying support for the

\textsuperscript{299} Whitaker, \textit{Bridge of People}, p. 84
anti-apartheid cause. After Zimbabwean independence however, there was a growing impetus within Oxfam towards implementing a more flexible policy towards supporting projects in southern Africa. A new generation of southern Africa Field Directors and an intake of African staff sought to address the wider context to poverty and suffering in the region. Moreover, they sought a clearer and more public position on the issue of supporting the victims of apartheid. Two events in particular accelerated Oxfam towards taking a position on the issue of apartheid. The first was a meeting between Oxfam’s southern Africa Field Directors and senior headquarters staff in Harare in September 1981. Many field staff expressed their concern for the large refugee populations in ANC and SWAPO camps in Zambia, Tanzania, Zimbabwe and Botswana. They emphasised their belief that unless Oxfam did take a position on the socio-economic effects of apartheid, they risked alienating partner organisations in the field. Moreover, the organisation’s operations in post-apartheid South Africa and Namibia would be jeopardised.

The second event was the arrest and imprisonment without charge of an Oxfam Field Director in South Africa, Alex Mbatha, with his wife and baby, on 22 October 1981. The arrest and imprisonment of the Mbathas was a particularly traumatic event for the organisation. Staff on Oxfam supported projects in southern Africa and Latin America had been targets of violence before. Throughout the early 1980s, Oxfam began to give increasing attention to human rights abuses in Latin America, as anti-communist repression intensified with the support of the US government. Oxfam News began to carry reports of people working on Oxfam funded projects who had been murdered or disappeared, and of the conditions of refugees and displaced persons, who often remained subject to attack and harassment by state forces. Alex Mbatha however was directly employed by the organisation, and not by a partner agency, and had been at the Harare meeting. This treatment of an Oxfam employee had “had the effect of an electric shock on the Oxfam community, bringing home to supporters the realities of humanitarian work in South Africa more powerfully than anything else could have done.” In November the organisation began to publicly lobby for the release of the Mbathas, by appealing to the South African government, the South African embassy in London, and the then British Foreign Secretary, Lord Carrington. It

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300 Black, *Cause for Our Times*, p. 249
301 Black, *Cause for Our Times*, p. 250
launched a major campaign to secure the Mbathas' release involving mass petitions, vigils outside the South African embassy in London, and a letter writing campaign to the South African Ambassador by members and supporters.\textsuperscript{305}

These events added significant weight to the arguments of those within the organisation who felt that it was legitimate and necessary for the organisation to publicly condemn apartheid and the brutal repression it entailed. Oxfam's concern with social justice had led it to actively support radical partner organisations in southern Africa later than in Latin America. This had been because of an influential constituency which represented the strong cultural, economic, and political links between many people in the UK and the repressive regimes in southern Africa.\textsuperscript{306} They had pointed to the damage that could be done to Oxfam's donor support if it became associated with anti-apartheid organisations. The 'need' policy justified Oxfam's support for anti-apartheid organisations who were engaged in the relief of poverty and suffering. To also publicly condemn apartheid was beyond the scope of this legitimacy.

Although there were also strong constituencies at headquarters level who disagreed with these arguments, the key element successfully challenging this dominant practice was the influence of southern African field staff, particularly those who had been locally recruited.\textsuperscript{307} Because Field Directors were responsible for identifying appropriate channels for Oxfam's funding, they exercised a significant degree of de facto power over what projects the organisation supported. Although this power was regulated by committees of senior staff at headquarters who had to authorise all expenditure, the opinions of field staff were authoritative since they could point to their own experience to support them. During the Biafran crisis, it was Tim Brierly's protests that his ability to operate effectively in Nigeria was being compromised which had caused senior staff to curb their public statements on the conflict. In 1979 Jim Howard's report on the condition of Cambodian civilians which prompted Walker's visit to the country (and which in turn precipitated Oxfam's unprecedented relief effort) was authoritative because he was a Field Director. As the number of Oxfam's field staff increased and began to include local people, their opinions became even more influential.\textsuperscript{308} This authority was emphasised in an organisation where policy making had traditionally been an inclusive and consensual process. Moreover, middle level staff in Oxford

\textsuperscript{305} Oxfam, \textit{Oxfam News}, February-March 1982, p. 12, Oxfam News file, OA
\textsuperscript{306} Elizabeth Stamp, interview, 24 March 1998
\textsuperscript{307} Elizabeth Stamp, interview, 24 March 1998
\textsuperscript{308} Walker, interview
who managed and co-ordinated Field Directors acted as a lobby for field staff at headquarters level. Many of these ‘desk officers’ were also members of the radical constituency who supported more activist advocacy on North-South issues generally.

A new policy was adopted on the issue of apartheid in June 1982. This drew on both ‘Interpretation’ and the ‘need’ policy, and affirmed that Oxfam did not support violence, and stated that its activities would be restricted to the relief of suffering and the alleviation of poverty. The new policy explicitly recognised the suffering among peoples not only in South Africa, but also throughout the whole of the southern African region which had been caused by the violent enforcement of apartheid. Apartheid was structurally enforcing poverty among black South Africans, since the legal enforcement of human rights violations amounted to a structural enforcement of poverty. This poverty was not the absence of modern goods and services characterising the poverty of traditional African rural life, but pauperisation; poverty created by turning people into units of cut-price labour in a society over which they had absolutely no say at all.

Moreover, state terror was causing large refugee flows into neighbouring states. Since the largest refugee camps were run by the liberation movements, they inevitably became a large source of recruitment for the armed wings of these organisations. One consequence of this was that violent clashes between South African and liberation forces began to occur outside the borders of South Africa. As such the anti-apartheid struggle was effectively embroiling and destabilising neighbouring states many of whom already faced their own problems of extreme poverty and civil conflict.

In practice the ‘apartheid’ policy meant targeting relief and development aid towards those who had, either by default or through their active opposition, become victims of the apartheid regime. This included refugees in ANC and SWAPO camps throughout southern Africa. Oxfam had to some extent already been involved in this type of project in the past, although details of these activities had been suppressed. The new policy on apartheid meant that this type of project funding could legitimately be increased and publicised. An equally significant consequence of the adoption of this policy was that the organisation began to publicise the connection between apartheid and poverty, including the violent

309 Roger Naumann, interview by telephone from Chipping Norton, Oxfordshire, 6 August 1998
312 Black, Cause for Our Times, p. 250-251
suppression of development projects. Oxfam publicity materials increasingly began to highlight the extreme poverty in the often infertile and overcrowded homelands. They also emphasised the consequences for neighbouring states of the maintenance of apartheid and the violent suppression of liberation movements by South Africa. At the same time the campaign against apartheid in the UK was gathering pace. Human rights groups and anti-apartheid organisations were calling more often, and with more authority, for the imposition of economic sanctions against South Africa.

The United Nations had first urged member states to impose economic sanctions in 1962 and in the UK the imposition of sanctions was a prominent element of the campaign against apartheid. In the 1980s however, at the same time as the anti-apartheid movement was becoming more prominent, the British government, under Margaret Thatcher was becoming more entrenched in an anti-sanctions position. Although the UK had implemented cultural and some limited economic sanctions, the campaign to impose comprehensive economic sanctions had been unsuccessful. The strength of both pro- and anti-sanctions constituencies in the UK meant that the issue began to dominate public discussion of British foreign policy, not only towards South Africa, but towards southern Africa generally. Oxfam’s policy statement identifying the connection between apartheid and poverty had been constrained by the rules both of its own humanitarian culture, and British charity law. Publicly the organisation maintained that this should not be taken to mean that the organisation itself had taken a pro-sanctions position; it should be recognised quite candidly that at the current stage of public and political debate, it is not within Oxfam’s scope as a charity to advocate sanctions. It is only right to report the firm call for sanctions that is being made by many of those with whom Oxfam works in South Africa, black and white. It was also however, a de facto contribution to a public debates in the UK on the issue of sanctions against the apartheid regime. Presenting the position that apartheid was the principle cause of poverty and suffering in southern Africa effectively strengthened the arguments of those who based their pro-sanctions position on the moral unacceptability of apartheid. Although Oxfam was not explicitly taking an anti-apartheid position in adopting the new policy on apartheid, in the context of the prominence of the campaign for sanctions in the UK, it was effectively condemning apartheid as a primary cause of suffering in southern Africa. Both the ‘need’ and ‘apartheid’ policies had represented efforts

313 UN General Assembly Document A/RES/12/1761
315 Black, Cause for Our Times, p. 251
by Oxfam to address the suffering witnessed by Oxfam, and experienced by its partner organisations in southern Africa, without being seen to violate the rules of British charity law. In the event however, the intensity and acrimony of the public debate over sanctions would draw the organisation into such controversy, precipitating an enquiry in 1989 into its advocacy activities.

3. ADVOCACY AND THE CHARITY COMMISSIONERS

Between 1980 and 1982 Oxfam ran two major campaigns on babymilk and the misuse of pharmaceuticals in the South. Both campaigns had been particularly high profile, and aimed at addressing key problems in the South which had their roots in the power of multinational companies in the international economy. The campaigns had also involved the lobbying of the British government to use its influence in inter-governmental forums, such as the World Health Assembly, to regulate the marketing and use of babymilk and pharmaceuticals in the South.  

Increasingly in its public advocacy activities Oxfam was deliberately making connections between issues of grass-roots development, social justice, socio-economic and civil-political human rights, and North-South relations. In defending the legitimacy of its advocacy activities Oxfam had claimed that they arose from the political ‘consequences’ of its development work, but had denied that they were politically ‘motivated’. In the late 1970s the Charity Commissioners had been concerned that Oxfam was beginning to undertake activities which risked being considered ‘uncharitable’, and hence illegitimate. They had, however, stopped short of publicly censuring it. In 1982 however, they issued guidelines on political activity by charities, listing examples of activity it considered unacceptable. The guidelines specifically proscribed many of the key elements of Oxfam’s advocacy:

- The elimination of social, economic, political or other injustice;
- Seeking to influence or remedy those causes of poverty which lie in the social, economic and political structures of countries and communities;
- Protesting against alleged abuses by governments;
- Promoting or defending the human rights of a particular group where such rights are not recognised by the law or policy of the country concerned.  

Attempting to influence the British government to adopt a particular line of policy had always been illegitimate. The 1982 guidelines seemed to explicitly extend this illegitimacy to advocacy intended to influence foreign governments in the same way.

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316 Black, Cause for Our Times, p. 254-256
317 Charity Commissioners of England and Wales, Guidelines on Political Activity by Charities, 1982, quoted in Whitaker, Bridge of People, p. 169
Walker’s response to the new guidelines was to reassert the legitimacy of Oxfam’s construction of the causes of poverty and suffering in terms of rights and justice, and the organisation’s own advocacy activities:

Oxfam has neither the wish nor the intention to support political parties, nor to be purveyors of ideology - whether of the left or the right - nor to support violent movements, whether designated freedom fighters or terrorists. But justice, human rights and legal rights and the arousing of a social conscience must continue to be part of our work. The communicating of this in a sensible professionally competent way, to our supporters at home, is constantly urged on us by our partners overseas. They see the development of public opinion in the United Kingdom as being as important as the payments of grants to their projects. But the Charity Commissioners consider that “to seek to establish a climate of opinion or inculcate an attitude of mind or propound a particular thesis, are not charitable purposes”, and hence would constitute a breach of trust. Charitable money, they rule, may not be used to promote reform. We have to thread our way, delicately, therefore, through a veritable minefield.

... It goes without saying that we work within the law of our own country, and the law of the country in which we are operating. We scrutinise our grants within those constraints. Of course, you will understand that in another sense every penny we spend can have a political effect. If we teach people the proper use of resources, if we encourage people to stand on their own feet, to develop their own communities and tackle the cause of poverty from within their own resources, whether as a family, a village, a community or a nation, then, as we have discovered in our own country, we are dealing with the stuff of politics. Fundamentally, you cannot separate humanitarian action from concepts of social justice.318

The ‘need’ policy had affirmed and enunciated in a more comprehensive form the arguments raised in the late 1970s to justify Oxfam’s advocacy activities in the face of attacks from the Right of British politics. Walker uses much of the same language, and draws on the same understandings as both “Interpretation” and the ‘need’ policy. This indicates the influence of this language and these understandings on the ascription of public legitimacy to Oxfam’s advocacy activities.

Throughout the early and mid-1980s Oxfam continued to expand and extend its advocacy activities. A more coherent effort was made at creating an advocacy network around development issues which concerned Oxfam. This had occasionally occurred in the past when organisations had been created outside (and publicly separate from) the organisation by its supporters, occasionally after schisms (as with the departure of Nick Stacey). Oxfam had been involved in the creation of organisations intended to conduct radical advocacy activities, as with the New Internationalist magazine in 1973, and the World Development Movement in 1981. Individual members could then conduct campaigns and

318 Brian Walker cited, in Whitaker, Bridge of People, p. 172 (italics in Whitaker); see also Walker, “Charities and Politics”
advocacy activities through these organisations without implicating the organisation in any controversy with the Charity Commissioners. Oxfam exercised no control over these organisations, beyond the provision of some funding, and since neither of these organisations had charitable status they were not subject to the proscription of political activity in charity law.

In 1983 Oxfam launched Oxfam 2000, a network organisation to mobilise its supporters to campaign on issues concerned with the agency’s work, such as the use of inappropriate medicines and baby-foods in the South, the arms trade, and debt. The members of Oxfam 2000 were to actively lobby the British government on issues which Oxfam was concerned with. The creation of Oxfam 2000 was remarkable in that it aimed to propagate a grassroots constituency for Oxfam, by capitalising on long term individual donors who it felt would support more actively the aims and objectives of the organisation. Moreover, Oxfam 2000 was not founded as a separate organisation to Oxfam; it was an integral part of Oxfam’s campaigning apparatus. Through Oxfam 2000 and a series of other networks (some of which arose from specific campaigns) a concerted effort was made to educate Oxfam’s supporters to act as ‘local experts’. These people would then act as activists lobbying both the government and the media over particular issues. The purpose of these new advocacy networks was to promote the understandings which informed Oxfam’s relief and development work amongst its own supporters, and through them in wider British society.

Oxfam continued to assert the public legitimacy of its radical advocacy activities. Michael Harris, a long time member of Oxfam, and then Overseas Director, was quoted on the eve of his retirement in 1984 in an article in the Guardian, as saying that he felt that Oxfam needed to participate in more prominent and aggressive advocacy to be effective in relieving poverty:

> As well as fighting on the level of aid ... we must fight on the political level. Otherwise there can be no change. ... The time has come ... to give the door of the closet a resounding kick so that there can be a greater understanding of what we are up against. It is not just poverty, oppression and suffering, but allied matters such as the destruction of natural resources, pollution and land tenure.

One issue which became prominent within Oxfam was the issue of its accounts with Barclays Bank. Barclays had been the organisation’s bankers since its foundation, and had extended Oxfam many concessions in the management of its

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320 Black, *Cause for Our Times*, p. 255
accounts. Moreover it had an extensive international network of facilities, particularly throughout Africa. Barclays also however had considerable financial and commercial investments in South Africa. The boycotting of the bank was a prominent element of the anti-apartheid campaign in the UK, particularly among many of Oxfam’s younger supporters. They felt that it was illegitimate for the organisation to employ bankers whose commercial activities helped to bolster the apartheid regime, whilst at the same time identifying apartheid as the principle cause of poverty in South Africa[322]. In 1985, and after considerable discussion within the organisation, Oxfam withdrew its accounts from Barclays[323].

This action again confirmed the importance of maintaining the public legitimacy of Oxfam’s practices and identity. The decision to withdraw from Barclays was a direct consequence of pressure from anti-apartheid campaigners, both within and outside the organisation. Oxfam’s legitimacy as a humanitarian agency was threatened by those who claimed that having identified apartheid as a key source of suffering in southern Africa, the organisation could not continue to bolster the apartheid economy by maintaining its accounts with Barclays. In practice the organisation’s new bankers, the Co-operative Bank, continued to use Barclays’ overseas network to conduct business in Africa[324]. As such, the change had more symbolic than practical consequence.

Brian Walker retired from Oxfam in 1983, leaving his Deputy, Guy Stringer to take over as Director. Stringer continued for a short time, until Frank Judd became Director in 1986. Judd had a background in British politics and advocacy on aid issues, having been both a Labour MP and Minister for Overseas Development. During his incumbency, Oxfam’s advocacy activities would become even more controversial;

From a charitable organisation which had gained it’s reputation helping the poor he wanted to shift its profile to that of an organisation speaking out for the poor ... In his view, Oxfam’s programme experience permitted - even required - it to champion humanitarian values in the international political arena[325].

Judd’s first public statement as Director was to attack US military support for Contra rebels in Nicaragua, on the basis that this was contributing directly to the suspension of development activities and the creation of a humanitarian disaster.

[323] Black, Cause for Our Times, p. 251
[324] Walker, interview
[325] Black, Cause for Our Times, p. 266
By the mid-1980s, through networks like Oxfam 2000, Oxfam was campaigning more concertedly and more specifically than ever before on complex issues of international development. As the organisation’s activities had expanded in scope, it had become involved in more and more areas of development from “debt, aid, trade, from babyfoods and health.” This directly fed into its advocacy campaigns, particularly as more and more development projects had to be suspended because of violent conflict and local persecution, which in the 1970s and 1980s inevitably had international elements. The organisation’s advocacy began to directly address the cause of conflicts in southern Africa, Latin America and Asia. This in turn involved the recognition of the role of political and economic structures in the creation of famine and poverty:

What we’re really talking about is the maldistribution, not of the food itself, but of the power and resources which provide access (or entitlement) to food. In short, the distribution of land, wealth and power. ... An overriding emphasis on increasing production without emphasis on distribution can actually increase inequality and is certainly insufficient to alleviate hunger. It’s no good producing more, unless you can insure that it will reach the hungry.

Oxfam’s position on apartheid set a precedent for the organisation to see the achievement and protection of civil-political rights as an essential part of its mission. While campaigning on these rights alone would have jeopardised its charitable status, the organisation perceived it to be essential to formally incorporate these issues into its publicity as a legitimate platform from which to approach its objective of relieving poverty and suffering. At the same time, Oxfam was conscious that this might lead it into contestation with the Charity Commissioners should its practices be contested as illegitimate in charity law. The Field Directors’ Handbook, a guide to field staff on how Oxfam’s policy and approach are to be implemented, outlines its rationale for supporting groups advocating political and social change:

It is not Oxfam’s prime responsibility to seek full political or civil rights for people, but the organisation is increasingly unable to ignore the problems caused by the absence of respect for those rights, by conflicts of interest, civil war or armed strife. Arbitrary acts of violence, including torture and assassination, perpetrated in such circumstances oblige the NGO on humanitarian grounds, to offer help wherever possible. As a humanitarian movement of concerned people, with over four decades of experience in some of the most disturbed and troubled communities around the world, Oxfam must, and does, condemn the denial of basic human rights, not least when such rights are denied to people living in acute poverty and deprivation.

326 Black, Cause for Our Times, p. 272
328 Amnesty International, for example, has been denied charitable status on the basis that the protection of civil and political rights is a political, and hence not charitable act. Tom Ponsonby, “Reform noted”, The Spectator, 16 March 1974, pp. 321-322
Chapter Four: Southern Africa and Israel

The defence and enhancement of human rights will be an important secondary objective of Oxfam's overseas work, particularly in emergency situations and in especially troubled parts of the world. The work Oxfam supports, although it may be described in terms of political or civil rights, takes the form of humanitarian aid to meet basic needs; examples include assistance to families of political prisoners, food, shelter, medical treatment, water, supplies and, where necessary, legal aid and similar work.\(^{329}\)

It quotes the 'need' policy that to support the 'humanitarian' activities of a local group which is also engaged in conflict with the state does not imply Oxfam's support for their ideology or political agenda, and moreover to not respond to human suffering was itself illegitimate\(^ {330}\).

The *Handbook* is mainly concerned with technical procedures to be followed by field staff, and the sections outlining Oxfam's policy on human rights (civil-political, and socio-economic) are relatively short compared to the second edition of the book, published in 1995\(^ {331}\). These sections do however strongly affirm the changes in the organisation's humanitarian culture. Its rights and justice oriented advocacy ("Oxfam must, and does, condemn the denial of basic human rights"\(^ {332}\)) is legitimised by members' duty towards the relief of suffering ("a humanitarian movement of concerned people"\(^ {333}\)). Again, such advocacy is constructed as falling outside the realm of the 'political'. The objectives of advocacy were the same as those of Oxfam's relief and development activities in the field: the relief of suffering. Rights and justice oriented advocacy was hence inseparable from its programme in the South. Moreover, the legitimacy of this advocacy arose from the primacy of its direct provision of relief and development; hence the statement in the *Handbook* that "The defence and enforcement of human rights will be an important secondary objective of Oxfam's overseas work."\(^ {334}\)

Increasingly opinions began to be expressed in the media that Oxfam (and some other charities) were conducting advocacy activities which contravened charity law. Many of these opinions, as in the 1970s, originated in the right of British politics, and were coupled with calls for the Charity Commissioners to take more regulatory action. The Commission is a poorly resourced body. It is responsible for the oversight of a vast number of registered charities, with few

\(^{329}\) Oxfam, *Field Directors' Handbook*, p. 162

\(^{330}\) Oxfam, *Field Director' Handbook*, p. 163


\(^{332}\) Oxfam, *Field Director' Handbook*, p. 163

\(^{333}\) Oxfam, *Field Director' Handbook*, p. 163

\(^{334}\) Oxfam, *Field Director' Handbook*, p. 163
personnel, and very limited funds. Very few charities had ever had significant action taken against them, and in practice the Commission was dependent on the media and individual complaints in prompting investigations into possible infringements of the law. As such, charities who conducted high profile advocacy activities, particularly controversial high profile advocacy activities, were disproportionately likely to attract their attention. In response to increased advocacy by Oxfam and some other charities, the Charity Commissioners issued new guidelines in 1986 on political activity by charities. ‘Reasoned arguments’ supported by either research or direct experience could be presented to the government to advocate a particular policy or position, but only on issues and in a way which further the charitable objects of the organisation. The significance of the 1986 guidelines was that they represented a reinterpretation both of the general prohibition on political activities, and the 1982 guidelines exclusion of specific forms of advocacy. Although both remained valid, the 1986 guidelines did permit a degree of political behaviour:

Charities can ... seek to influence opinion on particular public issues which are directly relevant to their objects and to their experience of the difficulties met in their field so long as it is within their powers to do so. But they must do so in a reasoned and relevant way, and not gratuitously seek to influence attitudes on fields beyond the direct objects of their charity.

The 1982 guidelines had seemed to directly prohibit the very concerns Oxfam sought to raise in its advocacy activities. The 1986 guidelines however appeared to accept the argument that hitherto unacceptable ‘political’ practices, such as the direct lobbying of the government and parliament, may be legitimate where this addressed particular issues which fell within a charity’s formal mandate and in a ‘restrained’ manner:

“We have no reason to suppose that charities are any more political now than in the past,” says a spokeswoman [for the Charity Commissioners]. She insists that it is perfectly acceptable for charities to voice objections to legislation which they consider damages their clients. “It all depends on tone and context - they should not be emotional and, metaphorically speaking, waving their arms about.”

A charity’s objects clause had to be approved by the Commission, and so for an organisation to undertake mandated activities was by definition charitable. This legitimacy was now also being extended to advocacy activities. The new guidelines made the legitimacy of advocacy activities contingent upon being directly supportive of (the exact terminology is ‘ancillary to’) a charity’s objects.

335 Nick Fielding, “Charity law supervision”, New Society, 6 February 1987, p. 2
336 Black, Cause for Our Times, p. 270
Since this was the same formulation of legitimate advocacy in the *Handbook*, the new guidelines seemed to affirm the Charity Commissioner's concurrence with the legitimacy of Oxfam's practices. Frank Judd publicly endorsed them 1986:

> It's important that we don't get seduced into rhetoric, we have to speak about the experiences we have in our work and make those responsible face up to the problems. Asking us to keep quiet is asking us to reverse the whole trend and consistency of our work. 339

Oxfam's increasingly radical advocacy throughout the mid and late 1980s, was consistent with its understanding that the new guidelines expanded (or at least affirmed) the scope of legitimate advocacy activities. In an article he contributed to the *Independent* in 1989, Judd justified Oxfam's more prominent and radical advocacy in terms both of its developing humanitarian culture, and the changing rules of charity law:

> Where politics is a block to Oxfam's work of relieving poverty we have a duty to say so and to act as a mouthpiece for the poor. In more than 70 countries Oxfam has tried to do this. In our overriding concern to relieve poverty we must look beyond the symptoms and to the underlying causes and inform public and political debate about them. We have tried to encourage political power-brokers to listen.

> The need to speak out was expressed by Robin Guthrie, the chief charity commissioner, in a speech last year. He said: "If you find anywhere in this world, including in this country, political obstacles to the achievement of your objects or the benefit of your beneficiaries it is, in my view, your duty, our responsibility, to say so in terms that will be heard by politicians and by the public at large." 340

Within a year however, the legitimacy of Oxfam's advocacy activities in charity law were challenged by the Charity Commissioners.

4. SANCTIONS AGAINST SOUTH AFRICA

One area in which Oxfam came into conflict with the Commissioners was the issue of economic sanctions against South Africa. As repression intensified under the state of emergency imposed by the South African government in 1985, more and more of the agency's projects came under pressure. Having decided to work with anti-apartheid organisations within southern Africa, Oxfam came under pressure from them to call for extensive economic sanctions to be imposed on the minority regime. In 1986, Frank Judd sent a letter to members asking them to campaign for the release of six Oxfam project workers who had been detained by the South African security forces:

> It is these partners who have been saying to us that their people will accept whatever hardships economic sanctions might bring, rather than see apartheid continue, and violence and conflict increase.

339 Anne Montague, "Nothing to dance about", *The Guardian*, 19 August 1986, p. 8
340 Frank Judd, "Why peace in Nicaragua is a catalyst in conquering poverty", *The Independent*, 13 July 1989
They say that the grinding poverty and suffering that apartheid causes must be brought to an end and that strong diplomatic and economic pressure is the only alternative to a massive escalation of violence.

I must warn now that in the coming months and years we face what could be one of the greatest ever demands upon Oxfam for help in a terrible tragedy of human hardship and suffering.\(^{341}\)

A debate began within Oxfam on the question of supporting these calls, particularly since Oxfam had already adopted the position that the removal of apartheid was a primary element in alleviating poverty in southern Africa. The growing legitimisation of advocacy on the abuse of civil-political human rights and the connection between the oppression of apartheid and poverty in southern Africa moved Oxfam towards a pro-sanctions position. A special Chairman’s Working Group had been set up in 1984 to examine Oxfam’s policy towards apartheid in response to the growing calls within the organisation to support the imposition of sanctions. The sanctions issue was considered so sensitive, and the debate so intense, that Leslie Kirkley was asked to use his considerable diplomatic skills in chairing the Working Group\(^{342}\). The group deliberated for three years. Brian Walker (who was still Director when the group was created), had been particularly concerned that Oxfam should only advocate sanctions having thoroughly considered the effect they would have on the organisation’s partners in the field\(^{343}\). In 1987 it decided that the severity of repression in South Africa and the urgency of the need to impose sanctions required the adoption of a formal pro-sanctions position. Oxfam outlined this position in a confidential paper prepared by the Working Group on Sanctions:

> We believe that apartheid is a major fundamental cause of poverty, distress and suffering ... we have made it clear over the last two years that the partners with whom we work in South Africa and Namibia favour the application of effective sanctions against South Africa in the hope that this will press the South African government to abolish apartheid and move towards majority rule. While we are deeply concerned about any short term suffering as a result, our partners believe that this will be less than the long-term suffering that a more violent and long-drawn-out course would entail. We have passed this message on to government and the public believing it to be important. ... viewing the issue from the Oxfam perspective of how best to help those in poverty and distress in Southern Africa ... it is our keenest desire that peaceful ways may be found of speeding the end of apartheid so that there may be an alleviation of the poverty and oppression at present being endured by the many men and women in Southern Africa whom it is Oxfam’s purpose to serve. ... now that sanctions have been imposed these should

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\(^{342}\) Black, *Cause for Our Times*, p. 251

\(^{343}\) Walker, interview; Elizabeth Stamp, interview, 24 March 1998
be strengthened and made more effective by the international community as part of the necessary action against South Africa.\textsuperscript{344}

The report of the Working Group expressed a pro-sanctions position. Oxfam was conscious however of the potential legal problems of calling on the Thatcher government to adopt economic sanctions against South Africa. The organisation decided that despite its pro-sanctions position, it would not publicly support calls for sanctions until the British government had itself come to a pro-sanctions position.\textsuperscript{345} It would however continue to express public support for the existing sanctions. Oxfam would also continue to represent the view of partner organisations in its own advocacy materials. This would continue to make a \textit{de facto} contribution to the debate on sanctions, reflecting internal support for sanctions, without actually publicly committing Oxfam itself to a pro-sanctions position. Wary of making an open advocacy of sanctions, the organisation joined three other British INGOs (CAFOD, Christian Aid, and the Catholic Institute for International Relations) in October 1987 in an open letter to Margaret Thatcher. The letter urged her to take the opportunity of the then imminent Commonwealth Heads of Government Conference to adopt stronger measures to end apartheid and South Africa’s destabilisation of its neighbours. The main item on the agenda at the conference was Britain’s refusal to impose full economic sanctions, in the face of strong pressure from other Commonwealth governments. In this context the call for “further effective measures”\textsuperscript{346} can be seen as an allusion to the imposition of further sanctions against the apartheid regime. Oxfam was cautious not to do this explicitly, and both the letter and the press release accompanying it stressed the idea that the South African government’s policies of apartheid and regional destabilisation were not only creating suffering and poverty, but were directly preventing the four INGOs from achieving their objectives in relieving poverty and distress.\textsuperscript{347}

5. ISRAEL AND THE OCCUPIED TERRITORIES

As in southern Africa, Oxfam had long been involved in relief and development activities in the Middle East. Some of its first operations outside

\textsuperscript{344} Oxfam, “Oxfam’s Stance on Sanctions against South Africa; paper by Chairman’s Working Group on Sanctions”, 26 June 1987, enclosure to Tricia Spanner, \textit{Memorandum on Southern Africa and Sanctions}, Press Office to Regional Coordinators, Area Organisers, and Area Campaign Organisers, 1 July 1987, Press Releases 1987-1996 file, OA

\textsuperscript{345} Black, \textit{Cause for Our Times}, p. 281


\textsuperscript{347} Oxfam, “Charities Call for British Government Pressure”
Europe had been in relieving suffering caused by the Arab-Israeli conflict, and it continued to be involved on a wide scale in relief and development activities throughout the region. Oxfam was involved in the relief of civilians in Lebanon who had been suffering the consequences of the country's long running civil war. When Israeli forces invaded the country in June 1982, many people were displaced by the fighting. In particular the country's large population of Palestinian refugees were severely affected. Oxfam issued protests at the massive displacement of refugees by the invasion. This led to some criticism from members of the British Jewish community, including Ansel Harris, who was at the time an Oxfam trustee, who claimed that the organisation was over-emphasising the degree of suffering caused by the invasion 348.

Ongoing Israeli repression in Lebanon, the West Bank, and the Gaza strip in the 1980s were reducing the extent and reach of development activities. This was also increasing the need for emergency relief by creating refugee flows into already overcrowded refugee camps. People working in Oxfam projects in the Occupied Territories became witness to an increasing amount of human rights abuse. Many of them became the subject of persecution themselves, particularly as the organisation's extensive programmes in the Occupied Territories began to come into conflict with Israeli counter-insurgency and public order policies. Oxfam News began to carry more and more reports of Israeli repression in the Occupied Territories in the late 1980s, particularly as the intifada intensified 349. Frank Judd was especially shocked on a personal visit to Oxfam projects in Gaza and the West Bank in early 1988, when he heard horrifying first hand accounts of violent Israeli repression and brutal human rights abuses. Oxfam News carried reports of these accounts 350. When in the same year four Palestinian fieldworkers on an Oxfam project were arrested and imprisoned without charge or trial, a dynamic was created within Oxfam to campaign on political, social and human rights issues arising from the Israeli occupation of the Occupied Territories;

The rationale - that a certain exercise of political power was causing human suffering - was the same as that which had inspired its outspokenness concerning Central America, and its decision to underscore publicly the links between poverty and apartheid in South Africa ... [Frank Judd] found it difficult to maintain a sense of detachment from the Palestinian cause when so much of the humanitarian activity Oxfam supported stemmed from or was affected by some aspect of Israeli control of certain lands in the region. 351

348 Ansel Harris, letter, Oxfam News, April-May 1983, p. 3, Oxfam News file, OA
350 Oxfam News, Spring 1988, pp. 1-3
351 Black, Cause for Our Times, p. 277
Peter Coleridge, the Area Co-ordinator of Oxfam's Middle East programme proposed in an internal discussion paper that Oxfam take a public position on the conflict by publicising repression and human rights abuse in the region. The organisation would undertake advocacy which would begin by educating its own supporters, and culminate in increasingly high profile public education and campaigning activities. This policy was adopted by the Oxfam Executive by an overwhelming majority in September 1988, and the organisation began to issue press releases on the effect of Israeli repression on Oxfam projects.

In 1989, an article appeared in Oxfam News, entitled “A policy for the Middle East”, announcing Oxfam’s intention to engage the social and political context of its operations in the Occupied Territories through increased support for local infrastructure and human rights projects. The article specifically drew on international humanitarian law to construct Israeli action in the Occupied Territories as illegitimate, and on this basis justify Oxfam’s practices in supporting human rights organisations. The article also legitimised the ‘Middle East’ policy on the basis of the suffering and poverty of the people with whom Oxfam worked: “The majority of Palestinians, 50 per cent of whom still live in refugee camps, suffer a poor standard of living, few civil rights and an uncertain future; it is entirely appropriate that they should receive assistance from Oxfam.”

“A policy for the Middle East” provoked the condemnation of many members of the British Jewish community. The Jewish Chronicle, one of the most influential Jewish newspapers in the UK, carried letters and editorials criticising Oxfam’s ‘Middle East’ policy. Judd was particularly forthright in an interview in the Jewish Chronicle in November 1989, provoking an acrimonious reply from Ansel Harris (who was then no longer an Oxfam trustee) the following month. Harris’ article challenged the legitimacy of a number of specific aspects of the ‘Middle East’ policy, and suggested that it contravened UK charity law. The Charity Commissioners received a number of complaints arising from Oxfam’s position on Israeli policy in the Occupied Territories, forty of which they upheld. David Forrest, the Secretary to the Charity Commissioners wrote to Frank Judd in March 1990 concerning “A policy for the Middle East”, in which he stated that “the article ‘offended the guidelines’ laid down

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354 Oxfam, “A policy for the Middle East”
355 David Winner, “Oxfam: Pro-Palestinian or pro-humanitarian?”, Jewish Chronicle, 10 November 1989, p. 31; Ansel Harris, “Oxfam’s choice”, Jewish Chronicle, 8 December 1989, p. 29

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by the Courts on political activities by charities. Although some fences were eventually mended, it added to the increasing weight of criticism that Oxfam was taking part in illegitimate political advocacy activities.

6. THE CHARITY COMMISSION ENQUIRY

Although Oxfam had adopted a pro-sanctions position in 1987, it was not until 1989 that it was decided that this would be presented as part of a campaign on the connection between poverty and the apartheid regime in southern Africa called ‘Frontline Africa: the right to a future’. The campaign would not be launched until April 1990. The position on sanctions was not a core part of the campaign. It was felt however, that “[i]f it was going to campaign on southern Africa at all at this particular historical juncture, Oxfam did not see how it could make ‘no comment’ on the most publicly prominent southern African issue of the day.” Because of the recent controversy over Oxfam’s position on the intifada, it decided to show the campaign materials to the Charity Commissioners before releasing them publicly. The Commissioners unambiguously rejected the proposed campaign as legitimate political activity, taking the position that Oxfam could not absolutely prove that imposing economic sanctions on South Africa would combat poverty in South Africa. Although Oxfam withdrew references to the sanctions issue from its campaigning materials, it publicly justified its position on sanctions as arising directly out of its experience in South Africa. Both peace, a necessary condition for legitimate economic development, and development itself could both be achieved only through the imposition of economic sanctions.

In the late 1980s, two right wing pressure groups, Western Goals and the International Freedom Foundation (IFF), began campaigns against INGOs like Oxfam who were undertaking more radical human rights and development advocacy. These groups were themselves engaged in (what they saw as) radical anti-communist and anti-subversion advocacy. Both originated in the US where such activities were both more acrimonious and high profile than in the UK. Many of Oxfam’s campaigns throughout the mid and late 1980s had been offensive to these groups. In particular, Oxfam’s Public Affairs Unit had published a number of books on prominent international issues, making the connection between the organisation’s concerns in relieving poverty and violence and the denial of social

356 Oxfam, “Oxfam pledged support for Charity Commission inquiry”, Oxfam News, Summer 1990,
OA
357 Black, Cause for Our Times, p. 278
358 Black, Cause for Our Times, p. 281
359 Jamie Dettmer, “Oxfam bows to ruling on sanctions campaign”, The Times, 30 April 1990
and economic justice. Two publications in particular, *Nicaragua: The Threat of a Good Example?* in 1985, and *Namibia: Violation of Trust* in 1986 provoked protest from some on the right of British politics. None of these complaints however had been upheld by the Charity Commissioners. In 1988, Oxfam had launched a major high profile advocacy campaign on the resurgence of the Khmer Rouge in Cambodia as Vietnamese troops were poised to withdraw. It specifically highlighted the complicity of Western states (who had supported the Khmer Rouge and maintained strict economic and diplomatic sanctions against the Cambodian government) in the continuing suffering of the Cambodian people. Moreover, Oxfam feared that the return of the Khmer Rouge to the interior of Cambodia would lead to an escalation of the fighting, and the persecution of civilians.

In April 1990, the Charity Commissioners launched an enquiry into the organisation’s campaigning activities, to assess whether these were consistent with British law. Such an enquiry was very rare, and its results could have had important consequences for both Oxfam and British charities in general. Not only could the Oxfam Trustees have been personally liable for a full refund of income tax on any income used for ‘non-charitable’ activity, but a critical decision would define more strictly the limits of acceptable political activity for all British charities. At worst the organisation may have been forced to challenge an unfavourable decision in court, which risked receiving further unfavourable publicity. The IFF presented a report to the Charity Commissioners on 19 June 1990 alleging that some of Oxfam’s recent campaigning activities constituted ‘political’ activity. The report focused on publicity relating to its work in southern Africa, the Middle East, Central America, and Asia and claimed that the positions expressed in this material expressed support for ‘left wing’ groups and causes.

In their own submissions to the Charity Commission enquiry, the Oxfam trustees had repeatedly emphasised the legitimacy of their public advocacy activities in terms of achieving their principle charitable object, the alleviation of poverty. This reflected the ongoing process of change in the organisation’s humanitarian culture. Having affirmed that the dynamics of state and social structures (‘politics’) can create conditions of poverty and suffering, Oxfam justified the practice of undertaking advocacy activities which sought to address these issues. Campaigning against social, economic, and civil injustice addressed poverty in the same way that providing a well, credit scheme, or primary health

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360 Roger Scruton, “When charity goes astray”, *Th Times*, 8 April 1986, p. 16
362 Michael Knipe, “Attack by right on Oxfam”, *The Times*, 20 June 1990

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care facilities did. Moreover, to have not taken a position on sanctions, in the context of the prominence of the sanctions issue in contemporary debate on South Africa, would have reduced the authority of Oxfam’s position on apartheid as an obstacle to the relief of poverty:

We realise, of course, that it is not necessary to come to a conclusion on every issue of current concern within our charitable purview. But there are occasions, and we think this is one, when not to do so would give the impression of indecisiveness or even moral cowardice both to our beneficiaries in the field and to donors at home and this would undermine our capacity to continue our work and to attract the vital support which enables us to do so. 363

The result of the Commissioners’ enquiry was a report issued in May 1991, which whilst highly critical of many of Oxfam’s recent campaigning activities, did not financially penalise the organisation or its trustees. Whilst reasserting that political campaigning which directly served charitable objectives was legitimate, the Commissioners found that some of Oxfam’s activities had not conformed to this construction, and so was inconsistent with its charitable status. In his letter to Mrs Mary Cherry, Vice-Chair of Oxfam’s trustees, David Forrest, Secretary to the Commissioners, noted that

the trustees do not appear to differentiate between stating a possible solution to a problem in reasoned fashion and campaigning to have that solution adopted ... the movement from information and education is a distinct step ... There is no call for the trustees of a charity to have a political stance and for the trustees of Oxfam to claim one was of itself evidence that there was undue political activity. ... Oxfam has taken sides in political controversies within foreign countries. 364

The Commissioners’ report emphasised that it was illegitimate for Oxfam to attempt to influence foreign and international institutions in ways that were not permissible in the UK:

It is not for charities to take issue with the deficiencies of the international community and seek to bring about a change which is itself a political act. ... to call on governments to follow a particular course of action because it will undoubtedly bring about the desired result goes too far. 365

In their press release on their judgement, the Commissioners reaffirmed the 1986 guidelines. They stressed that while they found the specific instances of

363 Oxfam, *A Memorandum on Oxfam’s Public Education and Campaigning Programme prepared by Trustees in response to an Inquiry initiated by the Charity Commission*, October 1990, R0294 file, OA
Oxfam's campaigning activity under investigation to be inconsistent with charitable law, this did not absolutely exclude any possibility of 'political' campaigning by charities:

Charity trustees may bring their experience to bear where it is relevant, to reflect the interests of their beneficiaries wherever those interests may be affected. The nation would be impoverished is charities were to be cut off from public debate and the opportunity to inform decision-makers. 366

In a letter to the *New Statesman* in July 1991, David Forrest emphasised that the Commissioners' judgement did not constitute a reversal of the 1986 position that a degree of political lobbying was legitimate:

It is important to emphasise that a certain degree of political activity, provided that it is directly in furtherance of a charity's objects and ancillary thereto, is acceptable.

The point is not that Oxfam engaged in political activity *per se*, but that it engaged in undue political activity. The principle is a broad one, and the line can only be drawn in each particular case. ... it is clear in law, and a matter of considerable importance to the public, that charities should not be covert political organisations. One of the marks of political activity is campaigning to mobilise public opinion in a general way for a chosen solution which may or may not prove to be for the best. 367

It is important to understand the legal point which formed the basis for the Commissioners' decision. Charities and charitable activities are legitimised on the basis that they are for the 'public good'. 'Politics', as implicitly constructed by charity law, is concerned with the state governance. According to legal precedent, the courts and the Commissioners are not competent to determine whether political agendas (for state governance) are for the 'public good'; political parties, for example, are not extended charitable status 368. State governance is determined through the constitutional democratic process 369. *Legitimate* 'political' activities are those which serve the objectives of a charity, which have by definition been approved by the Commissioners. In 1990, they effectively judged that some of Oxfam’s advocacy did not further its charitable objectives, the relief of suffering. Rather they served a broader agenda which fell into the realm of state governance-related politics. The public justifications for this decision are a little dubious. Oxfam’s submissions to the Commissioners’ enquiry were persuasive and consistent. The policy on sanctions had been carefully constituted to conform with the public construction of legitimate charitable advocacy. Moreover, the development of this policy emphasised the importance of the organisation’s

366 Charity Commissioners for England and Wales, "Political Activity by Charities: The OXFAM Inquiry - Background Note", 8 May 1991, enclosure to Forrest, letter
368 Ponsonby, "Reform noted", p. 322
369 Ponsonby, "Reform noted", p. 322
experience in the field in forming the basis for the legitimacy of its rights and justice oriented advocacy. As such, the Commissioners’ claim that Oxfam’s advocacy on southern Africa, Latin America, and the Middle East was not a legitimate and supportive part of its humanitarian activities was a difficult argument for members to accept, since it did not reflect their cultural experience. Publicly however, Oxfam accepted the legitimacy of the judgement, and the distinction it made between legitimate and illegitimate ‘political’ activity. In an interview published in *Oxfam News* shortly before his retirement at the end of 1991, Frank Judd stated that

> We have three objectives by which we’re registered as a charity: to alleviate suffering, poverty and distress; to do research into the causes of the problems with which we are dealing and to publish the results of that research; and to educate the public about the causes of those problems. I know that when I first came here we would all have said, yes, we have a responsibility for advocacy, and that’s about educating the public. What we’ve come to understand is that that’s not quite right. Actually advocacy is about number one: it is about the alleviation of poverty, suffering and distress. Advocacy is part of the service to the poor; it is part of the charitable work. I think that is a tremendously important lesson to have learned.²⁷⁰

One possible explanatory factor is the weight of political pressure on the Charity Commissioners. The 1980s were a period of the ascendancy of the right in British Politics, enshrined in the premiership of Margaret Thatcher. Right-wing advocacy groups enjoyed a relatively high degree of access to the structures of state governance and prominence within mainstream British politics. Moreover, the Chief Commissioner, Robin Guthrie, was under pressure to publicly assert some degree of authority over the charitable sector²⁷¹. Guthrie had formerly worked for the Joseph Rowntree Memorial Trust, itself a charity²⁷², and there were fears among some sections of wider opinion in British politics that he would adopt a more permissive approach to charity regulation. As such there was a degree of pressure on him to demonstrate that he was a ‘poacher turned gamekeeper’. Although these points are speculative, they do contribute towards an understanding of Oxfam’s later advocacy (see Chapter Seven). Most importantly at the time however, the Commissioners’ decision had a strong degree of regulative power, arising from its legal authority, and the political cost and difficulty of challenging it.

²⁷² Mitchison, “A charitable man?”
CONCLUSIONS

The most significant development in Oxfam's humanitarian culture during the 1980s was the inclusion of a concern for civil-political rights. This was a consequence of the legitimisation, discussed in the last chapter, of its socio-economic rights and justice oriented approach to development. Under Kirkley, Oxfam's policy making process had been informal and inclusive. Walker's arrival however began a process of codification of the taken-for-granted understandings which constituted the organisation's developing practices beginning with the publication of "Oxfam: An Interpretation". This process continued beyond his incumbency, and formed the basis for many of the internal debates and advocacy activities in the 1980s. Oxfam's interpretation of its constitutive rule, that it had a duty to relieve suffering, in the context of its experience of development in Latin America led the organisation to undertake different development practices. By the late 1970s, it had begun to undertake more radical advocacy on grass roots development and the connection between justice, poverty, and social and economic rights. The organisation had not however explicitly made a connection in its publicity between the denial of socio-economic rights and the abuse of civil-political rights. Oxfam had concentrated on establishing the argument that the denial of justice, in the form of socio-economic rights, was the cause of poverty in Latin America. The 'need' policy extended this practice to discussions on southern Africa. Oxfam only began to publicise human rights abuses against project workers in Latin America in the early 1980s when the level of abuse (and in particular the deliberate targeting of development workers) had grown so extreme that the practice of not publicising them was no longer acceptable.

By the mid-1980s, Oxfam began to publicise human rights abuses against project workers in South Africa. In doing so it was effectively making a public connection between the abuse of individuals' civil and political rights, and Oxfam's attempt to facilitate the provision of social and economic rights. The rule that poverty needed to be addressed through rights and justice oriented development had constituted these new practices, since publicising the repression of development projects and workers necessarily involved making the connection in Oxfam publicity between civil-political and socio-economic human rights. The provision and protection of socio-economic rights had become a legitimate part of the organisation's activities and a core element of its identity. Oxfam's legitimate concern for social and economic justice required it to support activities and groups which were being persecuted by oppressive regimes and socio-economic structures. Where this persecution took the form of physical violence, it could only
be legitimate for Oxfam to conduct advocacy aimed at protecting vulnerable groups and activities. The *Field Directors' Handbook* justifies Oxfam's concern with civil-political rights on the basis that this was an inevitable consequence of it's legitimate objective in relieving poverty and suffering. The important point is that Oxfam's advocacy of and involvement in projects supporting civil-political rights was the result of addressing poverty within particular oppressive field environments, and not in itself a central aspect of the organisation's activities. Hence, the organisation was not attempting to promote civil-political rights in the same way as 'uncharitable' organisations like Amnesty International. Civil-political rights were only an issue for Oxfam where they supported the provision of socio-economic justice. This practice was entirely consistent with the organisation's understanding of the Charity Commissioners' 1986 guidelines. The process of codification reinforced this changing identity. The 'need' policy drew on the understandings established by "Interpretation", while in 1985, the *Handbook* quotes both these documents in legitimising its practices.

The process of the 'codification' of Oxfam's humanitarian culture and policy occurred in the context of Oxfam's inclusive and consensus-based policy making process. This lay at the root of the long debates over the issues of apartheid and sanctions against South Africa. Oxfam could only adopt a set of practices in the light of the increasing and intensifying violence in southern Africa once a consensus had been achieved amongst its members. The 'sanctions' policy eventually adopted in 1987 affirmed that the extension of relief was legitimate because it was governed by the concept of 'need'. The duty to relieve suffering was a core aspect of Oxfam's identity. In the context of violent conflict the organisation conceptually separated its 'humanitarian' activities, and the 'violent' or 'political' activities of partner organisations, who were selected because of their commitment towards the relief of suffering and not on the basis of wider political agendas. The claim that it was legitimate to respond to human suffering ('need') was neither new nor controversial. The relief of suffering was Oxfam's mandated preoccupation, and in working with partner organisations it was this aim which was being served.

The formulation of "Oxfam: An Interpretation" in 1974, and the 'need' policy in 1979, provided central legitimising principles for its support for anti-apartheid organisations in the field who were conducting relief and development activities, in the form of the 'apartheid' policy. By applying both "Interpretation" and the 'need' policy specifically to the conditions of relief and development in
southern Africa, Oxfam was not making any public statement on the legitimacy of apartheid which was based on its moral repugnance, or ideological opposition (although individual members did have strong moral and ideological objections). The organisation’s actions were legitimised by its constitutive rule that members had a duty towards the welfare of others through the alleviation of poverty. In the context of attempting to fulfil this duty in South Africa, Oxfam had come to the position that the state’s violent enforcement of apartheid made this impossible. It was thus entirely legitimate that the organisation should direct its activities specifically towards the alleviation of the effects of apartheid. As such, the adoption of the ‘sanctions’ policy is inseparable from the legitimisation in Oxfam’s humanitarian culture of advocacy on socio-economic and civil-political rights.

This advocacy resulted in public criticisms of Oxfam’s practices that it violated UK charity law. In each case, the organisation’s critics were motivated by reasons other than upholding charity law. The Jewish Chronicle and some sections of the British Jewish community were not concerned that charity law had been violated per se, but that Oxfam’s public concern that Israeli security policy was hindering its development projects was effectively an expression of support for Palestinian opposition movements. This provided the motivation for their critique of the organisation’s advocacy as a violation of charity law. If it was to be successful, such a challenge would be effective in ending those practices. For right-wing groups such as the International Freedom Foundation and Western Goals, Oxfam’s practices were contrary to their own anti-communist, anti-subversion agendas. Many of these groups and their supporters espoused strongly (and in some cases, absolutely) free-market economic agendas, and as such fundamentally opposed Oxfam’s public advocacy on issues of international trade and economic injustice. What they came to contest in charity law however was the meaning of the specific practices of expressing solidarity with the socio-economic policies and objectives of the Nicaraguan government, the anti-apartheid cause, and Oxfam’s opposition to the resurgence of the Khmer Rouge. The Nicaraguan government and most anti-apartheid organisations were felt to be hostile and illegitimate by right-wing groups, since they were seen as being both subversive and communist. Opposition to Western support for the Khmer Rouge constituted support for the Soviet-aligned communist (and hence illegitimate) Vietnamese and Cambodian governments.
In the context of the Charity Commissioners’ enquiry in 1991, Oxfam was not publicly challenging the rules of UK charity law. It was not claiming that the law should be changed to legitimise those ‘political’ activities which had formerly been proscribed. Neither was it contesting the ‘political’ meaning ascribed to their practices by their critics. What the organisation was contesting was that its ‘political’ activities were not permissible under charity law. Since the Charity Commission guidelines allowed some degree of ‘political’ activity in direct support of charitable objects, Oxfam was trying to assert that its ‘political’ practices were not illegitimate since they directly supported its operational activities. In their report the Commissioners repeatedly repudiated this meaning: “Philosophical considerations of fund-raising, public education and campaigning, and overseas work being ‘one programme’ should not be allowed to lead to beaches of charity law.”

The crux of the Commissioners’ opinion was that Oxfam had not achieved charitable status on the basis of its opposition to apartheid, but because of its direct involvement in the relief of poverty. Legitimate political activity would be to campaign for practices which would directly help to alleviate the poverty of those with whom Oxfam worked. The campaign against apartheid put forward the idea that the removal of this structure would then create the conditions in which such practices could occur. Oxfam’s assertion that apartheid created poverty in southern Africa formed the basis for a campaign directed at state policy towards and within South Africa, and not directly targeted towards the actual poverty. Oxfam could only urge the British government and others to take direct measures to alleviate poverty in southern Africa, but not to create the conditions in which southern Africans could themselves work to alleviate poverty (the abolition of apartheid). Oxfam was not claiming that the provision and protection of civil and political rights were a core aspect of its mandate. This would in any case have disqualified it from charity status. As such the organisation could not publicly make any recommendation about the violence inflicted by the state apparatus on groups or individuals in southern Africa. In the event, the Commissioners’ judgement did not incur any financial loss on the organisation, and resulted in only limited censure since their report and subsequent statements emphasised that a degree of political activity was permissible under their guidelines. Its significance was in enforcing the constraints of their own interpretation of charity law on Oxfam’s argument for the legitimacy of advocacy which addressed socio-economic injustice and civil-political rights.

Part II: After the Cold War: New opportunities and challenges

Chapter Five

International humanitarian action and the Kurdish crisis

This chapter begins the second part of this thesis which continues the 'thick description' of Oxfam's humanitarian culture begun in Part I. The end of the Cold War has led to a radical re-evaluation of many of the traditional rules of international humanitarianism. It changed the entire context in which humanitarian agencies such as Oxfam work, both in the field and at an international level. Its consequences have been complex and ongoing. For Oxfam, it marked the emergence of key opportunities and challenges. As such, this chapter locates the organisation's developing humanitarian culture in the context of these global changes. They have also created space for the promotion of humanitarian values in ways not possible before, and in so doing, has strengthened the public legitimacy of INGOs like Oxfam. Part II builds on Part I by analysing how Oxfam's changing humanitarian culture has enabled new responses to this changing international context.

This chapter frames the end of the Cold War in terms of the new opportunities for humanitarian action which emerged from the changes in the international environment. Many of these cannot be directly discussed as part of the development of Oxfam's humanitarian culture, since they arose out of wider international interactions. The organisation did take part in these interactions, and the second section of this chapter will examine how they have enabled it to advocate new forms of practice which serve to facilitate its own humanitarian objectives. It will also show how it has attempted to influence this process of change through its advocacy activities. The distribution of power at the international level privileges the role of states in the formulation of the formal rules of humanitarian practice. As such, the changes in international context will be predominantly understood as a result of state action. The chapter begins by
Chapter Five: After the Cold War

outlining the development of an international consensus on the collective resolution of violent conflict, which led to the second Gulf War.

The Cold War was followed by the deepening of existing conflict, and new outbreaks of civil violence in many parts of the world left de-stabilised by the withdrawal of superpower interest. The intensity and extent of this violence has caused massive population displacements and humanitarian emergencies. The first section of this chapter discusses the key characteristics of the new operating environments that Oxfam has found itself working in. The withdrawal of superpower interest has led to a corresponding decrease in the political influence the international community has been able to exert over combatants in local conflicts. At the same time INGOs have found themselves operating in the midst of conflict as never before. Increasingly they are having to negotiate directly with combatants to secure humanitarian access. In some cases this has implicated INGOs in the dynamics of conflict since the tolerance of diversion of relief by combatants that this has frequently involved, risks prolonging conflict by feeding war economies. These challenges are discussed outside the context of the development of Oxfam’s humanitarian culture since they have arisen out of the changing dynamics of post-Cold War civil conflict. The way Oxfam’s humanitarian culture has responded to these challenges is discussed in Chapters Six and Seven.

A case study of the crisis in northern Iraq after the second Gulf War will show how states have begun to assert the primacy of humanitarianism over state sovereignty. This assertion has enabled INGOs to advocate their humanitarian agendas more prominently in the process of inter-state relations than during the Cold War. Crucially for this thesis, the Kurdish crisis saw a key change in Oxfam’s humanitarian practice in the form of its call for international military intervention to forcibly extend humanitarian access and protection. By 1994 the organisation’s humanitarian culture began to legitimise this practice in responding to post-Cold War complex emergencies. This process will be examined in Chapter Six, which considers Oxfam’s response to the humanitarian emergency in Somalia, and Chapter Seven in the context of the Rwandese genocide. This chapter is concerned with the changing context of Oxfam’s work, and so emphasises how its practices arose from the difficulties and paradoxes the organisation experienced in the field. The Kurdish crisis was also a key part of the process of the emergence of new international humanitarian norms. The Memorandum of Understanding between the UN and Iraq raises a number of precedents, which in the context of Operation
Provide Comfort led to a broader consensus emerging among the international community on the strengthening of the concept of legitimate humanitarian access. In particular this chapter analyses the implications of UN General Assembly Resolution 46/182, and *Agenda for Peace*.

1. THE END OF THE COLD WAR

The end of superpower conflict in the UN Security Council and General Assembly created the potential for a degree of international action on issues and problems which would have been unprecedented during the Cold War. Initially, a degree of consensus and commitment seemed to be emerging in the international community on the necessity and means to resolve long running violent intra-state conflicts. Authoritarian regimes collapsed all over Europe. Parties to bitter internecine conflicts such as those in Angola, Namibia, Mozambique, Western Sahara, Cambodia, Cyprus and El Salvador turned to the UN's conflict resolution and peacekeeping mechanisms. At the same time many key states (such as the US, the Soviet Union, and most European states) seemed to have arrived at a consensus that it was appropriate to use the UN to resolve such conflicts and achieve collective international security. The then UN Secretary-General, Dr Boutros Boutros Ghali wrote about the end of the Cold War in the following words:

> [it] has brought about a new era of international relations and with it a new beginning in the work of the United Nations for peace. The new era has been marked by a spirit of cooperation among states which are today working within the framework of the United Nations in ways unforeseen just a few years ago. The era of superpower confrontations, which until recently had prevented the United Nations from taking on a greater role in conflict resolution, has come to an end. There now exists an extraordinary opportunity to begin utilising the machinery of the United Nations for what it was originally intended to do: keep the peace.

A new co-operative relationship began to emerge between the Soviet Union and the US, particularly in the Security Council. The international response to the Iraqi invasion of Kuwait in 1990 was a direct result, both of this new relationship, and of what appeared to be an emerging consensus among the international community on issues of peace and security. In particular it was a rare use of Chapter VII of the UN Charter which authorises collective military action by states in response to a threat to international peace and security. This was all the more remarkable because of the active involvement of both the US and the Soviet Union.

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in the political coalition against Iraq (even though Soviet military forces did not take part in Operations Desert Shield and Desert Storm):

The gulf action became possible because the permanent members of the Security Council cooperated on a matter of peace and security in the way originally foreseen when the United Nations was founded. Representatives of the United States and the Soviet Union have repeatedly suggested that such action is an important element in a new world order; that is, a world in which nations will be secure because of the capacity of the United Nations to guarantee their security through collective measures. This fundamental goal of the United Nations is unquestionably brought closer through the sustained cooperation and a notably increased commonality of interests among the major powers, evident not only in the Gulf War but also in other conflicts such as Cambodia and Angola.\(^\text{376}\)

At the same time that this new co-operative relationship seemed to be creating possibilities for a more secure international environment, it began to be challenged by growing insecurity within many states.

New intra-state conflicts began to emerge, and existing conflicts left unresolved by the end of the Cold War became more savage. For over fifty years the Cold War had provided a minimal degree of regulation to the behaviour of combatants\(^\text{377}\). This is not to under-emphasise the complexity or the intensity of these conflicts; indeed superpower interference was a key factor in making many of them as devastating as they were. Local conflicts occurred however within the wider context of the global competition between the superpowers for power and legitimacy. Moreover, the value of external sponsorship for local combatants meant that INGOs like Oxfam could aspire to moderate their behaviour by lobbying at an international level:

Against the backdrop of the Cold War ... belligerents owed allegiance, more or less openly, to one ideological bloc or the other. Respect for human rights and humanitarian principles was one way of achieving the international respectability by which such movements laid great store.\(^\text{378}\)

Oxfam could problematise the legitimacy of the sponsor’s support by exposing the behaviour of their clients in the field. For the local combatants this risked compromising such support, whilst for the sponsor this threatened to reduce the legitimacy of its actions both among its own public constituencies, and within international institutions such as the UN. As such external interference in local conflicts did provide INGOs with some opportunity to moderate the worst aspects of the behaviour of local combatants. The controversy over Oxfam’s advocacy in


\(^{378}\) Rufin, “The Paradoxes of Armed Protection”, p. 112
the 1980s arose precisely because the organisation sought change international practices which exacerbated the suffering it sought to address. Oxfam's advocacy activities, by mobilising public opinion in the UK, threatened to undermine the legitimacy of Western support for the Contras and the Khmer Rouge, and repressive state action in the Occupied Territories and South Africa. The reactions of the members of the right in British politics, and sections of the British Jewish community reflected the potential for such advocacy to change the local operational environment in which Oxfam worked. With the end of global superpower rivalry there has been a decline in the internationalisation of combatants, and a corresponding increase in the regionalisation of the human consequences of civil conflict. The withdrawal of Northern strategic support for Southern combatants has meant a corresponding decline in the influence of Northern states over the conduct of civil conflict. As combatants have become less concerned with international legitimacy, so appeals to international humanitarian and human rights standards have had less impact on them:

It almost seems like there are two worlds. One world encompasses states, international organisations and humanitarian nongovernmental organisations that act within a reasonably recognisable structure of customs, rules and principles. The other world is filled with actors who chose to stay outside this structure. The question is how to deal with them or how to compel them to adopt this structure. 379

The dynamics of internal conflict have also changed. Increasingly ideology is no longer a factor in conflict, insofar as it ever had been. A salient element of many post-Cold War civil conflicts has been the growing role of civilians, not only as victims, but also the perpetrators of violence and human rights abuse. This has caused massive flows of refugees across borders, and displaced people within the borders of often already fragile states 380. Groups such as children, the disabled, and women, already made vulnerable by social and economic structures have become the targets of attack. More and more often, combatants compete for control of the material resources of a state 381. In many places, the combination of the withdrawal of superpower interest and the intensification of conflict have led to the collapse of the institutions of state, leaving conflict endemic throughout already fractious and


poverty-ridden societies. The collapse of state structures has made civil conflict and its consequences even more complex. During the Cold War, states and insurgent forces had tended to have relatively stable logistical supply lines, at least partially as a result of superpower sponsorship. In collapsed states however, former government forces became yet another party to conflict, with no more reliable base of material support or legitimacy than any other. For many belligerents, in the absence of total victory a continuation of conflict is seen as a desirable outcome. Often ethnic, tribal, and clan identities are constructed and manipulated to create a constituency and to gain support and legitimacy for their activities. Without even the minimal protection afforded by recourse to international humanitarian law during the Cold War, INGO relief operations have become targets of warring factions as a source of material provisions and hard currency. Relief workers have become not only witnesses to human rights violations, but also the subjects on a scale unknown during the Cold War. Increasingly they find themselves operating in the midst of ongoing conflict and having to negotiate humanitarian access and protection directly with belligerents to avoid being plundered or killed. A primary issue for many relief agencies working in such operational environments is that of the security of staff and operations. INGOs have had to politically engage with combatants themselves far more comprehensively, and with less authority, than ever before to negotiate secure access to suffering populations. This has generally involved the toleration of a high degree of diversion of relief supplies, and often also the payment of protection money to local armed forces. Such currency and material is used by warring groups to sustain and increase their capacity to inflict violence, and so may further entrench their control over relief operations. Such actions also risk intensifying the suffering INGOs seek to ameliorate through their relief operations since many of the emergencies themselves have arisen from the consequences of conflict.

383 Rufin, “The Paradoxes of Armed Protection”, p. 112
Advances in technology, particularly satellite communications, have added a great deal of urgency to international responses to post-Cold War humanitarian emergencies. The famous film by Michael Burke and Mohammed Amin of the suffering in Korem in Ethiopia in 1984, which led to a massive international response in the mid-1980s, had been filmed three days before it arrived at Independent Television News studios in London. By the time of the Gulf War in 1991 however, high-tech portable satellite transmitters made it possible to make live audio and visual reports from the sites of such crises. Not only has this made censorship by host states more difficult, but the nature of competitive commercial news broadcasting has condensed such reporting into smaller and more emotionally powerful news stories. Media coverage of human rights disasters and humanitarian emergencies has created strong pressure on Oxfam to be seen to respond. At the same time it has enabled the organisation to make stronger public demands for international humanitarian action. Appeals from field workers have a much faster and far greater impact on public opinion and state policy making than ever before.

For those in Oxfam, like Frank Judd, who had been prominent in developing the organisation's concepts of (and commitment to) social and economic rights and justice through the engagement of the longer term political causes of poverty, the demands on Oxfam's humanitarian culture produced by these new and deepening emergencies were both irresistible and dominating:

I don't think I ever recall us sitting down and saying 'What are the implications for us of the end of the Cold War?', but as the consequences of the end of the Cold War came about, we had to face them. There was more intra-state, intra-national conflict which was affecting things. During this period I think the thing we were becoming really aware of was that we wanted to get on with long term development, and all over the world ... our programme was being diverted by conflict.

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390 Some states, such as Sudan, have excluded journalists entirely from areas of civil conflict and humanitarian emergencies. Even in the days of more 'low tech' reporting, as in East Pakistan in 1971 and Cambodia between 1975 and 1979, states who abused the human rights of their citizens have chosen to exclude journalists who might publicise these abuses.
By the end of 1991, the year which would see the emergence of the Kurdish crisis, and the intensification of the humanitarian emergency in Somalia (see Chapter Six), Oxfam was allocating half of its overseas budget to conflict related emergencies, a very large proportion of which was being spent in Africa. For Oxfam, the immediate aftermath of the end of the Cold War was not characterised by hopes for an emerging international consensus on the strengthening of international humanitarian and human rights mechanisms, but the growth of overwhelming humanitarian crises. Recalling the rhetoric espoused by some prominent state leaders at the end of the Cold War one member of staff has stated that

Most people in Oxfam never bought the great new world order ... Most of us were too worldly wise to buy that. ... basically absolute poverty has been increasing constantly ... so there was no evidence that the world was getting a better or safer place. Ditto if you look at the facts with regard to the instances of conflict.

Throughout the 1970s and 1980s the most important development in Oxfam’s humanitarian culture had centred on fulfilling the organisation’s mandate to relieve poverty and suffering through concepts of social and economic rights and justice. Inherent in this process was the consensus emerging out of the debates within the organisation throughout the 1960s that the most legitimate way to do this was through a long-term approach to programme activities. This had necessarily involved a shift away from a programme based on disaster relief and short term interventions in economic processes. The adoption of a grass-roots approach to development and the engagement with the political roots of poverty and suffering in the 1980s through advocacy had been an affirmation of this. Such advocacy had implicitly reflected a view of poverty and suffering as arising out of an unjust distribution of political and economic power throughout society.

When Judd spoke of the organisation being “diverted from long term development”, he was affirming two things. Firstly the cultural importance of Oxfam’s approach to development. By implication, however he was also affirming the continuing centrality in Oxfam’s humanitarian culture of the imperative to respond to immediate and overwhelming human suffering which had been the basis of the founding of the organisation in 1942. Although income was increasing, this reflected an increase in the number of emergencies the organisation was involved in relieving. Oxfam was being “diverted” from its preferred practices.

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394 Interview B
(development) precisely because its humanitarian culture obliged it to respond to post-Cold War humanitarian emergencies. As Judd put it,

The point is that in an organisation like Oxfam, a humanitarian agency, our mandate is to the suffering in need. ... we have for a long time now said that the real challenge is the long term challenge and that therefore you do development. Well that does not remove your responsibility in terms of humanitarian challenge and relief.\textsuperscript{395}

The legitimacy of Oxfam’s identity as a ‘humanitarian’ agency is based on its responsiveness to human suffering. Insofar as the most pervasive cause of suffering in the world is poverty, the organisation has addressed this through its developmental activity. Although this interpretation of its constitutive rule dominated the organisation’s response to suffering by the end of the Cold War, the legitimising principle for development activities is the same as that for emergency relief. The increase in emergency operations after the Cold War has hence been a source of the tension between the organisation’s desire to undertake development and its obligation to relieve emergencies (see Chapter Seven). With the end of global superpower competition however Oxfam began to be called upon to fulfil its core cultural duty under entirely different circumstances, particularly in the context of the erosion of the sovereignty rule (see below). The convergence of this duty towards emergency relief and the development of a more permissive international environment has enabled the organisation to make calls for military intervention in support of its humanitarian activities. The first time Oxfam made such a call was when faced with state non-compliance during the emergency facing the Iraqi Kurds in 1991.

2. THE KURDISH CRISIS

In the immediate aftermath of the second Gulf War in March 1991 the Kurdish minority in the north, and the Shi’a population in the south of Iraq rebelled against the government of Saddam Hussein. The Kurds form an ethnic, cultural, and linguistic group spread over five countries, Turkey, Syria, Iraq, Iran and Armenia. They have been discriminated against and repressed in all these states\textsuperscript{396}. Although there is no recorded history of a unified and independent Kurdish state, there is a pattern of repeated rebellion by Kurdish minorities against the states in which they live with the aim of establishing autonomous or

\textsuperscript{395} Judd, interview


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independent Kurdish regions\textsuperscript{397}. These Kurdish rebellions have been hampered by their own disunity (the minority in each state is represented by a different political and military organisation), and dependence on rival neighbouring states for military and financial support\textsuperscript{398}.

The Iraqi Kurds in particular have been engaged in an almost constant struggle for cultural and political autonomy throughout the twentieth century, with rebellions in 1943-5, 1961-70, and 1986-88\textsuperscript{399}. The 1986-88 Kurdish rebellion had been a particularly bloody conflict, with Iraqi forces committing gross human rights abuses against the civilian Kurdish population, culminating in the use of poison gas against the town of Halabja in which 5,000 people died\textsuperscript{400}. The international response to this organised campaign of terror and extermination however was muted, and no coercive measures were taken against Iraq by the international community\textsuperscript{401}. Iraq had at the time been engaged in its long running war against Iran, a key strategic enemy of US interests, and the Soviet Union was the political and strategic sponsor of the Iraqi Ba’athist regime. Neighbouring states such as Turkey and Iran were also engaged in repressing their own Kurdish minorities. When the Kurds rose again in 1991 they had both underestimated the ability of the Iraqi armed forces to respond in the wake of their Gulf War defeat, and overestimated the degree to which Western support would be forthcoming. Initially they were successful, gaining control of large areas of territory formerly held by government forces.

The Kurdish rising was met with extreme violence and gross human rights violations by the Iraqi regime. The Iraqi army began to push the Kurdish forces back and depopulated Kurdish areas by bombing and shelling villages, a campaign of selective assassination, ‘disappearances’, torture, and forced removal to towns and villages under government control\textsuperscript{402}. Two million Kurds fled into the mountains along the border with Turkey. Many others fled across the border into Iran, and towards the Iraq/Kuwait border where international forces were still

\textsuperscript{398} Bradshaw, "After the Gulf War", p. 79
\textsuperscript{399} Bradshaw, “After the Gulf War”, pp. 79; see also Stromseth, “Iraq’s Repression”, pp. 80-81; see also Freedman & Boren “Safe Havens for Kurds”, p. 45
\textsuperscript{400} Bradshaw, “After the Gulf War”, p. 79; see also Stromseth, “Iraq’s Repression”, p. 81
\textsuperscript{401} Stromseth, “Iraq’s Repression”, p. 81; see also Oliver Ramsbotham & Tom Woodhouse, Humanitarian Intervention in Contemporary Conflict: A Reconceptualization (London: Polity Press, 1996) p. 73
\textsuperscript{402} Bradshaw, “After the Gulf War”, p. 80
deployed as part of the Gulf War settlement. The areas of south-east Turkey which border Iraq have large Kurdish populations, and have been the scene of bitter fighting between the Kurdistan Workers Party (PKK) and the Turkish armed forces. Access to these areas had long been severely restricted, the Turkish government being extremely resistant to any possibility of international oversight or intrusion. By the beginning of April 200,000 Kurds had crossed the border into Turkey. The suffering of these refugees was exacerbated by the exclusion of aid agencies from these border areas because of the campaign by the PKK. Concerned that it would be overwhelmed by such a large influx of refugees into a region where it was already facing an insurrection by armed Kurdish groups, the Turkish government ordered its military to seal the border. This led to further suffering as many Kurds who continued to flee Iraqi persecution were forced further up the inhospitable and inaccessible mountainsides. Nonetheless, refugees continued to successfully cross the border into Turkey. International media organisations began to cover the suffering of the Kurds as civilians began to die of exposure throughout the end of March and the beginning of April.

In contrast to the 1986-88 rebellion, the international response to the 1991 crisis was unprecedented. During the war Western leaders had encouraged the civilian population of Iraq to revolt against the government, yet many disavowed themselves of the actual rebellions which followed it. Intense media coverage of the disaster created strong dynamics among many key Western states, particularly the US, Britain, and France, to respond to the massive scale of the emergency. In a widely supported argument, James Mayall has contended that for many of those states, the domestic and international political gains that were accrued by victory against Iraq began to be threatened both by the capacity of Iraq to inflict such suffering, and their own inaction in responding to the crisis. "The scale of the tragedy, which has driven 2m Iraqi Kurds to flee into snow-covered mountains with little"

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403 Kirisci, Provide Comfort and Turkey, para. 11
404 Kirisci, Provide Comfort and Turkey, para. 16
405 Interview E
406 Kirisci, Provide Comfort and Turkey, paras. 36-38; see also Freedman & Boren "Safe Havens for Kurds", p. 49
407 Kirisci, Provide Comfort and Turkey, para. 39
408 Stromseth, "Iraq's Repression", p. 84; see also Freedman & Boren "Safe Havens for Kurds", p. 50
more than the clothes they stand in, has turned it from a humanitarian into a political issue.\textsuperscript{411} The intensity of international media scrutiny forced Turkey, which long been criticised for its own violations of the human rights of Turkish Kurds, to open border areas to journalists for the first time in two decades\textsuperscript{412}.

On 5 April 1991 the Security Council passed resolution 688 which ordered the Iraqi government to cease aggression against its own populations and allow immediate and unrestricted access by humanitarian agencies to conduct a relief effort\textsuperscript{413}. Resolution 688 described the consequences of the Iraqi military campaign against the Kurdish population, namely the existing and potential cross border refugee flows, and not the human rights violations, as a 'threat to international peace and security'. Resolution 688 did not cite Chapter VII of the UN Charter (concerned with collective coercive measures by member states) or authorise "such necessary action by air, sea, or land forces as may be necessary to maintain or restore international peace and security" (Article 42). As such Resolution 688 did not have the status under Chapter VII of the Charter to authorise coercive action by member states. Although it was a very rare instance of it, it was not the first time that the Security Council had recognised a threat to international peace and security arising from violent conflict within a state's borders. The Security Council had determined that the racist oppression, persecution, and political exclusion in Rhodesia and South Africa constituted threats to international peace and security\textsuperscript{414}. In both these cases, and in the case of Iraq in 1991, the internal situations which constituted threats to international peace and security originated in pariah states. Resolution 688 however constituted the legitimate response to such a threat in terms of access across borders by humanitarian agencies to suffering populations for the first time\textsuperscript{415}. The Security Council had "insisted" on Iraq's compliance with such action. In Biafra and East Pakistan the exercise of state sovereignty by Nigeria and Pakistan had severely limited Oxfam's ability to conduct relief operations within the territory of these states.

For the UN and most aid agencies the most acute need was to get the Kurds down from the mountainsides to more accessible areas where relief operations could be initiated. The greatest obstacle to this was the fear of Kurdish civilians

\textsuperscript{411} Bradshaw, "After the Gulf War", p. 79
\textsuperscript{412} Gowing, "TV and the Kurds", p. 111
\textsuperscript{413} UN Security Council Document S/RES/688
\textsuperscript{414} Lori Fisler Damrosch, "Changing Conceptions of Intervention in International Law", in Laura W Reed & Carl Kaysen (eds.), Emerging Norms of Justified Intervention (Cambridge (USA): American Academy of Arts and Sciences, 1993), note 48, p. 109
\textsuperscript{415} S/RES/688
that to do so would again make them vulnerable to persecution and attacks by Iraqi forces\textsuperscript{416}. Indeed although Resolution 688 had made no mention of the threat or use of military force, it had called for a longer term political solution to the Kurdish problem in Iraq\textsuperscript{417}. The Iraqi government had clearly demonstrated its disregard for international law and the lives of its own citizens in the invasion of Kuwait and its treatment of the Kurds and Shi'a: "More than a Security Council resolution was needed ... to convince the Kurdish and Shi'ite refugees that they would be protected from continued Iraqi repression and thus could safely return to their homes."\textsuperscript{418}

As a consequence of the increasingly desperate situation of the Kurds shown every day on television and in the press, pressure mounted in key Western states to make a more interventionist response both to the humanitarian crisis and the continued aggression of Iraqi forces. On 8 April the European Union adopted a British proposal for 'safe havens' in Northern Iraq where the refugees' safety could be guaranteed, and humanitarian agencies could operate unhindered\textsuperscript{419}. The response of these states was to launch 'Operation Provide Comfort', a multinational military force to based in Turkey and Iraq which would conduct relief activities and create and protect the 'safe havens'. Provide Comfort would be a temporary measure, aimed at establishing the security of relief operations until the UN was in a position to take over responsibility\textsuperscript{420}. Although the US had initially resisted participation in this force, on 16 April President George Bush announced the plan\textsuperscript{421}. By mid-April a US, British, and French military force was deployed at airbases in Turkey to undertake relief activities, mainly by air-dropping supplies to the Kurds in Iraq\textsuperscript{422}. The US, with support from Britain and France, had already imposed an air-exclusion zone in Iraq above the 36\textsuperscript{th} parallel, banning the movement of fixed-wing military aircraft\textsuperscript{423}. Resolution 688 had required the Iraqi government to allow unhindered access by relief agencies, and Provide Comfort had provided the physical security for relief activities to occur. The deployment of international troops created a strong dynamic among donors in the UK for aid agencies to respond to the crisis.

\textsuperscript{416} Keen, "Short-term interventions", p. 170
\textsuperscript{417} S/RES/688
\textsuperscript{418} Stromseth, "Iraq's repression", p. 89
\textsuperscript{419} Bradshaw, "After the Gulf War", p. 79-80; see also Freedman & Boren "'Safe Havens for Kurds'", p. 52
\textsuperscript{420} Freedman & Boren "'Safe Havens for Kurds'", pp. 54-55
\textsuperscript{421} Ramsbotham & Woodhouse, Humanitarian Intervention in Contemporary Conflict, pp. 70-73; see also Freedman & Boren "'Safe Havens for Kurds'", p. 54
\textsuperscript{422} Stromseth, "Iraq's repression", p. 89
\textsuperscript{423} Stromseth, "Iraq's repression", p. 89; see also Freedman & Boren "'Safe Havens for Kurds'", p. 52
Chapter Five: After the Cold War

Although the intervening states claimed the authority of Resolution 688 in deploying military forces within the territory of Iraq without having received the consent of the Iraqi government, there is no specific reference in the resolution to any use of force. Operation Provide Comfort had not been specifically authorised by the Security Council. The Iraqi government had it made clear that it did not accept the validity of Resolution 688 or the legitimacy of the Provide Comfort deployment. Then UN Secretary General, Xavier Peres De Cuellar had been concerned that for the international military operation to be legitimate, it required either the consent of the Iraqi government, or a further Security Council Resolution specifically authorising it. In the event neither of these were forthcoming.

The UN Secretariat however had initiated a process of negotiated access with the Iraqi government. Two missions were initiated by de Cuellar, on 13 April, one headed by Eric Suy, the Personal Representative of the Secretary-General, and on 16 April, an Inter-Agency Mission led by Prince Sadruddin Aga Khan, head of the UN's regional relief effort. On 18 April the UN representatives signed a Memorandum of Understanding (MoU) with the Iraqi government. The MoU was important for a number of reasons. It committed the Iraqi government to co-operating with the UN relief effort, which would be allowed access throughout the whole of the country, unlike Provide Comfort which only covered some of northern Iraq. It also provided for the establishment of a number of UN administered relief camps “wherever such presence may be needed”. The idea was that [the UN civilian staff] would be as capable as Western soldiers of creating a sense of safety that would encourage the Kurds to come down from the mountains and return to their villages.

424 Kirisci, *Provide Comfort and Turkey*, para. 48
425 Ramsbotham & Woodhouse, *Humanitarian Intervention in Contemporary Conflict*, p. 77; see also Stromseth, “Iraq’s Repression”, p. 90; see also Freedman & Boren “Safe Havens for Kurds”, p. 59
426 Freedman & Boren “Safe Havens for Kurds”, pp. 59
428 “Memorandum of Understanding”, 18 April 1991, enclosure to Abdul Amir A Al-Anbari (Iraqi ambassador to the UN), letter to the Secretary-General, UN Security Council Document S/22513, 22 April 1991; see also *Yearbook of the United Nations*, p. 206; see also Stromseth, “Iraq’s Repression”, p. 90; see also Freedman & Boren “Safe Havens for Kurds”, p. 60
429 Ramsbotham & Woodhouse, *Humanitarian Intervention in Contemporary Conflict*, p. 81; see also *Yearbook of the United Nations*, p. 206; see also Stromseth, “Iraq’s Repression”, p. 90
430 “Memorandum of Understanding”, articles 4 & 11
431 Freedman & Boren “Safe Havens for Kurds”, p. 60
Importantly, the MoU also stated that the relief effort would take place "without prejudice to the sovereignty, territorial integrity, political independence, security and non-interference in the internal affairs of the Republic of Iraq". Although it established the principle of unrestricted humanitarian access, this had been done on the basis of the consent of the Iraqi government, and the primacy of Iraqi sovereignty. The MoU referred to the Iraqi position that Resolution 688 and Provide Comfort were illegitimate since they violated Iraqi sovereignty. In a letter to de Cuéllar transmitting the MoU, the Iraqi Minister for Foreign Affairs, described the Provide Comfort as "a serious, unjustifiable and unfounded attack on the sovereignty and territorial integrity of Iraq." The first paragraph of the MoU refers to “Security Council Resolution 688 of 5 April 1991, which has not been accepted by the Government of Iraq”. The Economist cited Michael Stopford, a UN official involved in the relief effort, as arguing that a humanitarian programme mounted against the express will of Iraq would have been an academic exercise: establishing a principle, maybe, but not doing much good. The Kurds would have been harder to help; other Iraqis, including the Shia Muslims, would have been abandoned. However distasteful, a degree of cooperation from the government in power is essential, Mr Stopford insists, for the effective delivery of humanitarian relief.

On 25 May an annex to the MoU was signed agreeing the establishment of a force of 500 ‘UN Guards’ to protect the international humanitarian operations. They would be drawn from headquarters security personnel and retired police officers from member states, and would take over responsibility for the protection of the humanitarian operations after the withdrawal of the Provide Comfort land forces.

Like many other INGOs, Oxfam had channelled funding towards the relief of the thousands of refugees fleeing Iraq into neighbouring states during the Gulf War at the beginning of 1991. In March the organisation received a request from the Iraqi Red Crescent to assess the damage caused to Iraqi water and sanitation

432 “Memorandum of Understanding”, article 20
433 David Hirst, “Kurds get stuck in the UN mud”, The Guardian, 11 December 1991, p. 21
434 Kirisci, Provide Comfort and Turkey, para. 48
435 Yearbook of the United Nations, p. 206
436 Ahmed Hussein, letter to the Secretary-General, 21 April 1991, annex to Al-Anbari, letter to the Secretary-General
437 “Memorandum of Understanding”, para. 1
facilities by Allied bombing.441 The head of Oxfam’s Middle East programme, Muna Khalidi, and two water engineers visited the two largest Iraqi cities, Baghdad and Basra, at the beginning of March to this purpose442. When the Kurdish crisis ‘broke’, Oxfam immediately initiated emergency relief operations in Turkey and Iran by dispatching relief supplies to the Turkish and Iranian Red Crescent Societies443.

The organisation had to confront two immediate problems in relieving the Kurds. Firstly, there was no-one within the organisation who had any significant expertise on the issue of the Kurds in either Iraq or Turkey, and there were no Oxfam field staff in the area.444 Secondly, many headquarters staff were either already committed to field operations in Africa, or on leave.445 Oxfam immediately sent a senior member of staff, to visit the scene of the emergency.446 They confirmed that the most urgent priority was to facilitate the movement of the Kurdish refugees from the mountains into more accessible areas within Iraq.447 It would have been extraordinarily difficult and largely futile to bring relief to the Kurds where they were, yet the biggest difficulties in bringing them down from the mountains were political. On the Iraqi side of the border, the Kurds were still subject to attack by the Iraqi armed forces, and on the Turkish side, the government was reluctant to allow such massive numbers of refugees join already large numbers of Kurdish refugees (from the 1986-88 rebellion) already in what was effectively “a civil war zone”.448

Oxfam staff in the field emphasised the urgency of bringing political pressure to bear on the international community to guarantee the safety of the Kurds so that they could be brought down from the mountains in their communications with headquarters in Oxford.449 From this time on, Oxfam’s publicity on the Kurdish crisis reflected the assessment that the only way to relieve the Kurds was through a political solution which assured the protection of the

442 Oxfam, “Oxfam sends emergency missions to Iraq and Kuwait”
444 Interview E
445 Interview E
446 Interview E
447 Interview E; see also Oxfam, “‘Move the people off the mountains’”
448 Interview E
449 Interview E
Kurds from attack and harassment. Whilst in Turkey, a senior member of Oxfam had specifically raised the possibility of such protection being provided by the deployment of international military forces with staff of the British government’s aid donor agency, the Overseas Development Administration (ODA). Senior staff attended a meeting at the British Foreign and Commonwealth Office (FCO) with the heads of other major British INGOs on Monday 15 April. Although the meeting had ostensibly been arranged to discuss the humanitarian crises affecting Africa, it was overtaken by the Kurdish crisis: “Douglas Hurd [British Foreign Minister] and Linda Chalker [Head of ODA] were not interested in being harangued about Africa, they had a major crisis on their hands.” At the meeting the Oxfam representatives impressed the urgency of moving the Kurds off the mountains to stave off what they felt would be imminent and massive loss of life among the refugees:

We repeated forcefully to Mr Hurd that while we welcomed his support, it was vital the government did all it could to keep up the momentum for a political solution which would allow the refugees to move off the mountains and go to areas where they would be secure and near to supplies. Until that happens we fear that the relief operation cannot be effective in saving lives.

Hence, by the time that the Safe Havens plan was announced, 16 April, Oxfam had already decided that the most efficacious method of providing security to the Kurds, and in effect allowing relief operations to begin, was through international military intervention.

At the time Oxfam’s call for military intervention went largely unremarked as a significant event in itself. This was for a number of reasons. Firstly, the political pressure that staff in the field had felt Oxfam needed to exert was overtaken by Operation Provide Comfort. The organisation’s proposals for an international military operation were made two days before Provide Comfort was announced, and as such there was no need to engage in public advocacy. In any case, as one member of staff states, “I’m not sure that anyone has a hang-up about calling for the right use of the military.” The ‘right’ use of the military in this case was to establish a situation where the organisation could fulfil its primary humanitarian objective to deliver relief in the field: “you knew perfectly well that you

450 Oxfam, “‘Move the people off the mountains’”); see also John Magrath, “Comments by the Press Office on the meeting of aid agencies with Douglas Hurd”, 16 April 1991, R0283, Press Releases (Master Copies) 1991-1993 file, OA; see also Sarah Helm, “Aid agencies back Major’s enclave plan”, The Independent, 16 April 1991

451 Interview E

452 Interview E

453 Interview E; see also Magrath, “Comments by the Press Office”

454 Magrath, “Comments by the Press Office”

455 Interview E
could only work there [in northern Iraq] because you had military protection.\textsuperscript{456} Put simply, military intervention worked out well for Oxfam in northern Iraq. In the event Oxfam’s support for the military intervention was largely uncontroversial within the organisation, since public expressions of this support came \textit{after} the fact of Operation Provide Comfort.

Secondly, Oxfam’s \textit{public} advocacy immediately prior to the announcement of Provide Comfort had concentrated on the political aspects of bringing relief to the Kurds, and not the long-term ongoing political causes of the flight of the civilians in the first place. At a time when media coverage of the emergency, particularly television coverage, carried many reports of continuing Iraqi attacks against civilians, Oxfam’s advocacy focused on the immediate refugee crisis. No mention was made of any need to protect the human rights of the Kurds on a long term basis by addressing the question of their citizenship within Iraq\textsuperscript{457}. Oxfam’s primary and overriding concern was to bring immediate relief to the Kurds by bringing pressure on the international community to respond, and not on the Iraqi regime to cease its repression. As a senior member of staff recalls, “we were concentrating positively on the challenge of the vulnerability of the people and the need to respond to that. Amnesty and others were making their stand on the other things.”\textsuperscript{458} To be fair to Oxfam, this is a matter of emphasis; the purpose of the intervention it had sought was to allow the organisation to initiate relief operations, and not to provide long term safety for the Kurds within Iraq. To some extent this was a consequence of the absence of any expertise on the Kurds within Oxfam. This led to a construction of the Kurdish crisis by the organisation as a short-term emergency\textsuperscript{459}, and not part of an ongoing process of rebellion and persecution. Thus, the organisation’s public advocacy over the Kurdish crisis did not threaten Iraqi sovereignty.

Oxfam experienced few significant obstacles to its relief operations as a consequence of Iraqi opposition, albeit beyond the creation of the refugee flows in the first place. It had at the time also been concerned with the humanitarian crisis unfolding throughout the rest of Iraq as a consequence of continuing international sanctions (imposed prior to the Gulf War), the destruction of civil infrastructure

\textsuperscript{456} Interview E
\textsuperscript{458} Interview A
\textsuperscript{459} Interview E
during the war, and the persecution of minorities in the south of Iraq. In these areas it worked under the auspices of the MoU, and with the consent of the Iraqi government. In the north, unlike many other agencies Oxfam experienced more practical difficulties from the lack of unity amongst the various Kurdish factions than the ongoing harassment by the Iraqi forces. Indeed, it was escalating inter-Kurdish violence that caused the organisation to withdraw its operations from northern Iraq at the end of 1992. As such the organisation’s position on military intervention, even post-facto as it had been publicly, did not cause it any problems in the field.

Thirdly, the position on intervention did not reflect a new institutional approach to the relief of post-Cold War humanitarian emergencies. For Oxfam the Kurdish crisis was characterised more by new practices born out of efficacy, than by setting international humanitarian precedents: “it was a humanitarian crisis that we responded to, and it wasn’t for us to go out and go advocating military intervention as an end in itself, but we were concerned about protection and people with their humanitarian plight.” Oxfam’s call for intervention had been a consequence of constructing the crisis as so urgent that the overriding priority was to immediately initiate relief operations. As such the suffering of the Kurds called irresistibly on Oxfam’s core rule that its primary function was to fulfil the duty of members and supporters towards the welfare of suffering populations. Speaking of the Kurdish operation one member of staff explained the organisation’s decision to involve itself as an instance of “dealing with the issues which under our constitution demand our presence, which is the human suffering.” The sheer scale of the crisis however, with two million civilians on exposed and inaccessible mountain-tops, meant that the only way this was to be done effectively was to bring the Kurds into more accessible areas. At a press conference immediately after the FCO meeting on 15 April, David Jones, Oxfam’s Deputy Director, had described the situation thus:

“It’s like the Somme battlefield up there. Trees have been cut down for fuel. It is a sea of mud - animals’ carcasses and children’s diarrhoea. The television pictures


461 Interview E
462 Keen, “Short-term interventions”, pp. 179-181
463 Interview E
464 Interview E
465 Interview A
466 Interview A
do not convey the true horror. I saw journalists crying at what they had seen. The only thing that will bring them down is if they believe they will be safe. 467

Oxfam felt itself obliged to respond to the emergency in northern Iraq because of its humanitarian values. To respond effectively however, the Kurds needed to be brought into more accessible areas. This could only be done by guaranteeing their safety. The only way to guarantee the safety of the Kurds was through military protection:

If the Kurds had been left up on the mountains without protection, it would have been a mammoth humanitarian disaster. The only way they [the international community] could deal with that situation was to give them protection so that they could, we thought at the time, first of all get them down the mountains to where they could be looked after, where it wasn’t so cold, and there was water and food, and secondly they could go home. 468

As such Oxfam’s concern with the Kurdish crisis, and its emphasis on the military protection of the Kurdish refugees secured core organisational values within a new emerging international context.

There was strong criticism of relief activities conducted on the basis of the MoU. It committed aid agencies to returning Kurdish civilians to their “home areas” 469. For the Iraqi government, this meant the towns and villages to which they had been forcibly transferred in the wake of the 1986-88 rebellion. For the Kurdish opposition movements however such an interpretation was unacceptable. In the absence of a political settlement of the Kurdish problem or a change of regime in Baghdad, such action would inevitably leave the Kurds vulnerable to the same threats and acts of violence which caused them to flee in the first place. The Provide Comfort forces had had a much wider mandate than the UN Guards contingent which was to replace them under the MoU. The objective of the international military forces had been to initiate relief operations themselves, and to protect both the Kurds and international relief operations. The UN Guards, although initially intended to protect both the Kurds and the aid agencies, once deployed, announced that they were only mandated to protect relief operations 470. The few hundred Guards who were eventually deployed were unable to perform even this function, particularly in the face of a mounting campaign of terrorism and harassment by Iraqi forces which began immediately after the 20,000 international troops were withdrawn 471. A number of other key technical mistakes were also seen to have been made including a massive under-estimation of the

467 Helm, “Aid agencies back Major’s enclave plan”
468 Interview E
469 “Memorandum of Understanding”, article 11
470 Keen, “Short-term interventions”, p. 171
471 The Economist, “The nations unite for a safer haven: Iraq’s Kurds”, 22 June 1991; see also Keen, “Short Term interventions”, p. 171
relief needs of the Kurds, both long and short-term, a misinterpretation of long- 
term Iraqi intentions towards the Kurds, and a significant lack of co-ordination 
among UN and INGO agencies

The most important criticism to arise out of the Kurdish crisis was not 
directed at the humanitarian agencies involved; it was the lack of commitment on 
the part of UN member states (including, most importantly, the intervening states) 
to provide long term protection for the Kurds. The Provide Comfort forces, who 
had been in northern Iraq for two months, were withdrawn in July before the Kurds 
were able to use their presence to secure a favourable long-term agreement with 
the Iraqi government. The withdrawal had been accompanied by the formation 
of a smaller ‘rapid-reaction’ international airborne force in Turkey, Operation 
Poised Hammer. In the event of a renewed campaign of terror by Iraqi forces, 
these troops would be deployed across the border to protect the Kurds and the 
humanitarian agencies. However, in practice Iraqi forces did not need to engage in 
the type of action that would trigger the Poised Hammer forces to effectively 
disrupt relief operations. One of the most significant obstacles to a long term relief 
of the Kurds of northern Iraq was the internal economic blockade imposed by the 
government against Kurdish areas. This was compounded in effect by the 
economic sanctions imposed by the UN against Iraq. Although humanitarian relief 
was excluded from the international sanctions, the restrictions this put on trade 
have meant that it has been impossible for the Kurds to achieve any degree of long 
term economic security or self-sufficiency.

The Kurdish emergency had brought the role and power of state 
sovereignty into question. The resurgence of the UN in collective international 
security and the growing impact of global media coverage caused a re-evaluation 
of the legitimacy of the power of states to use sovereignty to control access to 
suffering populations. In the immediate aftermath of Provide Comfort many 
Western leaders claimed that a precedent had been set in that sovereignty could no 
longer be used as an absolute defence against the legitimacy of such action in 
defence of human rights and humanitarian access. Although Resolution 688 did 
not explicitly authorise collective or individual military action, it did, in principle, 
create an unprecedented degree of humanitarian access. Moreover, this access had

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472 See David Keen, *The Kurds in Iraq: How safe is their haven now?*, Executive Summary 
(London: Save the Children, 1993)
473 Keen, *The Kurds in Iraq*, p. 4
474 Freedman & Boren “‘Safe Havens for Kurds’”, p. 71
475 See Keen, *The Kurds in Iraq*
476 Freedman & Boren “‘Safe Havens for Kurds’”, pp. 81- 82
been intended for "international humanitarian organizations". The text did not refer to any particular organisation, such as UNHCR, UNICEF, or the ICRC. As such, this humanitarian access extended not only to internationally mandated humanitarian organisations, but the whole range of aid agencies, including Oxfam.

The authority of Resolution 688 was insufficient to actually secure access in the field however. The Provide Comfort deployment was short-term, and in a limited geographical area. Nonetheless it was a crucial element in securing access. Although the actual basis of the relief effort in Iraq was the MoU, and not Provide Comfort, it is significant that it was signed on 18 April 1991, two days after the military deployment was announced. It is important to understand the decision by the Iraqi government to agree to the extensive access granted by the MoU in the context of the imminent arrival of Western military forces: "Faced with a choice between a UN sponsored effort and one sponsored directly by the West, Iraq opted for the United Nations". In practice then, the successful deployment of an international relief effort throughout the whole of the country was underwritten by Western military action. The opportunities for humanitarian action created by the collective international intervention had been constituted by the consensus on the legitimacy of such behaviour amongst the intervening states, and the failure of the international community as a whole to prevent or hamper it. Although the UN Secretariat had exploited this opportunity to initiate relief operations, it had been careful to ascribe public meanings to its actions which would not be perceived as a violation of Iraq's sovereignty. In effect it based the public legitimacy of the UN relief effort on the MoU, and not on either Resolution 688 or the existence of Provide Comfort. The experience of relief in northern Iraq caused a key period of reflection amongst the UN and its agencies on devising new rules to constitute legitimate humanitarian action.

3. STRENGTHENING HUMANITARIAN ACCESS

In 1992, the then UN Under-Secretary-General for Humanitarian Affairs, Jan Eliasson, attributed the severity of post-Cold War humanitarian crises, and the operational difficulties in relieving them, to the lack of international mechanisms

477 S/RES/688, article 3
478 Freedman & Boren "Safe Havens for Kurds", pp. 60
479 Ramsbotham & Woodhouse, Humanitarian Intervention in Contemporary Conflict, p. 82
480 Stromseth, "Iraq’s repression", p. 98
to deal with complex emergencies. With the growth of intra-state conflict, however, a new language of international humanitarianism began to emerge. In particular, the rule of state sovereignty began to be redefined. During the Cold War, the conduct, and occasionally the very existence of NGO relief operations had been constrained by the principle of state sovereignty. Some French INGOs, in particular Médecins Sans Frontières (MSF) and Médecins du Monde (MDM), had been prominent in arguing that state sovereignty should not prevent humanitarian agencies from providing relief to suffering populations. MSF had been founded by a group of French doctors in 1971 specifically in opposition to the ICRC's practice of respecting state sovereignty, even where this meant remaining silent on instances of human rights abuse. It was not until the end of the Cold War that Oxfam itself began to publicly assert the primacy of humanitarianism over sovereignty, and only after the Somalia operation did it seriously begin to comprehensively address this relationship in its own practices (see Chapters Six and Seven). The former French Minister for Humanitarian Action, Bernard Kouchner (who at different times has headed both MSF and MDM), has advanced the idea of a droit d'inergence, or right of intervention (also often translated as a right of interference). Kouchner's droit concerns a relationship which is claimed to exist between those seeking to provide relief and those in need of such relief. Affected populations have a right to have their suffering relieved (whilst aid agencies have a corollary duty to extend such relief), which supersedes the principles of sovereignty and non-intervention. In an article in the Times in 1992, speaking of the Kurdish crisis, Kouchner described the concept of state sovereignty as "a blindness and murderous naïveté ... The right to interfere is a way of avoiding war." In practice however, most INGOs, including Oxfam, had operated legally within a state's borders subject to the laws and consent of its government.


486 Bremner, "Minister for health and indignation"
International legal documents, such as the Geneva Conventions and Protocols, and the 1951 Refugee Convention, do circumscribe a special status for the ICRC and the UN High Commissioner for Refugees (UNHCR) in the relief of humanitarian emergencies. Both these organisations however are committed by their statutes and by international law, and usually in practice, to respecting the sovereign authority of host states.\(^{487}\)

Official status had been accorded to INGOs in international humanitarian relief by the UN General Assembly in December 1988 in Resolution 43/131.\(^{488}\) This resolution had been very ‘weak’ in accommodating an increase in the capacity of INGOs to initiate and conduct relief operations. It had affirmed the sovereignty and also the primacy of the host state in relief efforts within its borders although in the fifth of its prescriptive paragraphs the General Assembly “[a]ppeals … to all States to give their support to these organizations working to provide humanitarian assistance, where needed, to the victims of natural disasters and similar emergency situations.”\(^{489}\) After the Cold War the international community became more concerned with its collective capacity to respond to complex emergencies. In July 1991, and in the wake of the Kurdish crisis, the G7 group of industrialised countries issued a public call for the strengthening of the UN’s humanitarian response mechanism.\(^{490}\)

In December 1991 the General Assembly passed Resolution 46/182 which created the UN Department of Humanitarian Affairs (DHA), headed by an Under-Secretary-General.\(^{491}\) The DHA was specifically intended to address the ability of the UN to resolve and ameliorate the effects of post-Cold War humanitarian emergencies. It had arisen directly out of discussion of the problems encountered by UN and INGO relief agencies in Iraq, and as such “[t]he ideas expressed in Security Council 688 and the experience of northern Iraq seem clearly to be present

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\(^{487}\) UNHCR did begin a process of critical reflection of its own role and mandate after the Kurdish crisis. Among some controversy it decided that it needed to engage in conflict resolution and prevention as part of its relief and protection activities. This deliberate expansion of UNHCR’s activities can be seen as an attempt by the organisation to devise a new set of rules to legitimise its practice in the post-Cold War operational context. See Sadako Ogata, Note on International Protection (Submitted by the High Commissioner), UN General Assembly Document A/AC.96/799, 25 August 1992, pp 8-9, cited in Kirisci, Provide Comfort and Turkey, para. 58; see also Sadako Ogata, “The U.N. Response to the Growing Refugee Crisis”, Japan Review of International Affairs, 7, 3 (1993) pp. 202-215

\(^{488}\) UN General Assembly Document A/RES/43/131

\(^{489}\) A/RES/43/131

\(^{490}\) Leonard Doyle, “UN dispute over proposals for emergency aid”, The Independent, 15 October 1991; see also Weiss & Campbell, “Military humanitarianism”, p. 457; see also Freedman & Boren “Safe Havens for Kurds”", p. 82

\(^{491}\) UN General Assembly Document A/RES/46/182
between the lines. The text of the Resolution had emerged out of intense debates among member states as to the exact positions to be taken on sovereignty and humanitarian access. Neither Resolution 43/131 or 46/182 had challenged the principle that controlling the access of international humanitarian agencies was a legitimate exercise of state sovereignty. Resolution 46/182 did however seem to expand the ability of INGOs to initiate relief operations. It states that international relief efforts could only be initiated and conducted with the consent of the host country, and not at the request of the host state, as had traditionally been the case under international humanitarian law. Basing the legitimacy of humanitarian access on the request of the host state had left legal control of humanitarian access entirely in the hands of the host government. Where humanitarian emergencies arose out of systematic human rights abuses as in East Pakistan in 1971, or where famine had been deliberately used as a weapon of war, as in some parts of Africa, governments had been able to exclude relief agencies from areas under their control. The formulation of Resolution 46/182 reduces absolute state control over access by using the word consent rather than request. By using the word country rather than state, it also leaves ambiguous the exact identity of the consenting authority. The precise and prominent usage of the term state in international law and the UN in particular (only states can be signatories to international treaties for example) made the use of the term country more vague, and potentially more inclusive. If the host country meant the citizens of the host state, situations of systematic human rights abuse potentially gave INGOs legitimate humanitarian access even where the host government was actively opposed to this:

The resolution tilts the balance towards humanitarian intervention, but carefully avoids any talk of the “right to do so”. ... This terminology provides flexibility in exceptional circumstances, and allows the UN to provide humanitarian assistance in the absence of a government request.

In 1992 Boutros Ghali published *An Agenda for Peace*, a document which summarised the key issues and dilemmas facing the UN. *Agenda* also outlined possible methods of resolving them including assertive multilateral military action.
in support of humanitarian operations and to protect human rights. One of the most important aspects of the document was that it presented the view that the concept of state sovereignty has become eroded as key socio-economic interactions (such as commerce, communications, environmental degradation, crime etc.) within a state increasingly originate in international processes. Moreover one of Boutros Ghali’s key assertions was that states could no longer use sovereignty to prevent international scrutiny of the abuse of their citizens’ rights: “The time of absolute and exclusive sovereignty ... has passed; its theory was never matched by reality.” Not only was the systematic abuse of human rights a legitimate subject for international scrutiny, the international community should no longer regard state sovereignty as an absolute impediment to resolute action to end them in the interests of international peace and security. Legitimate measures to achieve this end included the deployment of international military forces.

CONCLUSIONS

The changing international context following the end of the Cold War presented new opportunities for Oxfam to assert its humanitarian values. The international community was publicly committed to the security and legitimacy of international humanitarian access in a way it had never been before. In Biafra, East Pakistan, and Cambodia the role and scope of Oxfam’s operations had been restricted because of the de facto and de jure power of most states to control humanitarian access. In the wake of the Cold War, both aspects of state power have become subject to the emerging international consensus on strengthening humanitarian access. The Kurdish operation had shown both that humanitarian crises were a legitimate subject for international scrutiny and action, even where the host state opposed this and invoked its sovereignty. It had also shown that where there was a situation of insecurity in the field such action may need to be supported by military action. Although it still fell far short of a droit d’ingérence, the General Assembly has confirmed the strengthening of humanitarian access.

Nevertheless, the consequences of the end of the Cold War posed key dilemmas for agencies in the field. The Kurdish crisis has shown that even the authority of international legal opinion, in the form of Resolution 688, and limited military intervention may not be enough to make agencies secure in the field. Gaining the consent of the host state meant being subject to the sovereign authority of the Iraqi government, which had engineered the humanitarian crisis in the first

\[497\] Boutros Boutros Ghali, An Agenda for Peace (New York: United Nations Department of Public Information, 1992) p. 5
\[498\] Boutros Ghali, Agenda for Peace paras. 17 to 20
place and displayed continuing hostility toward Kurds. Moreover it meant a massive reduction in the scale of the physical protection offered both to humanitarian operations, and to the Kurds. These operational dilemmas became more prominent after the Cold War as a result of more fragmentary and societal conflicts elsewhere in the world. In particular, the destabilisation and collapse of state structures has made the scenes of humanitarian emergencies even more dangerous for INGOs. Not only are civilians within the conflict zone affected in more complex and savage ways by post-Cold War civil conflict, but the INGOs who seek to assist them are increasingly having to confront issues of their own physical security.

In the past such situations have resulted in important normative changes in Oxfam’s humanitarian culture. In the 1970s state sanctioned violence in Latin America against emancipatory social movements led to the inclusion of concepts of social and economic rights and justice in Oxfam’s humanitarian culture. Violent repression against Oxfam supported projects in southern Africa and the Occupied Territories led the organisation to regard first generation human rights as an expression of social and economic ones. The arrest, imprisonment, and torture of Alex Mbatha, an Oxfam employee, and his family mobilised the organisation into an unprecedented campaign of lobbying the British government and international institutions. The letter writing campaigns, petitions, and vigils resembled the methods used by exclusively civil and political rights-orientated advocacy organisations such as Amnesty International. Advocacy on civil and political rights became a legitimate expression of Oxfam’s mandate where the particular issues concerned grew out of the organisation’s direct experience of development in the field. The challenges and danger of post-Cold War humanitarian emergencies led to further developments in Oxfam’s humanitarian practices. These responses were made possible by the changes in the wider international context.

The enormity and urgency of the suffering in northern Iraq led Oxfam to undertake the radical and unprecedented practice of calling for military intervention. Although made privately to the British government, this was the first example of such advocacy. The organisation had no experience, staff, or capacity in the region, yet its identity as a humanitarian agency obliged it to respond. Unlike Cambodia however, it was unable to satisfy its own conditions of access. Not only did it face the active opposition of the host state, but the logistical difficulties of providing relief could not be overcome by massive financial expenditure, as had been the case in 1979. A key comparison with the Biafra emergency can also be
made. Between 1967 and 1970, the non-compliance of the Nigerian state had prevented Oxfam from fulfilling its primary humanitarian duty. The organisation's argument that its concern for the suffering Biafrans legitimised humanitarian access had not been accepted at the time. This non-acceptance was constituted by the dominant interpretation of the rule of state sovereignty (that it constrained the legitimate ability of INGOs to initiate relief operations within the borders of a state) and the capability of the Federal government to enforce this interpretation. Oxfam's contribution to the publicisation of the atrocities committed by Pakistani military and paramilitary forces in 1971 reflected the organisation's acceptance of this dominant interpretation. By 1991 Oxfam was able to raise the same argument it had used during the Biafran emergency with far more authority in the context of the growing momentum behind Operation Provide Comfort, and the emerging consensus on collective international security. Oxfam's call for intervention must hence be understood as having been constituted by its humanitarian culture in the context of an international climate which was more permissive of the assertion of humanitarian concerns.

That exact circumstances of the call are significant. It was an *ad hoc* response to the immediate circumstances in the field, and did not constitute the formulation of a comprehensive position on the legitimacy of humanitarian intervention. It was not until the organisation's experience of the disastrous intervention in Somalia that Oxfam would begin to address this question systematically (see Chapter Seven). This was also a consequence of the fact that it did not become necessary to undertake public advocacy for intervention; the organisation did not need to justify the call to its members. Had the organisation undertaken public advocacy activities on the issue of military intervention, as it did over Somalia a year and a half later (see Chapter Six), it is entirely possible that there would have been more internal controversy than there was. In the event Oxfam's support for the military intervention was largely uncontroversial within the organisation, since public expressions of this support came after the fact of the Operation Provide Comfort. Advocating intervention in a private meeting with the British government, and the construction of the emergency as a short-term crisis, also meant that Oxfam did not alienate the Iraqi government. This point is particularly important in the context of the Baghdad regime's resistance both to Security Council Resolution 688 and Operation Provide Comfort.

With the end of the Cold War, the international context of Oxfam's work began a dynamic process of change which continues today. This process of change
has been supported and fuelled by new media technologies, the intensification of intra-state conflicts, and the growing engagement of the international community with issues of human rights and humanitarian access and protection. One of the most important developments is the contestation of the rule of state sovereignty by states themselves, particularly where the observance of sovereignty would be to ignore large scale human rights abuses. This contestation has yet to be resolved, and its implications are complex and momentous. For Oxfam however it was a paradox: it seemed to create unprecedented space to undertake new practices but in more dangerous and irreconcilable operational environments. This point is developed further in Chapters Six and Seven.

The international response to the suffering faced by Iraqi Kurds in 1991 was a key point in what continues to be an emerging search for new and effective humanitarian norms. The Kurdish crisis is remarkable not only because of the international response, but also because of the failure of a similar response three years earlier when the Kurds had similarly been attacked by Iraqi forces. In many ways therefore, it demonstrates well the consequences of the end of the Cold War for international humanitarianism. There are three main aspects of the international response to the Kurdish crisis which are important in an examination of the development of the post-Cold War context. The first is the importance of Security Council Resolution 688. The Gulf War had set a precedent in the degree of consensus and co-operation possible between UN member states on matters of international peace and security. Although it was not passed unanimously in the Security Council, in many ways Resolution 688 symbolised the continuation of this consensus. It did not explicitly mention Chapter VII or collective or individual enforcement action. As such the claims made by the US, Britain, and France that it authorised their intervention are dubious. Resolution 688 did however establish the principle that state sovereignty was not an automatic, nor legally absolute, obstacle to the provision of relief by international agencies. The contingency of this on the identification of a threat to international peace and security means that it does not meet the criteria of Kouchner’s droit d’inérgence. It is triggered by a political determination made by the Security Council, and not the existence of suffering in itself. As such, the significance of the Resolution in creating opportunities for relief in the face of host-state non-compliance should not be over-stated.

The second aspect of the response to the Iraqi crisis is the use of military force to secure and facilitate relief operations. During the Cold War, external military involvement in local conflicts had led to escalating violence and civilian
casualties. Frank Judd had criticised US support for the Contras early in his incumbency, and Oxfam had highlighted the effects of Western support for the Khmer Rouge in a campaign in 1988. Although military forces are regularly employed in emergency relief within their own state’s borders throughout the world, and on occasion even across borders, these had generally involved soldiers acting in the capacity of health or civil defence workers. Cross-border deployments had usually been in conditions of peace, and always with the consent of the host state. The argument that it was legitimate for states to deploy military forces to conduct such operations against the wishes of the host state had not traditionally been accepted in the post-colonial period, when most newly independent states (such as Nigeria during the Biafran crisis) were engaged in asserting their sovereignty. Indeed, the principle of non-intervention in the domestic affairs of member states is a cornerstone of the system of formal inter-state relations enshrined in the UN Charter. The use of military force by Britain, France, and the US in northern Iraq to secure and conduct humanitarian activities without the consent of the host state was unprecedented. There continues to be controversy and debate over the precedents set by Resolution 688 (and indeed over whether any precedents have been set at all) and the legality and legitimacy of Operation Provide Comfort. In April 1991 however, Oxfam publicly welcomed the deployment of international forces to protect the Kurds.

The third important aspect of the Kurdish relief effort was the agreement between the UNHCR and the Iraqi government, in the form of the Memorandum of Understanding. The MoU bypassed the confrontation between the Security Council (particularly the three veto-bearing intervening states) and the Iraqi government over Resolution 688 and Provide Comfort. In view of the Iraqi actions preceding the intervention however, it is difficult to see how it would have been signed without both of these. The MoU is an important point in the evolution of post-Cold War humanitarian rules, particularly in terms of the opportunities for relief created by Resolution 688 and the Provide Comfort forces. It was an acknowledgement of the coercive power exercised by the Iraqi state in the preservation of its territorial sovereignty. The access which it secured was based on the (albeit reluctant) consent of the host state. In one respect therefore it marks continuity between Cold War and post-Cold War humanitarian practice. This led

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501 Ramsbothan & Woodhouse, *Humanitarian Intervention in Contemporary Conflict*, p. 79
to many operational difficulties and obstacles in the field, relating both the actual provision of aid and to the human rights protection extended by the UN and aid agencies. Although the security within the ‘safe havens’ provided by the Provide Comfort forces was far greater than that outside them, the MoU had secured far wider humanitarian access within Iraq than Provide Comfort. Those agencies who operated outside this context, or withdrew from the MoU, worked under conditions of greater insecurity, and opposition from the Iraqi forces. Oxfam, like other agencies working in accordance with the MoU, was able to establish relief operations far more widely than would have been the case had they depended exclusively on the international military operation to secure access.

It is difficult to examine the MoU outside the context of the legal precedents set by Resolution 688 and the forcible intervention of Provide Comfort. The Kurdish operation demonstrates a disparity between the emerging consensus among powerful UN member states on collective responses to problems of international security and humanitarianism, and the operational practices of many humanitarian agencies who in Iraq still faced the reality of the coercive power of the host state. Although Oxfam had been accused of challenging the principle of state sovereignty during the Biafran crisis, the organisation had never contested the legitimacy of state sovereignty in the forthright manner that MSF had. Oxfam’s practices during the Kurdish crisis cannot be regarded outside the context of the changing international context however. The organisation had never before been able to lobby for military intervention of this sort (to protect human rights and enable humanitarian operations). The *de facto* and *de jure* power of states to control humanitarian access, and limit humanitarian and human rights protection had been a reality during the Cold War. Oxfam had learned this lesson in Biafra, and its operations in north-east India in 1971 and in Cambodia in 1979 had reflected this norm. Moreover, as the case of Cambodia in 1979 demonstrated, such issues were intrinsically part of global superpower competition. With the end of the Cold War these constraints began to lose some of their power. Moreover, the deployment of military forces had achieved Oxfam’s immediate and most urgent humanitarian concerns.

The Kurdish crisis demonstrated the absence of an effective set of public rules to constitute legitimate international humanitarian practice which reconciled the emerging international consensus on security and humanitarian issues with the operational difficulties of agencies in the field. It was in this context that the

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302 Ramsbothan & Woodhouse, *Humanitarian Intervention in Contemporary Conflict*, p. 82
international community began to formally construct new rules to meet both the expectations and the challenges of post-Cold War civil conflict and emergencies. Again, there were a number of distinct aspects of this which arose concurrently and had important consequences for the operations of international humanitarian agencies. The first was the specific but limited empowerment of humanitarian agencies, particularly INGOs, in terms of their ability to initiate relief operations in the form of General Assembly Resolution 46/182. This was itself part of the emergence of a broader consensus in the international community on the importance and legitimacy of strengthening its capacity to respond to complex emergencies. The adoption of Resolutions 688 and 46/182 by the two principle multilateral organs of the United Nations is significant, since the two Resolutions represent a degree of consensus on how the international community should respond to humanitarian crises. This consensus should not be over-stated. Resolution 688 gave humanitarian agencies a far stronger basis to initiate relief operations over the objections of the host state than Resolution 46/182. Since Resolution 46/182 was passed by the General Assembly and not the Security Council however, it represents a far wider (albeit non-binding and non-enforceable) consensus. The public rules of international humanitarianism were changing to allow a stronger claim by humanitarian agencies to initiate relief operations.
The emergency in northern Iraq had raised the possibility of the use or threat of force to secure humanitarian protection. The argument for intervention emerged again over the question of how to extend relief and protection to civilians during the emergency in Somalia in 1992. This chapter extends the themes, raised in Chapter five, of new humanitarian challenges and opportunities after the end of the Cold War to a case study of Oxfam’s involvement in the international relief effort in Somalia. The Somalia emergency was in many ways seen by the organisation as a failure, both of the international community in acting responsibly to ensure humanitarian protection, and of Oxfam itself to respond in time to a burgeoning crisis. As with the case study of northern Iraq in Chapter Five, this chapter understands Oxfam’s practices in Somalia, and in particular its call for intervention in December 1992, as constituted by its changing humanitarian culture.

The organisation’s advocacy during the Somalia emergency marks an important change in the way it approached the question of armed humanitarian protection. In 1991 its lobbying for the deployment of military forces happened ‘behind closed doors’ in a meeting with British ministers. In the event, Oxfam did not need to consider public advocacy since the deployment of Operation Provide Comfort was formally announced soon after. The organisation’s call for intervention in Somalia was far more strident and public. This reflects not only the lessons of Iraq, where the deployment of troops had successfully provided short-term security for the Kurds and aid agencies, but also the change in the international context to allow a stronger public assertion of humanitarian values. The organisation had not however thought through the full implications of its support for the deployment of military forces in Somalia. In the aftermath of the operation, Oxfam undertook a systematic consideration of the question of the use
of military force in humanitarian emergencies, which framed its response during the Rwanda emergency (examined in Chapter Seven). As such it is crucial to understand the way the organisation constructed the emergency in Somalia, since this constituted the possibilities for action in the Great Lakes.

1. SOMALIA

Throughout the Cold War, the Horn of Africa had been a key area of strategic competition for the superpowers\(^\text{503}\). The dispute between Ethiopia and Somalia over the Ogaden region in Ethiopia, and insurrections in both countries had made arms easily available in the region as both the US and the Soviet Union had at different times heavily supported the governments in each state\(^\text{504}\). By the end of the Cold War, the brutal authoritarian regime of Siad Barre in Somalia was facing multiple insurrections throughout the country by clan based militia forces. The main opposition groups were the United Somali Congress (USC), based in the Hawiye clan family, which dominated central Somalia, the Somali National Movement (SNM) based in the northern Issaq clan family, and the Somali Patriotic Movement based in the southern Ogadeni clan family. The USC was itself divided between those who were loyal to Mohammed Farrah Aideed of the Habr Gedir clan, and Ali Mahdi of the Abgal clan. Barre himself, although espousing a doctrine of Somali national unity, was based in the Darod clan family\(^\text{505}\).

The civil war had been ruinous for the country. Barre’s forces had deliberately destroyed much of Somalia’s agricultural capacity in an attempt to deprive rebels of supplies. A disastrous state-organised collectivisation policy had further disrupted agricultural production. Moreover the entire region had been consistently experiencing periods of drought since the early 1970s. The latest period from 1990 to 1991 had been particularly severe\(^\text{506}\). The collective effect of drought and conflict by the late 1980s was to destroy Somalia’s rural based economy and create a famine which claimed the lives of hundreds of thousands. It displaced many more thousands to the main urban areas, such as Mogadishu, in


\(^{506}\) Middleton & O’Keefe, *Disasters and Development*, p. 35
search of relief\textsuperscript{507}. The opposition groups initially offered limited political programmes beyond the fall of the government. When Barre’s forces fled Mogadishu in January 1991, civil infrastructure, which was already on the verge of collapse because of endemic corruption and the almost complete absence of resources, effectively disintegrated\textsuperscript{508}. The fall of the government did not result in the end of the civil war, but rather a transition to a new, and equally brutal phase of the conflict.

International relief organisations had long been operating in Somalia. Over 500,000 Ethiopian refugees of Somali origin had settled in Somalia following its defeat in 1978 in its irredentist war with Ethiopia over the Ogaden region\textsuperscript{509}. More had fled to Somalia throughout the 1980s as a result of civil war in Ethiopia\textsuperscript{510}. Such large refugee populations had been an immense drain on an already poor country\textsuperscript{511}, and in effect left Somalia largely dependent on international relief and development aid\textsuperscript{512}. The onset of civil war in 1988 complicated the situation; not only did it inevitably lead to internal displacement and refugee flows into neighbouring states, but many refugees were recruited into the Somali armed forces\textsuperscript{513}. Most UN agencies had begun to withdraw some of their staff at this time on the basis that their security could not be guaranteed\textsuperscript{514}.

Somalia’s dependence on international aid during the Cold War had been systematised by the Barre regime so that development assistance was targeted at groups and individuals who supported the government\textsuperscript{515}. For some Somalis the blatant partisanship of the only effective welfare mechanisms in the country turned international aid operations into a source of oppression, since in effect they supported the Barre regime. For those who enjoyed Barre’s sponsorship, the same operations were a source of personal wealth and power. One prominent commentator has claimed that many INGOs and international development

\textsuperscript{509} Lewis & Mayall, “Somalia”, p. 100
\textsuperscript{510} Makinda, \textit{Seeking Peace from Chaos}, pp. 47-48
\textsuperscript{511} Middleton & O’Keefe, \textit{Disasters and Development}, pp. 41-42
\textsuperscript{512} Makinda, \textit{Seeking Peace from Chaos}, p. 48; see also Lewis & Mayall, “Somalia”, p. 100
\textsuperscript{513} Makinda, \textit{Seeking Peace from Chaos}, pp. 48-49
\textsuperscript{514} Sahnoun, “Prevention in Conflict Resolution”, p. 7
\textsuperscript{515} Makinda, \textit{Seeking Peace from Chaos}, p. 48
agencies had effectively been co-opted into systemic corruption. For Oxfam and many other INGOs, these difficulties had been accentuated by an inability to integrate their operating procedures with the local clan-based social structures and processes. Exhaustive analyses and assessments of the organisation’s development programme seemed to indicate that projects were failing to effectively address poverty and suffering. These analyses failed however to anticipate the depth of the suffering which would follow the collapse of the Barre government. For field staff in Somalia, the onset of the civil war compounded these ongoing operational difficulties in their development programme with what they felt was an intolerable level of insecurity. Oxfam closed its main offices in Mogadishu and withdrew most of its expatriate staff in December 1990. With the fall of the Barre regime the clan militias, lacking any logistical base, turned to the existing INGO relief effort (which had been dealing with the effects of the drought, poverty, and the internal displacement of the civil war) as a source of food, medicine, and hard currency. Aid coming into the country was hijacked and looted, and heavy tolls were exacted from aid agencies in return for its release.

Oxfam had been involved in development projects throughout the northern region of Somaliland for many years. Somaliland had been a British protectorate before independence, and the Issaq clan which dominated the SNM had suffered badly at the hands of the Barre regime. The SNM had not taken part in the final assault on Mogadishu, and had instead consolidated its control over Somaliland, effectively ending its involvement in the continued fighting throughout the rest of Somalia. On 18 May 1991 the SNM announced the secession of the Republic of Somaliland from Somalia. Although there was tension between various SNM factions, security conditions were initially not as poor as those in Somalia.

For a candid, colourful, and highly critical account of the involvement of international relief and development organisations in Somalia before and during the post-Barre emergency, see Michael Maren, *The Road to Hell: The Ravaging Effects of Foreign Aid and International Charity* (London: The Free Press, 1997).

See Maren, *The Road to Hell*.

Interview F.

Interview G.

Interview F.


Interview F.

Makinda, *Seeking Peace from Chaos*, p. 27.

Middleton & O’Keefe, *Disasters and Development*, p. 40; Although the secession of Somaliland has yet to receive widespread international recognition ‘Somalia’ will be used in this thesis to refer to all territory within the internationally recognised borders of Somalia outside this region.


Interview F.
With the effective end of the war in Somaliland in May, Oxfam re-established development operations there\(^{528}\), although the organisation would not mount a major relief effort in Somalia until 1992.

Although the USC initially took control of the capital, Mogadishu, with Ali Mahdi as self-declared president, the Habr Gedir forces loyal to Aideed refused to accept his authority, and launched a war against the Abgal\(^{529}\). In a culture where the clan formed the largest social unit, and where inter-clan conflict was dominated by blood-feuds and vendettas\(^{530}\), the conflict between the Abgal and the Habr Gedir in Mogadishu became increasingly bitter and bloody. Elsewhere in the country, clan forces competed for control of the meagre material resources which had survived drought and war. The result was a humanitarian emergency of enormous proportions:

By [March 1992] at least 300,000 people had died of hunger and hunger-related disease in the country. Some 70% of the country’s livestock had been lost and the farming areas had been devastated, thus compelling the farming community to seek refuge in remote areas or across the border in refugee camps. Some 500,000 people were in camps in Ethiopia, Kenya, and Djibouti.\(^{531}\)

The few agencies who had stayed on despite the deteriorating security situation to deal with the deepening disaster, most prominently the ICRC and SCF, were obliged to accept ‘protection’ from local clan forces in return for supplies or hard currency\(^{532}\). In Somalia, international relief operations had effectively become part of the dynamics of the conflict. The clan forces fought for control of areas of relief distribution and supply, and through their hard currency transactions the aid agencies were providing the resources to maintain the conflict. Alarmed at the scale of the violence and insecurity, UN agencies withdrew their remaining staff for several months, and only began to return after they were publicly criticised by the Secretary-General’s Special Representative, Mohamed Sahnoun\(^{533}\).

2. UNOSOM I AND OXFAM’S RETURN

In fact some progress had been made towards the resolution of civil disorder and securing conditions for the international relief effort, much of it


\(^{529}\) Lewis & Mayall, “Somalia”, p. 106; see also Middleton & O’Keefe, *Disasters and Development*, p. 44

\(^{530}\) Lewis & Mayall, “Somalia”, p. 101

\(^{531}\) Sahnoun, “Prevention in Conflict Resolution”, pp. 5-13. p. 8; see also Middleton & O’Keefe, *Disasters and Development*, pp. 42-43

\(^{532}\) Vaux, “Emergency Report”, p. 10; see also Lewis & Mayall, “Somalia”, p. 108

\(^{533}\) *The Economist*, “The UN’s Somalia squabble”, 7 November 1992
initiated by INGOs and Mohamed Sahnoun. Sahnoun had been appointed in April 1992, when the Security Council agreed to the deployment of a UN mission in Somalia to facilitate international relief efforts and aid the cessation of violence. This operation became known as the UN Operation in Somalia (UNOSOM I). By July a military force of 500 troops was authorised as part of UNOSOM I by the Security Council to provide security for relief operations. Sahnoun had employed painstaking diplomacy to work through civil society institutions who were unconnected with the clan forces. In some areas secure relief supplies had been re-established, and famine related death-rates had subsided significantly. In particular, indigenous civil society structures were beginning to re-assert themselves. This had happened at the expense of the warring factions whose legitimacy among many sections of the Somali populace was declining as a result of the looting and destruction they were perpetrating. Inevitably however, such grass-roots diplomacy was slow in achieving a secure environment in the midst of ongoing low-level internecine violence. Some commentators have been particularly unsympathetic to Sahnoun’s efforts in negotiating security. Neil Middleton and Phil O’Keefe state that “not only did this take time, it rarely worked. Some commentators have generously described the early effects of this intervention as ‘limited’.” The most difficult issue to negotiate was the deployment of international troops to protect relief operations from attack by clan forces. Clan militias were very ill-disciplined groups of young men who would often violate agreements reached with clan elders on the delivery of relief, and in many areas Sahnoun was unable to negotiate access at all.

Sahnoun’s relationship with the UN organisation began to deteriorate after his arrival in Somalia. Soon after he had, with great difficulty, secured local consent for the deployment of the 500 UNOSOM I troops, the Security Council agreed that the force would be increased to 3,500. Aideed in particular resisted

536 Makinda, Seeking Peace from Chaos, p. 67
537 Makinda, Seeking Peace from Chaos, p. 63
538 Sahnoun, “Prevention in Conflict Resolution”, p. 9
540 Makinda, Seeking Peace from Chaos, pp. 62-64
541 Makinda, Seeking Peace from Chaos, p. 64
542 Sahnoun, “Prevention in Conflict Resolution”, pp. 11-13
543 Sahnoun, “Prevention in Conflict Resolution”, p. 10; see also Makinda, Seeking Peace from Chaos, p. 67; see also
their deployment, suspecting that the UN presence would favour his main rival, Ali Mahdi\textsuperscript{544}. His attitude was hardened by reports of aircraft in UN markings being used to fly in weapons and currency for Ali Mahdi’s forces\textsuperscript{545}. In October 1992 Boutros Ghali announced in New York that the increased deployment would occur whether or not Somali leaders agreed\textsuperscript{546}. This announcement had been made with no reference to Sahnoun, and increased Aideed’s mistrust of UNOSOM I\textsuperscript{547}. The growing tension between the UNOSOM I leadership in Somalia and the UN leadership in New York and Geneva eventually led to Sahnoun’s resignation in October\textsuperscript{548}. His resignation effectively ended the non-coercive UN diplomatic effort and led to a deterioration of security throughout Somalia\textsuperscript{549}. By the time the first 500 Pakistani UNOSOM I troops had arrived in November, clan forces had returned to full scale war. The deterioration of the security situation and bureaucratic complications within the UN led other troop contributing states to delay the deployment of their troops\textsuperscript{550}. The Pakistanis, outnumbered and outgunned, did not venture from their barracks and were unable to provide any effective support for the relief operations\textsuperscript{551}.

The decision to close Oxfam’s office in Mogadishu had been made at the field level, without reference to senior staff at headquarters level\textsuperscript{552}. One consequence of the withdrawal from Somalia was that the country was not included in Oxfam’s campaign immediately before the Kurdish crisis to direct international media and political attention to the crises in Africa\textsuperscript{553}. Where Somalia had been mentioned in Oxfam publicity in early 1991, it was in the context of the influx of refugees from the civil war into Ethiopia\textsuperscript{554}. The fall of

\textsuperscript{544} Makinda, *Seeking Peace from Chaos*, p. 67

\textsuperscript{545} Sahnoun, “Prevention in Conflict Resolution”, p. 11; see also Makinda, *Seeking Peace from Chaos*, p. 33


\textsuperscript{548} Bryden, “The Wages of Failure”, p. 147, see also Sahnoun, *Missed Opportunities*, p. 40; see also Makinda, *Seeking Peace from Chaos*, p. 68

\textsuperscript{549} Lewis & Mayall, “Somalia”, p. 113; see also Sahnoun, *Missed Opportunities*, p. 53

\textsuperscript{550} *The Economist*, “The UN’s Somalia squabble”; see also Sahnoun, “Prevention in Conflict Resolution”, p. 11; Lewis and Mayall argue that other factors such as inadequate logistical capacities also delayed deployment of UNOSOM I. See Lewis & Mayall, “Somalia”, note 23, p. 109

\textsuperscript{551} Makinda, *Seeking Peace from Chaos*, pp. 68-69

\textsuperscript{552} Interview E; Interview F

\textsuperscript{553} Roger Naumann, interview by telephone from Chipping Norton, Oxfordshire, 6 August 1998

Barré in January 1991 and the humanitarian crisis which followed it throughout Somalia led some at headquarters level to question the wisdom of the organisation's withdrawal. Although the decision to withdraw was the prerogative of field staff, growing reports of the deepening crisis throughout 1992 led to some concern that it should have been felt necessary in the context of increasing suffering in Somalia\textsuperscript{555}. Speaking of the aftermath of the withdrawal within Oxfam, one senior member of staff remembers that "the whole issue was whether we should have pulled out. The situation was obviously getting worse and worse in Somalia, and Oxfam had certain expertise, and the question was whether we should send anyone."\textsuperscript{556} The massive emergency which overtook Somalia following the fall of Barré was an irresistible call on Oxfam's core humanitarian values. The reports in the media and from agencies which had remained of famine on a massive scale potentially challenged the organisation's legitimacy as a humanitarian agency in the context of its withdrawal just as the famine was gathering pace.

During the period of its absence from Somalia Oxfam had been funding agencies who remained, such as ICRC and ACORD (Agency for Co-operation and Research Development, a UK based INGO)\textsuperscript{557}. In November 1991 it joined other INGOs in calling for international mediation to end the fighting in Mogadishu between the Abgal and Habr Gedir, and specifically called on the UN to initiate relief operations\textsuperscript{558}. As the famine reached its peak in mid-1992 pressure mounted within Oxfam to mount a response to the famine, and Tony Vaux, then Oxfam's Emergencies Co-ordinator, visited Somalia to assess the contribution the organisation could make to the existing relief effort by the few INGOs and some UN agencies\textsuperscript{559}. Vaux, who had been in Oxfam's Emergencies Department since 1984, was horrified by what he found in southern Somalia\textsuperscript{560}:

> we had meetings in villages and everybody came out and it was terrible. ... people were practically dying while you spoke. I've been to a lot of famine situations, and although you expect that to be happening, it isn't normally ... Somalia was a real shock in terms of what had happened to the adult community.\textsuperscript{561}

\textsuperscript{555} Interview E
\textsuperscript{556} Interview E
\textsuperscript{557} Tony Vaux, interview, Oxford, 30 July 1998
\textsuperscript{558} Mark Sinclair and others, letter, The Times, 29 November 1991
\textsuperscript{559} Interview E; Vaux interview
\textsuperscript{560} Michael Simmons, "The conscience decision", The Guardian, 9 October 1992, p. 29
\textsuperscript{561} Vaux, interview
Although he was careful to note that the food supply situation in some areas was beginning to improve in his report to Oxfam (published in the *New Internationalist* magazine), Vaux emphasised the continuing depth and scale of the suffering. He acknowledged that the particular situation in many parts of the country had obliged most agencies to pay for armed protection from clan factions, but nonetheless insisted that it was imperative that Oxfam re-establish its operations:

[i]t is impossible to overstate the extent of human suffering in Somalia. People die in front of you and in every centre there are many who will be dead by the end of the week. Basic morality demands that Oxfam respond to the best of its ability - but the most difficult question of all is how to weigh up such life saving work against the lives and safety of our staff.\(^{562}\)

Although it subsequently became controversial, the decision to withdraw had been based on the legitimate duty of field staff to protect their own security and the practical difficulties of conducting relief and development operations in the midst of ongoing violence and the abuse of aid operations by combatants\(^{563}\). By mid 1992 the dangers to field staff had increased (Vaux had noted in his report incidents of staff of other agencies who had been killed\(^{564}\)), as had the practical difficulties of delivering relief. Crucially however the level of suffering, and Oxfam’s knowledge of it, had also increased, the latter largely as a result of Vaux’ visit. His report had posed Oxfam’s dilemma in re-establishing operations in Somalia as a choice between the known risks to staff, which had precipitated the withdrawal, and the core values (“Basic morality”) of Oxfam’s humanitarian culture. In the event, the organisation did re-establish its operations in Somalia at the end of 1992. The most important element in this decision was the intensity of the suffering Vaux had found to exist\(^{565}\). Otherwise Oxfam faced the prospect of a public gap between its identity as a humanitarian organisation and the reality of its absence from the scene of a massive and deepening emergency in Somalia. As a humanitarian agency, it had to respond. Failure to do so would threaten its public legitimacy. The fact that it did so in the face of what it knew to be real dangers to field staff affirmed the primacy of its duty towards the alleviation of suffering.

It is important to understand however that by 1992 the withdrawal from Somalia was being seen as a failure of Oxfam to act in response to the suffering. In October 1992, Vaux set this in the context of a wider international failure: “For us

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\(^{563}\) Interview G

\(^{564}\) Vaux, “Emergency Report”, p. 10

\(^{565}\) Vaux, interview
in the aid community ... Somalia stands as a reminder of failure. Nobody can get any satisfaction that after all these years things can still come to this. Oxfam must feel a sense of guilt, but all the agencies have to face up to it. Nobody can say they did enough."\textsuperscript{566} For Oxfam staff, the decision to re-establish operations in Somalia was vital to its continuing identity as a humanitarian organisation, capable of delivering relief in the field. There was no question that Oxfam \textit{would} respond; rather it was a matter of \textit{how} to respond. Vaux expressed this as follows “I went out there and I felt that just working through ICRC was not adequate for Oxfam’s weight, and size and scope.”\textsuperscript{567} Hence, not only was the organisation fundamentally obliged to respond to the suffering in Somalia; its specific identity constituted this response in the form of a return to the field.

Most of Oxfam’s relief work took place outside Mogadishu, among the people of the fertile Shabelle and Juba valleys in the central and southern regions of Somalia. Ironically it was this area, where most of Somalia’s agricultural production normally occurred, that was affected most by famine-related suffering. In a report to the Security Council in March 1993, Boutros Ghali stated that

\begin{quote}
In the southern and central parts of the country, large numbers of people remain destitute and totally dependent on relief food assistance. Measles, diarrhoea and other infections continue to take a heavy toll, particularly on small children. Lack of access to clean water sources and poor sanitation present major health threats. With the present security arrangements enabling areas hitherto inaccessible to be reached, some for the first time in many months, it has been confirmed that increased emergency programmes will be needed through most - if not all - of 1993.\textsuperscript{568}
\end{quote}

Most ethnic Somalis were nomadic cattle-herders, and so the droughts throughout the late 1980s had reduced the amount of available grazing-land causing competition for what remaining land there was. The war had further made cattle farming activities more dangerous. Most of the populations that Oxfam was working with in the Shabelle and Juba valleys were settled pastoral farmers.\textsuperscript{569} Their crops had been largely unaffected by the drought, and traditionally they had been relatively prosperous. When the war reached their region however, they became targets of the rival clan militias who looted their farms and killed and

\textsuperscript{566} Simmons, “The conscience decision”; Vaux in his public statements on Oxfam’s behalf had consistently contextualised Oxfam’s failure against the broader lack of response from the international community, in particular the United Nations. See for example Michael Simmons, “Drought puts 40m African lives at risk”, The Guardian, 4 September 1992, p. 9

\textsuperscript{567} Vaux, interview


\textsuperscript{569} Lewis & Mayall, “Somalia”, p. 101
harassed villagers making further agricultural production more dangerous\textsuperscript{570}. Moreover, irrigation infrastructure, which was essential to farming in the region, had been destroyed during the war\textsuperscript{571}. By 1992 up to 300,000 people had died of famine-related causes, and 700,000 Somalis had become refugees in mainly neighbouring states\textsuperscript{572}: “it was estimated that in southern Somalia ... 1.5 million people were in immediate danger of starvation. ... The carnage and agony of much of Somalia at the time were virtually indescribable”\textsuperscript{573}. The extent of the insecurity had been such that many Somalis had been unable to travel to relief centres\textsuperscript{574}. Oxfam immediately began emergency food distribution and health care projects. The emphasis of its work however was on longer-term developmental rehabilitation work. It also began to repair essential agricultural infrastructure which had deteriorated as a result of the suspension of farming activities\textsuperscript{575}. By this time many other agencies had begun to bring in large amounts of food aid, and Oxfam felt that it would make the most productive contribution to the international relief effort by targeting its efforts in specific sectors:

“I think ... [there was] a recognition that we were too late. That either people were there distributing food or they weren't, and that bringing food into the country was an absolute nightmare anyway, and that we had to focus on specific items that nobody else was ... Save the Children were much better established in Somalia than we were, and they were focusing on child nutrition, that was their main work in the country, it was much better for them to get on with it. ICRC were there, WFP [World Food Programme] was battling in the port, trying to get its grain through. In the food business there didn’t seem to be a role for us. ... we said ‘Let’s do the rehabilitation, because that is an area where Oxfam has excelled’. So many agencies are simply concerned about bringing relief ... and then they go, and Oxfam in many situations has stayed on longer and seen the thing through rehabilitation and used it's knowledge in development effectively. That was the model we were trying to use in Somalia.”\textsuperscript{576}

Oxfam’s relief operations in Somalia in 1992 experienced many of the problems of harassment, diversion, and insecurity which characterised the international relief effort after the fall of Barré. In particular, as Vaux had predicted in his report, the continuing insecurity and dependence on clan forces for protection continually obstructed and impeded relief efforts\textsuperscript{577}. Oxfam had never operated in such conditions before. In the crises in the Congo, Biafra, East Pakistan, Cambodia, and even northern Iraq, Oxfam had dealt with the

\begin{itemize}
  \item \textsuperscript{570} Lewis & Mayall, “Somalia”, p. 106
  \item \textsuperscript{571} Middleton & O'Keefe, \textit{Disasters and Development}, p. 41
  \item \textsuperscript{572} Lewis & Mayall, “Somalia”, p. 107; see also Vaux, “Emergency Report”, pp. 8-9
  \item \textsuperscript{573} Makinda, \textit{Seeking Peace from Chaos}, p. 43; see also Lewis & Mayall, “Somalia”, p. 109
  \item \textsuperscript{574} Middleton & O'Keefe, \textit{Disasters and Development}, p. 47
  \item \textsuperscript{575} Oxfam, “Peace work in Somalia”, \textit{Oxfam News}, Summer 1993, pp. 2-3, OA
  \item \textsuperscript{576} Vaux, interview
  \item \textsuperscript{577} Interview F
\end{itemize}
consequences of armed conflict. In all these emergencies Oxfam had operated close to front-lines where people were often in most urgent need of relief. The problem in Somalia was that the organisation was for the first time operating physically in the midst of ongoing violence. One consequence of this was an extremely poor level of staff morale, partially as a consequence of the day-to-day danger they experienced themselves, and partially because of their inability to effectively deliver relief aid as a result of the insecurity. One member of staff who was closely involved in the operation, remembers that "everybody got a bad feeling about Somalia. The stress on the staff was very high ... A lot of robbery and looting. We had probably the worst cases that I've come across of very negative types of stress, where people get paranoid."578 Vaux himself remembers one incident in which he was held up at gun-point by his own guards who demanded an increase in their wages579.

The crisis of insecurity was compounded by the fact that the arrival in November of the 500 strong contingent Pakistani UNOSOM I contingent had done little to improve the security situation. The organisation was highly disappointed by the failure of the UN military operation to protect relief operations in Somalia. Although by the end of 1992 the worst stage of the famine had abated and food production was beginning to approach normal levels580 this did not in itself indicate an improvement in the security conditions throughout the country581. In particular, many people in outlying areas still remained too weak, or too insecure to travel to relief centres582. In one incident 34 trucks carrying relief from a US INGO were ambushed by bandits and 40 people were killed in the ensuing battle between the attackers and the guards. An Oxfam spokesperson was subsequently quoted in the Times as complaining that "[i]t is the declared intention of the United Nations to provide security covers for humanitarian agencies in Somalia ... but this it has singularly failed to do in spite of commitments from the Security Council."583

578 Interview F
579 Vaux, Interview
582 Middleton & O'Keefe, Disasters and Development, p. 47
583 Michael Simmons, "Aid Agencies condemn UN as raiders seize convoy", The Guardian, 14 November 1992, p. 14
Chapter Six: Somalia

3. THE CALL FOR INTERVENTION AND UNITAF

The Security Council met to consider the crisis in Somalia in December 1992 against this background of disillusionment, insecurity, and frustration among Oxfam staff. Media coverage of the emergency had built up a tremendous dynamic within many Western states to respond to such massive suffering. This dynamic was particularly strong in the US after the popular and decisive Allied victory over Iraq in the Persian Gulf. In late November the American government had proposed sending an international force of 30,000 troops, led by US forces to establish the security of relief operations. Two days before the Security Council met, and beset with dire operational problems, Oxfam called for international military intervention. The timing of the call is important, since it was intended to directly influence the Council’s consideration of the crisis. Vaux was quoted in a press release as saying that “there are dangers but these must be set against the fact that 300,000 people have already died of famine and violence so far, and that this intolerable situation of massive human suffering shows no sign of changing.” The organisation specifically called for international military forces to undertake activities aimed at securing the relief effort, and creating the “space for political negotiations to bring peace and the rule of law.” It stated that the deployment of troops should only occur with the authorisation of the Security Council, under the control of the UN, and with the consent of the local clan elders and military forces. Exactly how the latter was to be achieved was not mentioned in the press release, but it must be stressed that Oxfam was responding to a rapidly deepening crisis, which it felt required an immediate response. The organisation was more concerned at this point with the welfare of Somalis and the efficacy of its own operations, than the details of how an intervention should actually be carried out beyond the objective that it secure relief activities.

Within Oxfam there was no significant opposition to the call for intervention at the time. By December 1992 it was the insecurity which was the principle cause of death amongst Somalis, a situation Oxfam did not in itself have the capacity to resolve. The call for intervention was therefore a response to an

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587 Oxfam, “UN military intervention in Somalia”
588 Oxfam, “UN military intervention in Somalia”
589 Oxfam, “UN military intervention in Somalia”
590 Cairns, interview
591 Interview F; Interview A; Interview D; Cairns, interview
592 Vaux, interview
overwhelming catastrophe in the field, which the organisation found itself powerless to resolve. Moreover, there was a broad (although not entirely unanimous) consensus on the legitimacy of such a call amongst the Overseas Division (comprising the Emergency, Policy, and geographical departments).\(^ {593}\) Although these reservations were not raised publicly within Oxfam at the time, a very small number of members felt that it was morally inappropriate for a humanitarian organisation to associate itself so prominently with what might be perceived as yet another exercise of American military power over a Southern country.\(^ {594}\)

Other British INGOs felt that an intervention was unnecessary and that reports of looting and harassment were being exaggerated. SCF in particular actively opposed the deployment of international forces as "inappropriate and unacceptable."\(^ {595}\) Mark Bowden, the organisation's Africa Director, was quoted in the *Guardian* in November (when the initial US offer of troops had been made) as saying that

\[\text{[it] would put the whole relief operation in jeopardy, as well as the personal safety of our staff, and it would undermine or destroy the remaining local structures, such as the committees of elders, who should be supported and strengthened if there is to be any hope of Somali society being reconstituted.} \]  

SCF, which remained in Somalia throughout the crisis urged a return to the pacific and consensus-based conflict resolution activities which had been pursued by Sahnoun. Moreover, its experience of military intervention in Kurdistan had been far less benign than that of Oxfam. Where most of Oxfam's operational problems with relief in northern Iraq had arisen from fighting amongst the Kurds, SCF had also experienced the harassment of relief operations by Iraqi forces, making it more suspicious of short-term military intervention.\(^ {597}\) Oxfam's experience in the field however had led it to adopt a different position, based on its primary humanitarian imperative to deliver aid in the field.

Unlike the call for intervention in Iraq, Oxfam's advocacy of the deployment of military force in Somalia was *public*. For all its shortcomings, Operation Provide Comfort had secured Oxfam's short-term humanitarian objectives; the immediate protection of the Kurds to facilitate relief operations. It was hoped that similar results could be achieved in Somalia. More importantly, as

\(^ {593}\) Interview C  
\(^ {594}\) Interview F; interview B  
\(^ {596}\) Simmons, "Somali troop plan"  
\(^ {597}\) See Keen, "The Kurds in Iraq"
discussed in Chapter Five, by December 1992 a consensus was beginning to emerge, most prominently amongst powerful UN member states, but also more generally amongst the international community on the strengthening of international humanitarian access and protection. This created space for more prominent and forthright international humanitarian advocacy. The American offer of troops for a UN mandated operation, and the Security Council’s consideration of the Somali crisis seemed to provide a crucial opportunity for Oxfam to assert its humanitarian values by advocating intervention. The call for the use of force was intended to capitalise on both the broader developments amongst the international community on the question of how to address humanitarian emergencies, and also on the specific US proposal in December 1992. It was not until the end of the UN operation in Somalia, and in the aftermath of a series of disastrous military operations (see below), that the organisation would begin to draw lessons from its experience in Iraq and Somalia to construct a concept of military intervention which could be more widely and publicly justified (see Chapter Seven).

On 3 December, the Security Council adopted Resolution 794, which had been proposed by the US. It authorised a 30,000 strong force under Chapter VII of the UN Charter to use “all necessary means to establish as soon as possible a secure environment for humanitarian relief operations in Somalia”. Both in the citation of Chapter VII, and the specific authorisation of the use of military force, Resolution 794 was remarkably less ambiguous than Resolution 688 had been. There were two important aspects of Resolution 794, both of which point to the growing assertion of humanitarian protection by the international community. Firstly, it was the first time a humanitarian operation had been authorised under Chapter VII. Secondly, it was passed unanimously by all the members of the Security Council. To some extent, this was because the questions of sovereignty which had dogged the Kurdish operation had not been such a key obstacle to international consensus over the legitimacy of the use of force in Somalia. The emergency in Somalia had been precipitated by the collapse of state structures. As Boutros Ghali wrote in April 1993, “the case of Somalia was unique in that it had become a country without a government or any legitimate authorities with whom to arrange the delivery of urgently needed humanitarian relief. A growing consensus had developed among the members of the Security Council that the situation had become intolerable. It

598 Interview C
600 Lewis & Mayall, “Somalia”, p. 111
was agreed that the time had come to adjust the United Nations approach to Somalia by utilising the enforcement provisions of Chapter VII of the Charter to establish a secure environment for the delivery of humanitarian relief.601

Consequently, Resolution 794 described the Somalia emergency as “unique”, “complex”, and “extraordinary”, and the response of the Security Council in passing it as “exceptional”602. As such it cannot be said to establish an unambiguous precedent for humanitarian intervention. It was nonetheless an extraordinary action by the Security Council. The movement of refugees across borders (which had constituted the threat to international peace and security during the Kurdish crisis) was also an element of the Somali emergency. Refugees (legally, those who cross international borders as a result of a well founded fear of persecution or oppression) are not mentioned once in Resolution 794 however. It does mention the intensity of humanitarian suffering, the attacks on aid agencies, and violations of international humanitarian law. Publicly at least, it centred the attention of the international community, and the threat to international peace and security, on the humanitarian emergency within Somalia. The Unified Task Force (UNITAF) authorised under Resolution 794 was to be a multinational force, although overwhelmingly composed of US troops, and under US command603. It would be deployed to stabilise security until an equally large multinational force (UNOSOM II) could be deployed under the operational command of the UN.

Over the Secretary-General’s protests, the Bush administration was determined that UNITAF’s operations should be limited to providing security for relief operations604. The US government had initially resisted any involvement in the Somalia crisis, and the offer of US troops had only been made on the strict understanding that the deployment would be limited to the worst affected areas, and using a formula of overwhelming force605. It was understood within the Bush administration and the US military command structure in Somalia that disarmament of the clan militias was not within UNITAF’s remit606. Not only would such action involve a considerably greater degree of physical jeopardy for US forces, since it might well require the use of offensive force, it would also commit the US to a substantially longer and potentially open-ended presence in Somalia607. Neither of these eventualities was acceptable to the Bush

601 Boutros Ghali, “UN peace-keeping”, p. 68
602 S/RES/794
603 Makinda, Seeking Peace from Chaos, p. 73; see also Lewis & Mayall, “Somalia”, p. 111
605 Lewis & Mayall, “Somalia”, p. 111
606 Makinda, Seeking Peace from Chaos, pp. 71-72
607 Makinda, Seeking Peace from Chaos, pp. 71-72

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administration or the American military. Boutros Ghali however was keen to use the unprecedented occasion of such a large and powerful UN mandated force to make a longer term contribution to the UN operation by disarming the militia groups. In the event, UNITAF troops only disarmed clan militias where this was part of providing local security for international military contingents themselves.

Initially, both Ali Mahdi and Aideed welcomed the deployment of UNITAF, each in the hope that the UN would co-operate with them as the most influential actor in the country. Indeed, the decision by UNITAF to negotiate directly with the militia leaders (rather than non-combatant civil society institutions such as clan elders) after its arrival in December 1992 destabilised many of the grass-roots successes achieved by Sahnoun, by giving a degree of international legitimacy to these groups which they had not previously enjoyed. This had in fact intensified the conflict since the clan forces vied to gain influence over the UN operation. Fighting increased in many areas outside the UNITAF deployment area, and more aid agency staff were reported to have been killed in the first three months of its deployment than in the preceding two years. At the UN Conference on Relief and Rehabilitation in Somalia in March 1993, relief workers from many agencies unanimously agreed that insecurity remained the largest single obstacle to the delivery of relief.

UNITAF did facilitate an increase in the reach and scope of relief operations. It was able to secure major installations such as ports, main roads, and Mogadishu airport, facilitating much more secure transport of relief. These installations had previously been under the control of clan forces who had looted supplies and extorted protection money from relief agencies. Hostilities between clan forces continued however in many rural parts of Somalia particularly in central and southern regions. In February and March 1993, clan forces allied to Aideed which had been disarmed by UNITAF after they had threatened international forces, were attacked and driven out of the southern port city of

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608 Lewis & Mayall, "Somalia", p. 112; see also Makinda, Seeking Peace from Chaos, p. 71
609 Amnesty International, Somalia: Update on a disaster - Proposals for human rights, 30 April 1993, AFR/52/01/93, p. 4
610 Lewis & Mayall, "Somalia", p. 113
611 Omaar & de Waal, "Saving Somalia", para. 16
612 Bryden, "The Wages of failure", p. 148
613 Bryden, "The Wages of failure", pp. 148-149
615 Makinda, Seeking Peace from Chaos, p. 74
Kismayo by troops allied to Barre. A large UNITAF contingent in Kismayo had been unable to secure an end to these hostilities or any degree of protection for the disarmed clansmen. This incident further damaged the credibility of UNITAF, and the UN organisation as a whole, as neutral and impartial institutions. MSF has since claimed that "the position of the humanitarian organizations was made more precarious, as the Somalis came to associate them with the military force that, while supposedly humanitarian, was now seen as a party to the conflict." Violence began to further escalate as UNITAF forces began to be replaced by UNOSOM II in March 1993.

4. UNOSOM II AND THE SPIRAL OF VIOLENCE

By early 1993 UNITAF had provided enough security to initiate emergency relief operations. Inter-clan violence continued outside its deployment area, and as the incident in Kismayo demonstrated, occasionally within it. Moreover, even in the context of the relative security in some areas clan militias retained their capacity for violence so long as they were not disarmed. As such, UNITAF created areas of relative security within a wider context of continuing insecurity. It had managed to create the conditions in which Oxfam could undertake short-term relief activities to ameliorate the most urgent aspects of suffering. However, the degree of continuing insecurity threatened even limited longer-term relief and development activities. The key issue for Oxfam in creating the necessary conditions of security was the disarmament of the clan militias. The call for intervention in December 1992 had addressed the chronic insecurity in Somalia, yet in the event it was becoming clear in the field that this had been only partially successful. As the UNITAF forces had not disarmed the clans, the capacity for violence, and hence the potential for insecurity and the disruption of relief activities remained inherent in inter-clan relations. Moreover, the measure of security UNITAF had provided was well below that which Oxfam sought. Roger Naumann, Oxfam’s Regional Manager for the Horn of Africa, sent a letter to the Times in February calling for UNOSOM II to undertake more vigorous measures to secure humanitarian and peace-making activities. Noting the increase in violence around Kismayo and the potential for a sustained return to violence on UNITAF’s withdrawal, Naumann urged that

[i]t is crucial that the UNOSOM 2 forces taking over from UNITAF continue and accelerate the process of disarming the gunmen. Unless disarming is carried out more vigorously danger will continue to threaten the lives of Somalis and aid

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616 Lewis & Mayall, “Somalia”, p. 114
617 Amnesty International, Somalia: Update on a disaster, p. 3
618 MSF, “Humanitarian aid outgunned”, p. 105
619 Makinda, Seeking Peace from Chaos, pp. 65-66; see also Lewis & Mayall, “Somalia”, p. 114
workers alike, undermine the willingness of refugees and displaced people to return, and wreck fragile progress towards rehabilitation of the country. ... Without disarmament the power of the faction leaders, whose forces have reduced Somalia to its present sorry state, will be enhanced.  

UNOSOM II, which consisted of 20,000 troops, and 11,000 logistical and administrative staff,621 did begin the process of disarmament soon after its deployment. Although the bulk of the US troops were withdrawn with the formal hand-over from UNITAF to UNOSOM II in May, some US logistical forces remained in Somalia. The US also committed a rapid reaction Marine force to the operation (which, like UNITAF remained under exclusive US command and control), based on US warships off the coast of Somalia. Somewhat simplistically UNOSOM II had decided that since the Habr Gedir forces were the largest faction in Mogadishu, they should be the first to be disarmed.623 When a Pakistani unit with UNOSOM II moved to disarm a group of militiamen from Aideed’s forces in Mogadishu on 5 June, it was attacked by his supporters and 24 Pakistani soldiers were killed. Within 24 hours of the attack, the Security Council authorised the arrest of those responsible for the attack. Aideed was publicly identified as the culprit, and the Secretary-General’s Special Representative (the civilian head of UNOSOM II), Admiral Jonathan Howe authorised a $25,000 reward for his capture.625 The Somali clan structure although intrinsically fractious, unites in collective defence when attacked from outside, as it had against Barre in the 1980s. As such, what had begun as an effort to disarm Aideed’s supporters developed into a conflict between UNOSOM II and the entire Hawiye clan, effectively alienating most of the population of Mogadishu.626

621 Lewis & Mayall, “Somalia”, p. 116
622 Lewis & Mayall, “Somalia”, p. 116
624 Lewis & Mayall, “Somalia”, p. 116
626 Mogadishu was swollen with large numbers of displaced Somalis, most of whom were members of the Hawiye clan family. Moreover, in the inter-clan fighting which had provoked the initial UNITAF intervention, Aideed’s forces had displaced first Barre’s and then Ali Mahdi’s forces from most of the city. See Lewis & Mayall, “Somalia”, p. 121; see also Vaux, “Emergency Report”, p. 9. In August 1992, Aideed had formed an alliance between his faction of the USC and a number of other clan militias to form the Somali National Alliance (SNA). This had given him effective control over much of the area around Mogadishu and many parts of southern Somalia. See Makinda, Seeking Peace from Chaos, pp. 32-33
Chapter Six: Somalia

After the killing of the Pakistani troops on 5 June and the issue of the reward for the capture of Aideed, it became increasingly apparent that the UN would undertake aggressive military operations against clan forces in Mogadishu. Oxfam’s call for intervention had been based on the view that violent conflict was the greatest obstacle to effective relief operations. This had also formed the basis of its call for UNOSOM II to undertake disarmament activities to consolidate and expand the relative security provided by the UNITAF deployment. The prospect of further and escalating conflict between UNOSOM II and clan militias alarmed Oxfam. The few benefits wrought by the international military intervention seemed to be unravelling, creating the possibility for even greater insecurity than before. Oxfam and other agencies in the country were extremely concerned that this would compromise their relief operations, and jeopardise their remaining staff (most having been evacuated on the recommendation of the UN). The organisation joined other INGOs in sending an open letter to Admiral Howe, urging restraint and emphasising the consequences of such action for Somali civilians, INGO relief operations, and the UN’s own peace process.

When the US reinforced its military contingent with UNOSOM II to carry out punitive attacks against the Habr Gedir, Oxfam declined a UN proposal that it base its operations in a heavily fortified compound in Mogadishu. Instead the organisation withdrew all remaining its staff from Mogadishu. On 13 June, a large number of Somali demonstrators were shot dead by Pakistani troops. As conflict between UN and Somali forces began to escalate, Oxfam called on the UN to cease its military operations. It also urged the UN to remove the Pakistani contingent from all combat duties in Mogadishu pending the results of an internal UN enquiry into the killing of UN troops on 5 June, and the shootings by the Pakistani contingent on 13 June.

The violence was the antithesis of what Oxfam had hoped would be achieved by its call for intervention and subsequently for disarmament. The organisation had endorsed intervention as being concerned with the protection of the Somalis and the relief effort in Somalia. Not only had the security provided by

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629 Lewis & Mayall, “Somalia”, p. 118
630 Sam Kiley, “Aircraft Carrier alerted as Somalis await UN attack”, The Times, 12 June 1993, p. 16
the intervention (both UNITAF and UNOSOM II) had been marginal, but by mid 1993 it had actually become a new source of insecurity itself. If UN troops were firing on the Somalis they had been deployed to protect, who would defend the civilians from UNOSOM II? Moreover, Oxfam had actively attempted to liaise with the military in the field. It had proposed seconding staff with military experience to act as military liaison officers to UNOSOM II, an offer which was refused by the UN military command in Somalia. As such there was a growing feeling within the organisation that the military operation had become the primary focus for UN action in Somalia, and not the humanitarian effort which Oxfam felt was there to secure: "If they had secured the ports and airfields, and provided escorts to logistic convoys that would have been fine. Taking the primary role never works."

Oxfam was concerned that military objectives were overshadowing the humanitarian and political aims of the operation. Moreover, UNOSOM II's plan for disarmament, which had precipitated the attack on Pakistani troops in June, had become secondary to the attempts to capture Aideed. The UN military operation had failed to create longer term security by disarming the clan militias, and in the short term had led to a deterioration of security in the field. From mid-June onwards the organisation's advocacy reflected its position that both the continuing capacity for violence of the clan factions and the conflict between UNOSOM II and Somali forces were the principle causes both of insecurity, and the continuing suffering in Somalia. Whilst Oxfam continued to emphasise the need for disarmament, it argued that this should be conducted through negotiation and applied uniformly to all the groups. John Magrath, who heads Oxfam's press office, was quoted in the Guardian in June as saying:

If the UN is going to disarm the Somali militias, the disarming should include all the warlords ... there may be good military reasons [for concentrating on Aideed], but it gives the impression to many Somalis that the UN is biased. ... The military operation is in danger of taking off on a trajectory of its own, leaving the humanitarian and political sides behind. ... We believe that arms reduction has to take place through negotiation, and that of course takes time.

In the event however violence on the part of the international forces escalated massively. US aircraft launched a bombardment of areas of Mogadishu where Aideed's supporters were based. In one incident a helicopter gunship

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632 Interview D
633 Interview D
636 The Guardian, “UN accused of deploying excessive force in Somalia”
637 The Guardian, “UN accused of deploying excessive force in Somalia”
mistakenly opened fire on the headquarters of the United Nations Development Programme (UNDP). This attack also damaged buildings used by MSF, Oxfam, and another INGO, Action Internationale Contre La Faim (AICLF), killing a local AICLF staff member\(^{638}\). On 12 July, an air attack killed 54 Habr Gedir elders who were meeting to discuss ways of resolving the fighting between the UN forces and the clan factions\(^{639}\). UNOSOM II’s war with Aideed’s forces culminated in a disastrous attack by US forces on 3 October, where they were ambushed by his troops. In the ensuing battle over 300 Somalis, mainly civilians, died. 18 US soldiers were also killed and 70 wounded, the largest loss of US life in a single engagement with the enemy since the Vietnam war\(^{640}\). From that time on, UNOSOM II abandoned its search for Aideed, and for the remainder of its existence largely avoided violent conflict with clan forces\(^{641}\). For many INGOs, this increased their vulnerability since they could no longer depend on even the meagre protection provided by the UN forces, making them yet more dependent on local protection\(^{642}\). This in turn lead to a growth in the war economy. The US soon announced its intention to withdraw its troops from the UN operation, followed by many other contributing states, leaving UNOSOM II under-resourced, alienated, and demoralised. It continued to maintain a minimal degree of operations, but by 1994 the last UN troops had left Somalia.

**CONCLUSIONS**

In Somalia the most important factor in Oxfam’s response was the chronic insecurity throughout the country. The relief effort was particularly traumatic for the organisation, not least because it realised by 1992 that it had made a mistake in withdrawing in 1990. Oxfam had never before operated in the midst of such intense and ongoing violent conflict. It *did* have a great deal of experience in dealing with the consequences of war: Oxfam had been founded to support such activities, and since 1942 had been involved in successive crises arising out of war. In Biafra, Cambodia, and Iraq it had worked close to the frontlines in ongoing violent conflict. Moreover, Oxfam’s projects and workers had been targets of violence in Latin America, southern Africa, and the Occupied Territories. Indeed the organisation’s advocacy of civil-political human rights had arisen out of its

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\(^{638}\) Sam Kiley, “US shock troops raid UN house in Aideed blunder”, *The Times*, 31 August, 1993, p. 1

\(^{639}\) Bryden, “The Wages of failure”, p. 149

\(^{640}\) Sloyan, “Fiasco in Somalia”


experience of such persecution. The Somali emergency however was drastically different from any operational environment the organisation had encountered before in terms of the insecurity in the field.

The fall of the formal state government led to the resumption of traditional clan rivalry, complicated by the widespread availability of weapons and the ongoing drought. The consequences of this for the populations Oxfam had been involved in assisting were even more disastrous than the preceding phase of the civil war. Growing insecurity made the demand on Oxfam’s values even more urgent than it had been before the withdrawal. The insecurity however also posed a critical threat to the security of staff. At this point, Oxfam could have chosen to address the suffering by channelling funding to other organisations in the field. This was precluded for the organisation because, as Vaux’s comment that “just working through ICRC was not adequate for Oxfam’s weight, and size and scope” reveals, it is a core part of Oxfam’s humanitarian identity that it deliver relief in the field. As such, the legitimacy of the organisation’s activities arose from the fact that on balance it felt that the risks to staff were outweighed by the need to be present in Somalia. Once it did re-establish its operations, the organisation found itself overwhelmed by the scale and depth of the emergency. Continuing clan warfare made it impossible for Oxfam to deliver the relief it felt morally obliged to provide in the context of spiralling need. In the organisation’s construction of the Somali emergency at the end of 1992, the fighting was posing the greatest obstacle to fulfilling its primary humanitarian duty.

The initial call for intervention had been constituted by Oxfam’s humanitarian culture as the most legitimate response to the organisation’s experience of insecurity and desperate humanitarian suffering in the field. Oxfam’s advocacy had not sought to legitimise a doctrine of humanitarian intervention; rather it was an individual response to a particular security crisis in the field. The organisation’s primary concern was for the protection of the Somalis, who were suffering as a result of the insecurity, and for its staff in the field. The internal legitimacy of the call for intervention arose from the fact that the inter-clan fighting directly constrained the ability of the organisation to fulfil its primary humanitarian duty. Having decided that the most legitimate response to the Somali emergency was through a field presence, Oxfam came to the conclusion in December 1992 that the fundamental legitimacy of its humanitarian operations

643 Vaux, interview
644 Judd, interview; Cairns, interview; Vaux, interview
required the deployment of military force. As such, it is a key point that the intervention in Somalia was legitimate only because the organisation saw it as serving its humanitarian objectives. Throughout the Somali crisis the three issues of violent conflict, suffering among Somalis, and the security of field staff were interdependent for Oxfam. Insecurity was causing the suffering. It was also making it difficult to relieve that suffering, both through interference in the aid operation, and because of the threat to field staff themselves. As such, insecurity in the field was obstructing Oxfam from undertaking its primary humanitarian objective of providing relief.

As in Iraq however, this call must be understood in the context of the consequences of the end of the Cold War. Oxfam’s call for intervention was deliberately timed to coincide with a meeting of the Security Council which was debating its response to the crisis, and, most importantly for Oxfam, to consider the US proposal for humanitarian intervention. It sought to capitalise on the growing international momentum for the extension of humanitarian protection in Somalia to address the crisis of suffering and insecurity Oxfam was unable to resolve on its own. Moreover, and crucially, despite the failure of the Provide Comfort deployment to achieve or act as a catalyst for the longer term settlement of the Kurdish issue in Iraq, it had succeeded in achieving exactly the kind of security in the field which Oxfam felt was the minimum required to establish effective relief operations in Somalia. By the end of 1992 when it was becoming apparent that UNOSOM I had not secured the necessary conditions, the developing context to international humanitarianism had incorporated a wider consensus on the strengthening of humanitarian access. Equally important was the introduction of a concept of the legitimate use of force to secure such access. At the time this concept was in the process of being articulated in the field in Bosnia-Herzegovina. As such Oxfam’s advocacy for humanitarian intervention in Somalia could only have happened in the emerging new post-Cold War international humanitarian context.

By March 1993 it was becoming apparent that the UNITAF intervention had only secured a temporary and partial degree of security. The clan militias’ capacity for violence remained largely intact, and as the time for the hand-over from UNITAF to UNOSOM II approached, disarmament became a key issue for Oxfam. The organisation had not anticipated this when it advocated the deployment of military force in December 1992, since its experience of intervention was dominated by Operation Provide Comfort where there had been
no question of disarming either the Kurds or the Iraqi forces. As such, Oxfam’s call for disarmament was the product of a process of learning based on new experiences in the field. The failure to disarm the militias threatened to jeopardise the short-term benefits that UNITAF had achieved in terms of the partial stabilisation of the immediate security conditions in Somalia. Centrally, disarmament was not an end in itself; for Oxfam in early 1993 it addressed the same crisis of insecurity that had led to the call for intervention in 1992.

The fighting between UNOSOM II and the Habr Gedir militias in Mogadishu which began in mid 1993 was disastrous for Oxfam’s operations in Somalia. Not only did it destabilise security, it became a direct cause of the suffering the organisation sought to relieve. This fighting emphasised the need for the organisation to come to a more qualified position on humanitarian intervention. International involvement in Somalia had failed because it had been conducted inappropriately. Oxfam had not, either in its call for intervention or for disarmament, addressed the exact circumstances under which the international military forces could legitimately use force to fulfil their mandate. The Somalia operation demonstrated the paradoxes of humanitarian intervention. The military operation eventually achieved the exact opposite of what Oxfam had hoped. Nonetheless as in northern Iraq, it had been perceived to be the only means to enable the organisation to ameliorate the suffering in Somalia. In the immediate aftermath of the operation Oxfam began a key period of reflection on the question of humanitarian intervention. This took place in the context of a fundamental re-evaluation of the relationship between conflict and emergencies. An examination of this process and its consequences is the subject of the next chapter.
Part II: After the Cold War: New opportunities and challenges

Chapter Seven

Rwanda

This chapter concludes the analysis of Oxfam’s changing humanitarian culture. The organisation had been overwhelmed in the field by the emergency in Somalia. As in Iraq a year and a half earlier, its call for military intervention was the result of frustration at being unable to fulfil its humanitarian duty. Although this had been precipitated by specific experiences in the field, it was made possible by changes in the international context. For Oxfam, as for many other agencies (and indeed most Somalis) the military operation in Somalia went disastrously wrong. In its immediate aftermath the organisation began a process of reflection and forward planning which included the formulation of a ‘Statement of Strategic Intent’. This process has centred on conceptually reconciling Oxfam’s emergency relief activities with its developmental agenda through the concept of ‘Basic Rights’. In particular, Oxfam has drawn on its experience of post-Cold War emergencies to engage the question of the use of military force to extend humanitarian protection. This has led to the emergence of a set of rules governing how the organisation constructs legitimate intervention. Within a year of Oxfam’s disastrous experience of the use of military force in Somalia, it was to be confronted with the challenge of applying these rules to the genocide in Rwanda.

The second part of the chapter examines Oxfam’s operations in the Great Lakes region in 1994. The Rwanda emergency was even more traumatic for Oxfam, particularly its field staff, than the Somalia crisis had been. This was reflected in its sustained and impassioned public advocacy. Although the organisation had been expecting an outbreak of bitter fighting, it was largely unprepared for the scale, horror, and speed of what actually happened in Rwanda. Despite the enormous dangers presented by crisis, the organisation’s response was still constituted by its fundamental concern for the relief of suffering. Its advocacy
centred on one key claim: in naming the crisis as genocide, Oxfam called upon the international community to live up to its obligations under the Genocide Convention.

1. LEARNING FROM IRAQ AND SOMALIA

Oxfam has struggled with two principle challenges since the end of the Cold War. The first, which was introduced in Chapters Five and Six, is that of new and dangerous operational environments characterised by massive and systematic violence inflicted on civilian populations. Oxfam was largely unprepared for either the scale or number of post-Cold War complex emergencies. In the field this was reflected in its inability to deliver relief in the face of chronic insecurity. This was compounded at headquarters level, particularly in the cases of Iraq and Somalia, by strong public pressure to respond. This frustration, and the need to affirm its public identity as a humanitarian organisation able to relieve suffering led the organisation to call for armed humanitarian intervention in both cases (although this was only done publicly during the Somalia emergency).

The second challenge, which arises directly out of the first, is the growing concern within the organisation that the sophisticated developmental approach it had developed throughout the 1970s and 1980s should not be overshadowed by its high profile and necessary involvement in emergency relief. Under Brian Walker Oxfam had begun to address the political consequences of its development work in Latin America and southern Africa, primarily through its programmes in the field, but increasingly also through advocacy in the UK. During Frank Judd's Directorship, the organisation had ascribed legitimacy to more forthright advocacy on the issues of human rights abuse and social and economic justice which arose from its development operations around the world. Oxfam's challenge to the limits of permissible behaviour under charity law had arisen from these changes in its humanitarian culture (see Chapters Three and Four). The organisation had inevitably refined the technical skills and practices used in emergency situations as a result of its almost constant involvement in humanitarian crises. The most important developments in Oxfam's humanitarian culture before the end of the Cold War however had arisen out of its members' concern with poverty.

The Iraq and Somalia operations confirmed that Oxfam was unable to resist the calls on its humanitarian values posed by massive human suffering. Whilst there was no question that it was legitimate for the organisation to respond to them, the sheer number and scale of these emergencies was beginning to cause
concern among some members that Oxfam was being diverted from what were seen as its wider developmental objectives. In many countries, particularly in Africa, the crises which engulfed Oxfam’s field operations were seen as arising out of failures of development. A letter from Frank Judd published in the *Guardian* in October 1991 affirmed the importance of long-term developmental activities as a core legitimising principle of Oxfam’s humanitarian culture by framing post-Cold War emergencies in terms of the urgent need to address the underlying need for development in the South:

Disasters are on the increase. Some 30 million people in Africa are living on the brink of famine, thousands of people were devastated by a cyclone in Bangladesh earlier this year and crisis faces the Kurds and other poor people in Iraq still suffering the after effects of the Gulf war. Beyond the headlines, the long-term crisis deepens.

Across the globe, one in six families are poorer today than a decade ago.

The problems which have caused their plight - war, failing health services, mounting pressure on natural resources and economic chaos - also threaten people in the world’s industrialised north. As forests are felled for timber exports and extraction of precious metals, the world becomes poorer; as conflict escalates, terrorism and refugees threaten our own stability; as payments for goods are displaced by payments for debts, world trade suffers; as economies collapse so does political stability; and as populations grow, so does the threat to environmental resources.

... Fifty years’ work in Africa, Asia, Latin America, and the Middle East has shown us that the most effective local approach to sustainable development is to support poor communities in their process of self empowerment; to enable them to meet basic needs while caring for the environmental resources on which they depend. Many problems facing the poor stem from lack of political will to address the structural causes of poverty. Instead, governments pursue models of development that at best marginalise the poor and at worst destroy their livelihoods.

... Too many countries spending a vast proportion of their GNP on debt repayments are also paying for long-running wars. Over half Oxfam’s total overseas expenditure is now conflict-related, and the environmental damage caused by war is apparent from Oxfam’s work in Central America, Indochina, Southern Africa and now in the Gulf.

Poverty generates conflict through lack of equal access to resources; conflict in its turn intensifies the competition for those few resources.

People are moved away from their homes to live in overcrowded “safe” areas, on land that has to feed more than it can carry.

The many interconnected obstacles to sustainable development and environmental protection include poverty, powerlessness, conflict, rapid population growth, and unequal access to resources which lead to environmental degradation. Pollution and wasteful consumption in the North degrade the world environment. At a national level in the developing world accountable governments are essential. Democracy is essential if governments are to have the political will to tackle massive inequalities in wealth and meet the basic needs of poor people.

At an international level there is a need for a new political and economic governance. We must look hard at democratising and rationalising the UN to give it greater legitimacy. We have to ensure the quality of leadership to enable the UN to take on a more dynamic and purposeful role on behalf of humanity. Outdated
concepts of sovereignty claimed by governments with no democratic base must be challenged where these thwart effective humanitarian action. 645

Judd’s letter is important for its scope in addressing and connecting the key issues facing Oxfam at the end of the Cold War. It also confirmed the legitimacy of the organisation’s existing developmental approach to poverty and suffering through small scale grass-roots projects, and of its practice in addressing the political causes of social and economic injustice. Crucially, post-Cold War conflicts are seen in terms of a continuity of Oxfam’s experience of suffering arising out of long-term poverty and injustice. Judd’s advocacy of sustainable development, and democratic reform both within the UN and among its member states, are all framed in terms of achieving social and economic justice for the populations with whom Oxfam worked. Throughout the letter, post-Cold War emergencies and the organisation’s proposals for legitimate responses are framed in terms of the failure of international processes of development, and the advocacy of Oxfam’s own developmental approach. As such, Judd’s letter affirmed its public identity as a humanitarian organisation whose approach to the relief of suffering is predicated upon the linkage of long-term development and emergency relief.

Whilst emergencies were constructed as arising out of long term poverty and injustice, change in the post-Cold War world opened up new possibilities for expanding the scope and legitimacy of international humanitarianism. In particular, Resolution 688 seemed to indicate an erosion of the rule that state sovereignty could be legitimately used to impede humanitarian access and protection. It is on this basis that the advocacy for democratisation, and the statement that “[o]utdated concepts of sovereignty claimed by governments with no democratic base must be challenged where these thwart effective humanitarian action” 646 are made. By the time that this letter was published, Oxfam was already being overwhelmed by the emergency in Somalia. The Somalia experience was a watershed in the organisation’s experience of humanitarian relief in complex emergencies. Oxfam had been forced to pay for armed guards to protect its staff and operations, only to then find itself at the mercy of the same guards. Moreover, it knew that the money paid for protection would fuel the local conflict and intensify human suffering. Every stage of this process had been traumatic for Oxfam. Moreover, it was set against a background of disillusionment with the organisation’s long standing development programme in the country. One member

645 Frank Judd, letter, The Guardian, 4 October 1991, p. 27
646 Judd, letter, 4 October 1991
of staff remembers it as “probably ... the most unsatisfactory operation that we've been involved with.”\textsuperscript{647} A major consequence of the Somalia emergency was the expansion of the Emergencies Department. This unit within Oxfam had gradually been expanding throughout the 1980s as the organisation began to be involved in more longer term emergencies, such as those affecting countries in Latin America and the Horn of Africa. Since the Somalia operation however, the size of the Emergencies Department grew exponentially\textsuperscript{648}. One significant aspect of the problems in Somalia had been the difficulty in deploying emergency staff in the field\textsuperscript{649}, and so in the wake of the Somalia operation the Emergencies Department began to take on more Emergency Co-ordinators (each to deal with a specific geographical region\textsuperscript{650}). It also began to accumulate expertise in particular technical specialisations relevant to emergency situations\textsuperscript{651}.

In January 1992, Frank Judd, who in October 1991 had been elevated to the House of Lords as Lord Judd of Portsea, retired as Director to be succeeded by David Bryer. Bryer had been with Oxfam since the 1970s, and immediately prior to becoming Director, had been Overseas Director. During Bryer’s incumbency as Director, Oxfam has begun an internal process of assessment and analysis of its humanitarian responses to conflict-related emergencies. In particular this has centred on integrating and systematising the organisation’s work at both field and headquarters level. One senior member of staff considers that

[1]ike many organisations in the eighties, Oxfam had grown very quickly and become very complex, but its management systems and ethos was better suited to a smaller, more straightforward agency. So it needed to incorporate a set of management disciplines to work effectively. As part of that we embraced strategic planning, which was quite simply trying to work out where comparative advantage lay in the sector, and how we could most effectively deliver it and encourage it with programmes to develop aims for themselves which were the product of some discipline. Prior to that an Oxfam programme probably reflected as much the pre-dispositions of the Country Representative as anything else ... it wasn’t in any way a reflection of our competencies, or the needs of particular countries, it was just what the Country Representative was interested in, or that they inherited.\textsuperscript{652}

By the end of the Cold War, Oxfam had developed an identity as an agency which addressed suffering as much through long term developmental activity as through emergency relief. The urgent necessity to respond to suffering arising out of civil conflict threatened to destabilise this identity, since an increasingly large

\textsuperscript{647} Interview F
\textsuperscript{648} Tony Vaux, interview, Oxford, 30 July 1998
\textsuperscript{649} Interview F; Interview G
\textsuperscript{650} James Darcy, interview, Oxford, 23 July 1998
\textsuperscript{651} Vaux, interview
\textsuperscript{652} Interview B
part of its budget was being allocated to emergency relief at the expense of its development programmes. One aspect of Oxfam’s struggle to re-assert the legitimacy and centrality of its developmental concerns was the ‘Africa, Make or Break’ campaign launched in April 1993. The campaign report focused on the consequences of post-Cold War conflict and Northern political disengagement for already poverty-stricken African populations.\(^{653}\) It proposed that only a massive and immediate investment of capital and resources (possibly culled from a reduction of Western arms expenditure following the end of the Cold War) could support processes of democratisation and social and economic justice on the continent.\(^{654}\) In particular it emphasised the failure of development as the greatest factor in causing emergencies:

without recovery there is a real danger of conflict resurfacing in the face of growing social and economic tensions. That is why it is vital for the international community to use its resources to help to win the peace and create a more self-reliant future. Indeed it has a moral responsibility to do so, since the alternative is indefinitely to support costly emergency relief operations.\(^{655}\)

1.2 ‘STRATEGIC INTENT’ AND THE ‘CONFLICT’ PAPER

In May 1993, and characteristic of Bryer’s new approach based on forward planning, a meeting of Oxfam Trustees and members of the Corporate Management Team produced a ‘Statement of Strategic Intent’ for the following five years.\(^{656}\) The document was an agenda to organise the agency’s operational and advocacy activities around a single and cohesive set of principles. It was essentially retrospective, aiming to refine and capitalise on existing competencies within Oxfam.\(^{657}\) The title, “From Village Council to United Nations”, was intended to reflect the idea that all the organisation’s activities, from its grass-roots development work through to lobbying of states and IGOs on development and emergency issues, should reflect Oxfam’s identity and competencies. ‘Strategic Intent’ identified the two most important issues the organisation had to respond to in the immediate future as the end of the Cold War (principally in terms of conflict-related emergencies and the wider assertion of human rights and humanitarian protection), and the globalisation of the international economy.\(^{658}\)


\(^{655}\) Oxfam, *Africa, Make or Break*, p. 34


\(^{657}\) Interview B

\(^{658}\) Oxfam, “From Village Council to United Nations”, pp. 5-6
The struggle to reconcile the legitimacy of longer-term development with the demands of emergencies is inherent in the recommendations presented in 'Strategic Intent'. This was done by focusing on two central concepts, 'Basic Rights' and 'Sustainable Livelihoods'. Although neither concept was fully explained at the time, 'Basic Rights' was an attempt to integrate Oxfam's advocacy on civil-political and socio-economic rights through a single legitimising concept. This did not indicate a transition towards a stronger emphasis on civil-political rights as an end in itself however. Rather it has sought to provide a stronger basis for the legitimacy of advocacy of civil-political rights, where this supported the promotion of socio-economic rights. Moreover, it was felt that the concept of 'Basic Needs', which had guided Oxfam's operational activities since Brian Walker's Directorship no longer captured Oxfam's understanding (developed through years of programme experience) that issues of power and empowerment are critical to the reduction of poverty. Through the concepts of 'Basic Rights' and 'Sustainable Livelihoods' the organisation could refine and integrate its experience in relief, development, and advocacy. Crucially, this would emerge from a process of inclusive discussion throughout the organisation, including all of its staff and volunteers. By being so inclusive, it would be consistent with the existing consensus-based modes of cultural interaction among Oxfam's members, and so strengthen the intersubjectivity of the construction of 'Basic Rights' which would emerge from the process. 'Strategic Intent' is important not because it immediately legitimised new practices, but because it established the framework through which new practices would be legitimised as the organisation met new challenges in the field. It can thus be understood as an attempt to set an agenda to conceptually reconcile Oxfam's growing involvement in emergency relief with its sophisticated rights and justice oriented development work through a common vocabulary of 'Basic Rights' and 'Sustainable Livelihoods'.

The threat or use of force to extend humanitarian protection is not mentioned in 'Strategic Intent'. In legitimising the concept of 'Basic Rights' however, it opened up the question of whether force should be used to defend them in situations of conflict-related emergencies. The development of this new

approach can be seen in a letter sent to the *Guardian* by David Bryer in July 1993. The letter addressed the legitimacy of humanitarian intervention by the international community:

The lesson is not that the world should never intervene because it's too difficult - it is that the world's governments must give the UN the resources, clear framework, authority and strict principles to do its job adequately. Angola is one of the starkest examples. One thousand people a day are dying in the bloody local conflict which the UN's presence since 1991 has failed to prevent. If the world had given the UN adequate resources and mandate before UNITA rejected the September 1992 election results, the current renewed civil war might never have happened. In Sudan and Zaire, the lack of sufficient energy to insist on relief and protection for people seems to be rooted in what is now an outdated morality which gives primacy to the non-interference in internal affairs.

As Oxfam sees in conflicts worldwide, the basic rights of people must be more important than those of states. Security Council resolutions on Bosnia, Somalia and Iraq have edged towards this, but the UN's members continue to equivocate, unsure whether they want the UN to be the institution to meet the challenges of the 1990s.

There must be clear criteria. The use of force in humanitarian crises can only be justified: when all non-violent methods have failed; when the government or controlling authority has demonstrated its unwillingness or inability to end suffering; if limited to specific aims, impartially driven by humanitarian needs; with the consent of the people at risk wherever possible, taking into account their own abilities to cope.

As we should have learnt from the horrific events in Mogadishu this week, any use of force can only be justified when it is part of a wider and longer-term strategy including support for political reconciliation and rehabilitation.

In Somalia and Angola we have seen additional conflict arising from the UN and the US viewing interventions as "quick fixes". It can never be right to see force as a total solution rather than a sometimes necessary component of a sustained strategy to support local people's own efforts.

Bryer's letter shows the development of Oxfam's analysis since Judd's letter over a year and a half earlier. Two themes in particular stand out. The first is the qualified legitimisation of forcible humanitarian intervention. Judd's letter (written over a month before Oxfam called for intervention in Somalia, and before the Security Council authorised the UNITAF deployment) had only alluded to the question of intervention and humanitarian protection. As Judd has since stated, "it wasn't for us ... to go out and go advocating military intervention as an end in itself". Bryer's formulation of the criteria for legitimate humanitarian intervention arise directly out of Oxfam's experience of the failure of international military operations in Somalia. It is however the first instance of Oxfam's advocacy on the issue of humanitarian intervention based on a clear analysis of its experience of such operations. As examined in Chapter Six, the organisation's call for the

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deployment of military force in Somalia had been intended to secure immediate humanitarian protection. Oxfam had not been prepared for the consequences of the actual conduct of the operation in the field. Hence, the letter shows that by July 1993, the organisation was beginning to learn from this experience.

Oxfam’s experience of post-Cold War humanitarian intervention can be seen in the first criteria Bryer sets out for future military humanitarian operations, that they only be undertaken as a last resort, when all other methods of achieving security have failed. Intervention in Somalia did not succeed because the objective of the UN operation, the extension of relief and the establishment of secure conditions for a return to normalcy, had become overshadowed by a military campaign against one group. Oxfam had urged restraint, calling for a redeployment of forces and the adoption of more pacific and consensus-based modes of disarmament after the killing of Pakistani troops in June, and the subsequent shootings of Somali civilians by UN forces. In this context the prospect (at the time the letter was published) of UNOSOM II’s war against Aideed threatened to jeopardise and ultimately thwart the international relief effort.

The second criteria Bryer proposes reflects Oxfam’s experience in Iraq, where the state was party to the suffering of the Kurds, both by its actions (in persecuting them), and its inaction (in refusing to allow access by aid agencies). Again, this privileging of humanitarianism over sovereignty affirms the legitimacy of Oxfam’s practice in calling for intervention. It is constituted by its core rule that the organisation and its members have a duty towards the welfare of others. In this case however, this is set against the background of a claim to a wider responsibility of the international community towards the relief of suffering. In Bryer’s letter the meaning given to Oxfam’s provision of relief is located in the context of a corresponding right to receive relief and protection, a right “more important than [that] of states”. This is specifically constructed however as part of a wider international complex of duties towards the amelioration of suffering. Establishing a framework of rights and duties beyond Oxfam’s own immediate operations, as had been done years earlier in addressing issues of development and political repression in southern Africa, allows the organisation to invoke these duties in times of humanitarian emergency. Moreover, it places an obligation on the international community to respond. As such, Bryer’s second criteria that the use of force may be legitimate when the host state is no longer fulfilling its duties

665 Interview D
666 Bryer, letter, 17 July 1993

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towards the welfare of its own populations enables the advocacy of intervention. The claim that there is a wider duty of the international community to intervene legitimises the organisation's own position on military intervention in defence of humanitarianism and human rights.

The third and fourth criteria again directly reflect the experience of Somalia. The use of force by UNOSOM II had been excessive and aggressive, and hence inappropriate. Its effect was to compromise the security situation to such an extent that it caused Oxfam to temporarily withdraw from Mogadishu. Oxfam had initially called for the operation to establish a secure environment for the establishment of relief operations and a transition to rehabilitation and long-term development. By mid 1993 however, international forces had actually become involved in reducing the possibilities for both. The humanitarian objectives and purpose of the operation had become distorted by the military search for Aideed and the war with the Habr Gedir. This had moreover alienated Somalis (including the clan elders who would have been crucial in Somali clan-based society to any future peace) from the UN operations. In effect this compromised the operations of NGOs, including Oxfam, and the prospects for any negotiated and consensus-based establishment of security. In its initial call for intervention in December 1992, Oxfam had argued that any deployment could only be made with the consent of local Somali groups. UNITAF's direct negotiation with the militia leaders undermined the authority of alternative sources of societal conflict resolution, such as clan elders and civil society institutions. The failure to co-opt these non-military institutions and organisations in the process of disarmament was a key element in the growing conflict between the UN forces and local militias. It is in this context that Bryer's last criteria asserts that intervention should occur "with the consent of the people at risk wherever possible, taking into account their own abilities to cope.

Ed Cairns, Senior Policy Adviser in Oxfam's Policy Department, had been tasked in mid-1992 with specifically considering the question of how the organisation should approach issues of conflict-related suffering and humanitarian intervention. Cairns' work took a year and a half, and was presented in a paper which was adopted by the Council of Trustees in November 1993 (which was also submitted soon afterwards to the Commission on Global Governance). The

667 Bryer, letter, 17 July 1993; author's emphasis
668 Cairns, interview
669 Cairns, interview; Ed Cairns, note to author, 24 July 1998; Ed Cairns, Conflict-Related Humanitarian Emergencies, Submission from Oxfam to the Commission on Global Governance, 15 November 1998, Ed Cairns' papers

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'conflict' paper elaborated many of the points and recommendations made in Bryer's letter three months earlier. The formulation of an international complex of welfare rights and duties is presented throughout the paper. It specifically bases its findings on Oxfam's experiences of relief and international military operations in Iraq, Somalia, and Bosnia-Herzegovina. It represents a development in the organisation's position on humanitarian intervention from Bryer's initial criteria, particularly in light of UN operations in Bosnia, where unlike Somalia, international military action was seen by Oxfam as too weak. The 'conflict' paper puts the criticisms of the UN's Bosnia operation in the context of the selectivity exercised by the international community in deploying troops to protect suffering civilians and aid operations:

UN inaction in the face of immense and avoidable suffering also poses dangers to civilians in conflicts. Bosnia is a case in point, where the UN has failed adequately to protect civilians from killing, rape and ethnic cleansing, though it has successfully brought vital relief to many. In Sudan, Zaire, and Haiti the level of suffering has led to many in those countries to call for a UN military presence.

The criteria for legitimate intervention presented in Bryer's letter are repeated and emphasised as the primary determinant for such operations, with the addition of two more criteria; that military action be proportionate to humanitarian need, and that such operations are fully accountable to the UN. The paper presents a more 'robust' position of support for the practice of qualified and limited intervention. Bryer's point in July was that the Somalia experience should not become an obstacle to the international community's involvement in future humanitarian crises. The November paper is more explicit in contending that there is an actual obligation on the international community to respond militarily, and effectively, to massive human suffering where all other means have been seen to have failed. Cairns makes the point that not only is humanitarian intervention one option amongst a range of others available to the international community in responding to humanitarian suffering, but that under certain specific circumstances there is actually a duty to intervene. This formulation represents an important change in the meanings ascribed by Oxfam's humanitarian culture to the deployment of troops to secure humanitarian protection. The organisation could now call for intervention not only as a short-term measure to facilitate the relief of suffering (as it had done in 1991 and 1992), but, when subject to the conditions set out in the 'conflict' paper, as an expression of solidarity with suffering.

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670 Cairns, Conflict-Related Humanitarian Emergencies, p. 5-6, p. 9; Vaux, interview
671 Cairns, Conflict-Related Humanitarian Emergencies, p. 6-7; Emphasis and underlining in original
672 Cairns, Conflict-Related Humanitarian Emergencies, pp. 8-9
populations. This formulation enabled Oxfam to call for intervention more authoritatively in future crises; if the international community did not intervene to protect human rights and end massive and immediate human suffering, it was failing its own humanitarian duty.

Despite the débâcle in Somalia, intervention was being constructed not as a matter of choice for individual and powerful states based on selective compassion and ‘national interest’, but as a legitimate duty of the international community. In Iraq and Somalia, as in Biafra over twenty years earlier, Oxfam did not have the military capacity to enforce its humanitarian values. Unlike Biafra however, the international community was more responsive to calls for the assertion of humanitarianism over state sovereignty. The developments sign-posted by Bryer’s letter and the ‘conflict’ paper received support from most Oxfam staff. A few members in the Overseas Division felt however that they were symptomatic of the shift away from long-term developmental project and advocacy work, towards a pre-eminent concern with emergency relief. Moreover, although Oxfam had in the past worked alongside and even in co-operation with military forces (including UN peacekeeping contingents), this had always been when they were acting in a civil capacity, and not an aggressive military one. Calling for the use of lethal force in support of international humanitarianism was a radically different practice, and some members were not entirely convinced of its legitimacy, even in the limited and qualified ways outlined in the ‘conflict’ paper. Nonetheless the internal controversy of Oxfam’s position has been minimal, particularly when compared to the discussions over the advocacy of sanctions against South Africa. Reservations have largely been expressed privately, and restricted to the potentially harmful outcome of such military operations, and not to the morality or necessity of intervention to protect humanitarianism and human rights per se. These discussions over the legitimacy of calling for humanitarian intervention continued to occur against a background of the organisation’s involvement in the relief of massive conflict-related emergencies. Just as Somalia had been a watershed for Oxfam, the emergency in the Great Lakes region in central Africa was a defining moment in the organisation’s history. It was even more traumatic than the Somalia operation had been, and has had a significant impact on the development of Oxfam’s humanitarian culture, coming as it did in the midst of this process of organisational reflection and analysis.

673 Interview C
Chapter Seven: Rwanda

2. RWANDA

The Great Lakes region in central Africa had been the scene of a number of humanitarian crises since the end of the Second World War. Oxfam’s first major involvement in relief in the area had been in the Congo during and after its civil war in the early 1960s. The states in the region experienced a complex social and ethnic mix of populations, a history of colonial divide and rule policies, severe endemic poverty and environmental degradation, authoritarian and clientelist military regimes, and massive arms expenditure\(^{674}\). All of these factors, but most prominently the manipulation of ethnic identities, had left the region with a legacy of coups, rebellions, insurgencies, and inter-state war\(^{675}\).

The neighbouring states of Rwanda and Burundi had a particularly bloody history of violent inter-communal conflict between the Bahutu (more commonly referred to in the media and some academic discourse as the Hutu) and Batutsi (Tutsi) populations. The source of the division between these two groups (whether ethnic, genetic, economic, tribal, or class based) is still a matter of debate between academics, but most importantly among the Rwandese and Burundese themselves\(^{676}\). Although the Hutu are the largest population group in both states, before and during the colonial period the Tutsi dominated administrative structures. Shortly before the independence of both countries in 1962, elements of the Rwandese Hutu population mounted a successful coup against the Tutsi monarchy\(^{677}\). Throughout its post-independence history Rwanda intermittently experienced violent clashes characterised by massacre and counter-massacre between Hutu and Tutsi, and saw large refugee flows (mainly Tutsi) into neighbouring states\(^{678}\). The refugees of the 1960s formed armed opposition movements against successive Hutu dominated governments in Rwanda. The largest Tutsi refugee population was in Uganda, and the most significant Rwandese Tutsi military organisation, the Rwandese Patriotic Front (RPF) was based among them. Many of the Tutsi refugees who formed the RPF in 1990 had

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\(^{674}\) Middleton & O’Keefe, Disaster and Development, pp. 101-106


\(^{677}\) Waller, Rwanda: Which way now?, p. 7

\(^{678}\) Destexhe, Rwanda and Genocide, pp. 41-47
previously aligned themselves with the Tanzanian leader Julius Nyerere, and his Ugandan friend and ally Yoweri Museveni. In the late 1970s they had played a prominent part in the military campaign to overthrow the brutal Ugandan dictator Idi Amin, which had culminated in Tanzania’s invasion in 1979.

In 1990 the RPF launched an invasion of Rwanda from Uganda to overthrow the regime of President Juvenal Habyarimana. Habyarimana had taken power in a military coup in 1973. The party he created in 1975, the National Revolutionary Movement for Development (MRND), represented a doctrine of Hutu supremacy and extreme communalism, and was responsible for systematic corruption and economic mismanagement. After initial successes, the RPF advance began to slow as the government received military support from France (which had actually deployed troops), Belgium, and Zaire. A peace accord was eventually signed in Arusha, Tanzania between the RPF and the Rwandese government in August 1993. The Arusha Accords outlined a transition to democracy and multi-party elections, the integration of the RPF and government armed forces, and the return of refugees.

On 5 October 1993 the UN authorised the deployment of the United Nations Assistance Mission for Rwanda (UNAMIR I) under Security Council Resolution 872 to oversee the cease-fire, and help in the processes of political transition and integration of the military forces. The accords were highly unpopular amongst Hutu supremacist organisations, including elements of the MRND, who organised an armed paramilitary militia called the Interehamwe (those who attack together) throughout the country. Using broadcast and print media they began to propagate extremist and alarmist propaganda aimed at creating fears among the Hutu of domination and massacre by the RPF. Tutsi within Rwanda were demonised and identified as a key part of

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679 Waller, *Rwanda: Which way now?*, p. 10
680 Vassall-Adams, *Rwanda: An Agenda*, p. 21
681 Middleton & O’Keefe, *Disaster and Development*, pp. 105-106
683 Vassall-Adams, *Rwanda: An Agenda*, p. 28
685 Although the Interehamwe were just one of a number of armed militias attached to extremist parties, they were the largest, and it was their name which would become synonymous with the massacre of civilians during the genocide.
686 Middleton & O’Keefe, *Disaster and Development*, p. 108
the conspiracy to annihilate the Rwandese Hutu. These fears were exacerbated by massacres of Hutu by the Tutsi dominated military in neighbouring Burundi.\textsuperscript{687}

Oxfam was already involved in the relief of refugee crises in the Great Lakes region at this time. The organisation had been providing relief for the 100,000 people in Zaire following fighting and repression in that the south-east of that country which had begun in November 1992\textsuperscript{688}. The killing of President Melchior Ndadaye of Burundi in October 1993 had led to civil strife and repression by the Tutsi dominated army. This had resulted in a large flow of Hutu refugees into remote and inaccessible parts of northern Tanzania. As malaria and dysentery had begun to affect the refugee populations in 1993, Nick Stockton, then an Emergencies Coordinator for Oxfam, was quoted in the \textit{Guardian} as saying of the existing refugee populations that "[i]t will be almost impossible to provide sufficient relief assistance and evacuation will be equally difficult."\textsuperscript{689} By January 1994 up to 400,000 Burundese refugees had fled to neighbouring countries throughout the region. Many of them lived in Rwanda where Oxfam had a major relief operation providing clean water\textsuperscript{690}. Anne Mackintosh, Oxfam’s Regional Representative for central Africa who was based in Kigali, was quoted in the \textit{Observer} describing the terrible conditions in which these refugees lived:

\begin{quote}
‘The rates of disease are off the scale of normal refugee camps. One death per 10,000 people per day is what you don’t expect to be able to do much better than, because of unhygienic conditions and a lack of shelter. But in the Rwandan camps there are 180 deaths per day, within the working figure of 400,000 ... We are desperately short of cash. Oxfam has never been in this position before. Usually we are told that if there’s an emergency, we can go ahead. But now we have been asked to take on additional work. We need £200,000.’\textsuperscript{691}
\end{quote}

In 1993 Oxfam had published \textit{Rwanda: Which way now?} (later reprinted in 1996) by David Waller (then Country Representative in Rwanda), which outlined the complex social, political, and economic problems then faced by the country. It concluded by saying that

\begin{quote}
Rwanda stands on the brink of an uncharted abyss of anarchy and violence, and there are all too many historical, ethnic, economic, and political pressures that are likely to push it over the edge.

... Rwanda is on the brink: first its own people and then the international community must decide what sort of future it will have. If there is such a thing as common humanity, then the future of this small country in central Africa is indeed of concern to us all.\textsuperscript{692}
\end{quote}

\textsuperscript{687} Vassal-Adams, \textit{Rwanda: An Agenda}, pp. 29-30
\textsuperscript{688} Victoria Brittain, "Zaire forces 500,000 out of homes", \textit{The Guardian}, 18 June 1993, p. 13
\textsuperscript{689} Victoria Brittain, "Tragedy of Burundi refugees on scale of Somalia, says aid agency", \textit{The Guardian}, 19 November 1993
\textsuperscript{690} Mark Huband, "180 refugees die daily in tent cities", \textit{The Observer}, 16 January 1994
\textsuperscript{691} Huband, "180 refugees die daily in tent cities"
\textsuperscript{692} Waller, \textit{Rwanda: Which way now?}, p. 60
On 6 April 1994 the aircraft bringing back the Presidents of both Rwanda and Burundi from peace negotiations in Tanzania crashed as it came in to land at Kigali airport, killing all on board. Within three days, the Rwandese military and the extremist militia forces launched a massive campaign of massacres throughout the country, specifically targeting all Tutsi and those Hutu connected with less extreme political parties. Tutsi began to flee Rwanda into neighbouring countries. The RPF renewed its campaign, routing government forces (now without external military support). This led to even larger flows of Hutu refugees and displaced people in the face of their advance. Although many Hutu genuinely feared massacre by the RPF (at least partially as a result of extremist propaganda), some were forced to flee by government and militia forces. UN forces were also attacked and ten Belgian paratroops guarding the Rwandese Prime Minister were brutally murdered and their bodies mutilated. The reaction of the Belgian government was to withdraw its entire contingent. On 21 April, the Security Council decided to reduce UNAMIR I troop levels from 2,100 to 270 (later revised to 450). The public rationale for this decision was that the cease-fire UNAMIR I had been deployed to oversee no longer existed, and only a massive and prompt reinforcement and an entirely new mandate, neither of which were forthcoming from member states, could have any hope of ending the fighting. Major-General Roméo Dallaire, UNAMIR I’s commander at the time, has also pointed out that in view of the fact that there was no prospect of being re-supplied (because of the fighting and the failure of capable states to commit the necessary logistical units), the UN force did not have the necessary supplies, including water and ammunition, for 2,100 troops.

Oxfam’s own projects in Rwanda were attacked. Insofar as the chronic insecurity in Somalia had caused severe problems and stress for field staff, the experiences of field staff in Rwanda was even worse. Moreover, by the time the genocide in Rwanda began, Oxfam was already being overwhelmed in the field by

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695 Middleton & O'Keefe, Disaster and Development, p. 114
successive massive refugee crises throughout the region. These crises had themselves been characterised by systematic human rights abuse, mass killings, and forced removals. Mackintosh was visiting a missionary project in Gisenyi in northern Rwanda when the killing began. The mission was repeatedly attacked by government soldiers and armed militia. Mackintosh witnessed the murder and mutilation of some of the mission staff and of a number of Tutsi who had sought shelter in the mission. She was able however to save the life of Prosper, an Oxfam project worker, through a personal intervention against two Rwandese soldiers. Although she and the other Western expatriates at the mission were eventually evacuated by Belgian troops across the border into Zaire, Prosper and the Belgian soldiers themselves were stopped from crossing by Rwandese government troops at the border (Prosper later managed to cross the border to safety). Mackintosh’s evacuation into Zaire was paralleled by the withdrawal of all expatriate Oxfam staff from Rwanda with the outbreak of violence. Despite the organisation’s long-standing presence in the region and in Rwanda itself, and although staff in the field were aware of the growing insecurity and harassment of Tutsi throughout the country, Oxfam was unprepared for the sheer scale of the violence.

Oxfam’s response to the crisis in Rwanda took a number of forms. It immediately began to support the operations of the JCRC and the few other INGOs still working at great risk inside Rwanda. The sheer horror of what was happening within the country led the organisation to emphasise relief there. At the same time it undertook a major campaign of public advocacy for intervention by the international community to stop the genocide. A week after the genocide began Stewart Wallis, Oxfam’s Overseas Director, condemned the inaction of the international community in a letter to the Guardian:

It is outrageous and despicable that at the same time as the UN Security Council is acting with vigour to protect civilians in Gorazde, French and Belgian troops have to look away as people are hacked to death in [Kigali] … If the UN does not act in Rwanda in a way which resolves this disgraceful, and suspiciously partial, inconsistency, then what chance is there for the UN, particularly in Africa?

I and my colleagues in Oxfam feel a deep sense of anger at such events. We have many Rwandan staff, Hutu and Tutsi, who have worked for years to bring about peace, reconciliation and development. They are now in hiding, in fear of their lives, because there is no chance of them being protected like expatriate aid workers. When they try to escape from the country they are turned back by Rwandan guards while convoys of expatriates are allowed to proceed.

699 Celia Dodd, “Rwanda: Have my friends survived?”, The Independent, 22 April 1994, p. 22
700 Dodd, “Have my friends survived?”
701 Dodd, “Have my friends survived?”
The letter also drew attention to the refugee flows, and pointing to the 10,000 refugees who had already crossed into Zaire, warned that many more refugees would flee as the fighting and the massacres continued. It called for a massive international relief effort in neighbouring countries for these refugees. The tone of the letter (which mentions the prospect of “tens - perhaps hundreds - of thousands” of refugees fleeing Rwanda) indicates that Oxfam was unprepared for the intensity the emergency would eventually develop with up to two million refugees, a million dead, and a million displaced within the country, far outstripping the scale which had caused the level of anger reflected in the letter. Wallis’ letter ended with a call for a reinforcement of UNAMIR I, and an expansion of its mandate to allow the use force to extend protection to people at risk within Rwanda.

Oxfam had never before used such strong language (“outrageous and despicable”, “disgraceful, and suspiciously partial, inconsistency”) in its public advocacy. This reflected the unprecedented degree of outrage and trauma felt within the organisation. Oxfam had witnessed the effects of terrible acts of carnage before in Biafra between 1967 and 1970, in north-eastern India in 1971, in Cambodia in 1979, and in Somalia it had actually operated in the midst of ongoing violence including attacks on civilians. Field staff in Rwanda in April 1994 were far better connected and so had a far more strongly established understanding of and affinity for the local population, than those in Somalia in 1992. Oxfam’s long-standing relief operations in place in Rwanda had already reached crisis point by April 1994 as a result of ever-increasing numbers of refugees and lack of funds. The sheer brutality, scale, and speed of the killings in Rwanda made a very deep impact on staff at all levels within the organisation as reflected in Wallis’ letter. In a letter to the Independent in February 1995, Bryer remembered that even staff at headquarters level were caught up in the trauma of events in the field: “Last April I received a fax from a hotel in Rwanda. It said: ‘There are 500 of us in the hotel. There are six soldiers guarding us but several attempts have been made to kill us ... Cry out to the world our tragedy. We want to live.”

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703 Wallis, letter
704 In Somalia however, as much as the chronic insecurity posed a danger to relief workers and civilians alike, aid operations had been part of the war economy and so had some degree of value to the clan forces. Tony Vaux’ report in 1992 had made the point that aid workers were only seriously at risk if they challenged looters and by its own admission Oxfam had arrived late as part of the emergency relief effort in Somalia. Tony Vaux, “Emergency Report”, New Internationalist, 238 (December 1992) pp. 8-10. p. 10; Vaux, interview
705 David Bryer, letter, The Independent, 1 February 1995
The growing legitimacy of international humanitarianism allowed Oxfam to make such strong and impassioned calls. The Charity Commissioners in their encounters with Oxfam, had emphasised that advocacy would be judged on the basis of its tone and manner, as much as its content.\textsuperscript{706} The report of the enquiry into Oxfam's advocacy campaigns had further explicitly stated that it was illegitimate for the organisation to make calls for specific courses of action by the international community or the British government\textsuperscript{707}. By April 1994 however Oxfam had twice called for military intervention, and in Bryer's letter of July 1993 had even specifically argued that a stronger engagement with issues of collective security and the international humanitarianism represented a national interest for the UK:

All this [post-Cold War humanitarian challenges] bears centrally on Britain's own foreign policy because of its permanent seat on the UN Security Council. Security Council reform will come, and should come to include more representation from the South. The UK seems to be more vulnerable than it has ever been to the charge that its possession of a permanent seat is no longer defensible.

Britain will need to take more of a lead in these vital humanitarian issues if it is to remain a leading player: on some, the UK is leading, most noticeably on strengthening the UN's department of humanitarian affairs; but Britain can do more to reverse the falling credibility of the UN. We can put a greater emphasis on diplomacy to prevent and resolve conflicts, realising Dr Boutros-Ghali's Agenda for Peace.

Britain must sometimes be more prepared to commit troops to UN peacekeeping operations. The UK spends less than 0.1 per cent of its defence expenditure on its contribution to peace-keeping. Is this extremely unbalanced division between national and international responsibilities still justified on any real analysis of the threats posed to us all by the spiralling level of conflict?\textsuperscript{708}

Oxfam's advocacy must therefore also be understood in the context of what it saw as a more permissive interpretation of UK charity law by the Commissioners. Many within the organisation felt that the criticism in the Charity Commissioners' report were as much the result of political pressure from the right of British politics to censure what they saw as Oxfam's subversive left-wing campaigning activities. On 22 November 1991 however Margaret Thatcher, who had been the most prominent champion of the right, was forced to resign as Prime Minister marking a radical decline in the influence of such political forces. The shift towards the centre in mainstream British politics was felt by many within

\textsuperscript{706} Anne Montague, "The changing face of charity", \textit{New Society}, 13 May 1988, pp. 22-24, p. 23
\textsuperscript{708} Bryer, letter, 17 July 1993
Oxfam to have reduced the possibility of any similar pressure for action over such contentious issues of interpretation\textsuperscript{709}. Most importantly for many members involved in the decision-making process in Iraq and Somalia, the Commissioners’ report had not only affirmed the legitimacy of ‘appropriate’ political advocacy, but emphasised this where it arose directly out of Oxfam’s own experience in the field\textsuperscript{710}. The case for sanctions against South Africa was not judged to have arisen from such experience. In Kurdistan and Somalia however Oxfam felt entirely confident in asserting the legitimacy of calls for intervention on the basis of its direct experience in the field\textsuperscript{711}. By the time of the Rwandese genocide, and particularly in the context of the consensus and extreme urgency felt within the organisation to respond to the killings operationally and through advocacy, censure by the Commissioners was considered unlikely.

Wallis’ letter had been part of a series of advocacy activities urging a stronger international humanitarian and military response to the crisis in Rwanda. As the Security Council deliberated over the issue of the crisis in Rwanda throughout April and May, Oxfam had presented the argument that the UN was morally obliged to respond. The organisation specifically applied the term ‘genocide’ to the situation in Rwanda, citing “the pattern of systematic killings of the Tutsi minority group”\textsuperscript{712} and urged the UN to intervene militarily to ensure the survival of the remaining Tutsi\textsuperscript{713}. Throughout May, Oxfam launched a major campaign calling for international military intervention in Rwanda to stop the genocide. It took out full page advertisements in British newspapers condemning the inaction of the Security Council and calling for the British government to support international intervention\textsuperscript{714}.

The organisation emphasised the disparity in the response of the Security Council to the crisis in Bosnia, where although the UN measures were considered...
largely ineffectual, there was at least a degree of public engagement\textsuperscript{715}. Oxfam felt that any intervention would have required at least the logistical and technical support of Western military forces\textsuperscript{716}. In the wake of the disastrous intervention in Somalia however, domestic political opinion in many Western states had swung against the deployment of external military force in the midst of ongoing civil conflict. In particular the US administration had adopted precisely the position that Bryer had warned against in his letter of July 1993, namely that humanitarian intervention was not a politically viable option in view of the risks to the security of military personnel\textsuperscript{717}. When Boutros-Ghali had asked the Security Council to consider reinforcing UNAMIR I, the Council asked him to refer the matter to the Organisation of African Unity (OAU)\textsuperscript{718}. For Oxfam, this amounted to an unforgivable disengagement with the suffering which had been so traumatic for the organisation itself. This was accentuated in the context of the efforts by the organisation to direct attention to the longer-term problems of poverty and injustice in Africa throughout the post-Cold War period. The ‘Africa, Make or Break’ campaign a year before had specifically mentioned suffering in Rwanda as an instance of urgent humanitarian need arising out of conflict\textsuperscript{719}. Oxfam had been unprepared for the ferocity and scale of the violence, not for the actual possibility (and indeed likelihood) of conflict. The withdrawal of most of UNAMIR I and the effective refusal of the Secretary-General’s request was hence a gross dereliction of the duty of the international community towards the relief of suffering\textsuperscript{720}. Moreover, the Rwandese crisis confirmed Judd’s point in 1991 about the fundamental connection between the failure of development and humanitarian emergencies.

In the context of the resistance displayed by key Western governments in failing to support intervention, Oxfam publicly conceptually separated the crisis into two parts:

Oxfam drew a distinction between the fighting between the RPF and the ‘interim government’ [the extremists who had taken power on Habyarimana’s death], and the massacres being carried out by lightly armed militias against unarmed civilians. Even if the UN could not bring the fighting to an end, Oxfam argued, it could


\textsuperscript{716} Savill, “Oxfam accuses UN of inconsistency”

\textsuperscript{717} See for example Mats R Berdal, “Fateful encounter: The United States and UN Peacekeeping”, Survival, 36, 1 (1994) pp. 30-50; see also Connaughton, “Military Support for Humanitarian Assistance”, Section 2, para. 8

\textsuperscript{718} Savill, “Oxfam accuses UN of inconsistency”

\textsuperscript{719} Oxfam, *Africa, Make or Break*, p. 28

\textsuperscript{720} Victoria Brittain & Edward Luce, “Aid agencies condemn UN pull-out from Rwanda”, The Guardian, 23 April 1994
protect thousands of people at risk, by giving UN troops a mandate to protect civilians under threat and providing security for the delivery of humanitarian relief.\textsuperscript{721}

This position was outlined in a letter from Bryer to the then British Prime Minister, John Major in May:

I accept that no international peace-keeping force could be expected to restore order when a country has descended into total anarchy. But in the face of genocide, nor do I believe that the UN should stand idly by saying that it can do nothing.

For the most part, the death squads are armed with clubs and machetes, not guns, so I believe that even a relatively small UN force could offer protection to civilians seeking refuge in Safe Areas.\textsuperscript{722}

In the context of the resistance of many UN member states to intervene, and the active US attempts to obstruct the authorisation of a military force, the conceptual separation of the genocide from the civil war was significant. Oxfam's over-riding concern at the time was for the victims of the genocide, and this could only be achieved through the use of force by the international community. Security for the targets of the genocide could be achieved with far less difficulty than achieving and end to the civil war through a deployment of international military force. As such the organisation's public construction of the crisis addressed both its primary humanitarian objectives, and the reluctance of key states to respond to Oxfam's call for intervention.

Some commentators have claimed that the term 'genocide' has in the past been applied too easily to what are actually instances of mass murder, and systematic human rights abuse\textsuperscript{723}. The 1948 Genocide Convention constructs the crime of genocide as "acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group,"\textsuperscript{724} Mass murders of people who espouse particular opinions are not included in this construction. As such the death of up to three million Bengalis in 1971 is excluded from being described as genocide. The violence committed by Pakistani army had been more than aided and abetted by local militias attached to extremist Islamist political parties which included local Bengalis. Moreover the massacres had been primarily (although by no means exclusively) directed against groups and individuals who had supported the independence movement. As such, according to a narrow restrictionist legal reading, the killings did not constitute the wholesale elimination of the entire

\textsuperscript{721} Vassall-Adams, \textit{Rwanda: An Agenda}, pp. 35-36
\textsuperscript{722} Bryer, letter, 3 May 1994
\textsuperscript{723} See for example Destexhe, \textit{Rwanda and Genocide}; see also Alain Destexhe, "The Third Genocide", \textit{Foreign Policy}, 97, (1994) pp. 3-17
Bengali population\textsuperscript{725}. Similarly the mass killings of civilians in Cambodia between 1974 and 1979 occurred on the basis of a political agenda, and were not specifically directed against "in whole or part, a national, ethnical, racial or religious group". A strict legalistic interpretation of the Convention actually only obliges the state in which the genocide has taken place to prosecute the perpetrators of the crime (Article VI), and the issue of intervention is not mentioned in the Convention. Nonetheless the political power of the term 'genocide' is great. The US State Department for example, under international pressure to support intervention, instructed its diplomatic missions around the world to avoid applying the term to the crisis in Rwanda. Rather they were to say publicly that "acts of genocide" within a context of 'tribal conflict' were being committed in Rwanda\textsuperscript{726}.

For Oxfam, the situation in Rwanda fell more easily into this construction of genocide because of the avowedly Hutu supremacist ideology of the perpetrators, and the clear pattern of the killing of Tutsi. John Whitaker, Oxfam's Deputy Director was quoted in the \textit{Independent} as saying "We rarely use the word genocide but there isn't any other word to describe what is happening in Rwanda today."\textsuperscript{727} The naming of the killings as genocide also legitimised the organisation's call for intervention. Internally this occurred in two ways. Firstly, it met all the criteria for intervention set out in Bryer's letter and Cairns' 'conflict' paper of 1993. In the context of the ongoing genocide there was no time to use non-violent methods to end the suffering. Moreover the responsibility of state and state-allied forces for the commission of the genocide clearly demonstrated the unwillingness of the host state to ameliorate the suffering. This factor also invalidated seeking the consent of local people. The separation of the genocide from the civil war emphasised that the call for intervention was an attempt to address suffering. As such calling the massacres genocide internally legitimised the call for intervention.

The public construction of the crisis in Rwanda as genocide also gave external legitimacy to the call for intervention. Again this reflected the change in Oxfam's humanitarian culture. The complex of rights and duties, of which Oxfam's own humanitarian duty was part, underlay the call for intervention. This

\textsuperscript{725} The pattern of killings in East Pakistan, considered in the context of the Islamicism of the then Pakistani government (and indeed the participation in the massacres of Islamist militias) does however make a case for describing the systematic mass murder of Bengali Hindus during the 1971 conflict as genocide.

\textsuperscript{726} Connaughton, "Military Support and Assistance for Humanitarian Assistance", Section 1, para. 57

\textsuperscript{727} \textit{The Independent}, "British agencies launch Rwanda appeal", 14 May 1994, p. 12
allowed the organisation to legitimately and specifically assert the responsibilities of contracting parties to the 1948 Genocide Convention to “prevent and punish genocide”, and to authorise this action under Chapter VII of the UN Charter. The use of the language of rights and duties, specifically those arising from the Genocide Convention, over the issue of the Rwandese emergency hence enabled Oxfam to make stronger and more authoritative calls on the international community to intervene in Rwanda. The organisation’s own construction of the international complex of rights and duties obliged the international community to facilitate Oxfam’s own work. By citing the Genocide Convention the organisation was only calling on states to fulfil the duties they had themselves undertaken, and thus making the best possible case for intervention.

The atrocities in Rwanda were widely reported in the British media, both television and print, from mid-May. Some television reports carried shocking footage of murder and mutilation, and as more and more Tutsi refugees fled Rwanda reports of their terrible experiences were carried more widely in the press. The reduced UNAMIR I force gave shelter to Rwandese fleeing the killings where it could, but this was effectively curtailed by the hostility of the armed government and militia groups, and the absence of any formal mandate to extend protection to suffering civilians. The ICRC’s operations were being attacked, and staff (almost all of whom were local) were being killed along with those they were trying to aid. As the intensity of the killings increased David Bryer was quoted as saying that the atrocities were reminiscent of the mass murder in Cambodia in the 1970s, and that unless the UN took immediate action, millions more Tutsi would die.

As the Security Council continued to debate the most appropriate response to the crisis, Oxfam’s advocacy began to become more and more impassioned. Although the UN did agree to a new enlarged UNAMIR force (UNAMIR II) on 16 May, and a number of African countries offered contingents, key members of the Security Council refused to commit their military logistical apparatus.

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728 Convention on the Prevention and Punishment of the Crime of Genocide, Article I
729 Oxfam, ““Time is running out for Rwanda” says Oxfam - Today’s UN Security Council decision is crucial”, Press Release, 11 May 1994, OPO
730 Although there had been some coverage of Rwanda before then, Northern media attention in Africa had been dominated throughout April by the elections and transition to democracy in South Africa.
732 Connaughton, “Military Support for Humanitarian Assistance”, Section 2, para. 6
733 Michael Binyon, “Children killed at Red Cross home”, The Times, 4 May 1994, p. 1
would have been crucial in the deployment of the new force\textsuperscript{734}. The authorisation for UNAMIR II had emerged out of a compromise between the US, which had consistently resisted the deployment of a new UN force\textsuperscript{735}, and other members of the Security Council who supported intervention\textsuperscript{736}. As such, whilst UNAMIR II would, unlike UNAMIR I, be mandated to use force to protect civilians and aid operations there was no immediate prospect of its actual deployment\textsuperscript{737}. Although a small initial deployment of 500 Ghanaian troops was immediately authorised, the full force would only be deployed once the Secretary-General had submitted full reports on the details of the mandate, duration, and organisation of the operation\textsuperscript{738}. The primary public concern of the US was that in the absence of any determination that UNAMIR II should become involved in resolving the fighting between the RPF and the government, troops should only be deployed in border areas (and then gradually) and not in the interior of Rwanda where most of the massacres continued to take place\textsuperscript{739}. Oxfam again emphasised the separation of the genocide from the civil war in its construction of the crisis, claiming that even a small deployment of additional troops in large towns in vulnerable areas could do much to abate the killing. In a letter to the \textit{Independent}, Brendan Gormley, Oxfam's Africa Director, advanced this case:

There are two wars going on in Rwanda. An end to the civil war between the government of Rwanda and the Rwandan Patriotic Front will be achieved only with the consent of both sides. However, swift action by the UN would help to protect innocent civilians from mass slaughter at the hands of the militias - the perpetrators of Rwanda's second war. This level of protection would not be feasible in all areas, but it would be in some, saving thousands of lives.\textsuperscript{740}

While the Security Council continued to deliberate, the killings in Rwanda continued to intensify. One commentator has since claimed that the failure of the Council to act earlier was a factor in this escalation: "The openly telegraphed message that there would be no western intervention under any circumstances, provided a

\textsuperscript{734} Patrick Bishop, "UN is urged not to delay intervention in Rwanda conflict", \textit{The Daily Telegraph}, 18 May 1994, p. 15; Vassall-Adams, \textit{Rwanda: An Agenda}, pp. 43-44; Connaughton, "Military Support for Humanitarian Assistance", Section 2, para. 17

\textsuperscript{735} Connaughton, "Military Support and Assistance for Humanitarian Assistance", Section 1, para.

\textsuperscript{736} Bishop, "UN is urged not to delay intervention in Rwanda conflict"

\textsuperscript{737} Bishop, "UN is urged not to delay intervention in Rwanda conflict"

\textsuperscript{738} Larry Elliott, "Fury greets US block on peace force", \textit{The Guardian}, 18 May 1994, p. 11

\textsuperscript{739} Bishop, "UN is urged not to delay intervention in Rwanda conflict"; Elliott, "Fury greets US block on peace force"

new momentum to the killings and a reassuring sense of impunity to the killers." In an angry press release on 26 May 1994 Oxfam condemned the failure of the UN to act to stop the genocide in Rwanda. Justin Forsythe, Oxfam’s Chief Policy Advisor, was quoted as saying

Governments generally, including those of the United States, Britain and other European countries have made a series of excuses for their supine inactivity. This amounts to a callous ignoring of genocide which, morally and legally, every government has a duty to prevent.

... We are entitled to ask what has been done by governments in the past month, and especially in the last fortnight since Resolution 918 of the UN Security Council authorised 5,500 extra troops on 16 May? The answer is, that their response has been pathetically inadequate.

In early June the Security Council finally agreed to the actual deployment of UNAMIR II through intense pressure on the US from other members of the Council, including the UK. Forsythe was again quoted in a press release condemning the delay in the deployment of troops in the strongest terms:

How many have to die before the Security Council acts on genocide? During the past months of slaughter the United States has been the key player in halting action on Rwanda - creating a series of excuses and inventing problems that do not exist. The United States’ previous insistence on only deploying troops on the borders and its demand that troops are deployed in phases has been nothing but a ‘fig-leaf’ hiding what was in effect a callous disregard for the lives of thousands of Rwandans ...

It will still be at least three weeks before the troops arrive in country. We welcome the United States’ change of heart but the tragic irony is that due to the delays there will be even fewer civilians to protect and the troops will be going into a security situation which has not improved and in some places has most probably worsened.

As the RPF continued to advance through the north-west of Rwanda, the exodus of Hutu into Zaire intensified. As the number of Hutu refugees crossing into eastern Zaire exploded throughout June and July, Oxfam was largely unprepared for their needs on arrival. Although it had repeatedly warned of imminent and massive refugee flows, the organisation’s advocacy had concentrated on the killings inside Rwanda. It had been dispatching materials to

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741 Connaughton, “Military Support and Assistance for Humanitarian Assistance”, Section 1, para. 57
742 Oxfam, “Oxfam condemns month of inactivity”
745 John Kampfner, “Rwanda now ‘a country without a people’”, The Daily Telegraph, 15 July 1994
provide shelter to refugees in transit, instead of preparing facilities for their arrival at what developed into huge camps in Zaire where the most acute need was for clean drinking water. In July 1994 Stockton admitted to critical mistakes in the Oxfam operation in Rwanda:

Really experienced staff have been like rabbits caught in headlights, dazzled by it all, stunned by it all, and been reduced to a state of apoplexy in some cases, catatonic in others. The upshot was that the decisions that needed taking in recognising the scale of this, the speed of this, the need to up the ante on everything that we're doing . . . those decisions really weren't taken quickly enough. I think it's true of all organisations. It's certainly true for us.

It was feared that unless security could be established within the country amidst continuing delays in the deployment of UNAMIR II, the refugee flows, already massive, would increase as the RPF advanced west. When in June 1994 France offered to deploy its troops in Rwanda unilaterally but under UN authorisation, Oxfam urged the Security Council not to accept. It argued that French troops would not be regarded as impartial by the RPF, even if they did have a UN mandate, since France had previously been involved in supporting the Habyarimana government. France had been a prominent supporter of the regime, and was reported to have continued supplying arms to the Rwandese government even after the genocide had begun. The RPF had stated that they would regard any French deployment as intervention on the side of the Rwandese government. Oxfam felt that a French force would inevitably be attacked by the RPF. This would further intensify and complicate the conflict, and make it more difficult to deploy the UN force. In fact the French force (Opération Tourquoise) was authorised under Chapter VII on 22 June 1994 and deployed in south-western Rwanda (one of the few areas still under government control) where it was to establish a ‘safe zone’ until UNAMIR II could be deployed. In the event, the RPF largely ignored the French forces although it did continue to advance into the north-west.

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Rwanda™; Bishop, “UN is urged not to delay intervention”; Oxfam, “Oxfam condemns month of inactivity”; Oxfam, “Oxfam outraged at Security Council’s delays”


748 McGreal, “Beyond despair”


752 Connaughton, “Military Support for Humanitarian Assistance”, Section 2, para. 35

753 The Economist, “The flight of a nation”, 23 July 1994

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2.1 THE REFUGEE CRISIS IN ZAIRE

The genocide effectively came to an end when the RPF expelled the last of the government army and militias in July and August, causing the flight of approximately one million (mainly Hutu) Rwandese across the border into northeastern Zaire\textsuperscript{754}. Approximately two million Rwandese had fled, the largest refugee populations being in the Zairian towns of Goma and Bukavu. Among them were the remnants of the former government army and militias who had joined the refugee flow, many of them reportedly with their weapons intact\textsuperscript{755}. Their escape had been facilitated by the \textit{Tourquoise} deployment in the last part of Rwanda under their control\textsuperscript{756}. The condition of these refugees was desperate. The \textit{Economist} at the end of July claimed that at one point a column of refugees 16 miles long had been crossing the border at Goma at a rate of 30,000 people a day\textsuperscript{757}. It described the situation as “an entire country ... tipping itself on its side and emptying its human contents”\textsuperscript{758}. Goma was overwhelmed, and as huge numbers of Rwandese continued to arrive throughout the summer many of them were tragically directed north, away from the largest available source of water, Lake Kivu\textsuperscript{759}. Within Goma the massive numbers of people made it difficult to physically distribute water from the lake among them, which was in any case becoming polluted by refuse from the refugees\textsuperscript{760}. The unsanitary conditions were moreover producing increasing reports of waterborne diseases such as cholera\textsuperscript{761}. Oxfam had belatedly begun operations to provide clean drinking water and sanitation facilities, but mortality rates began to soar, mainly from dysentery and diarrhoea\textsuperscript{762}. The stresses on field staff were enormous. Marcus Thompson, the Director of Emergencies at Oxfam, was quoted in the \textit{Independent} describing the conditions under which Oxfam field staff in Goma worked:

> They are organising the water supplies, but people are dropping dead from thirst all round them. They know that if they stopped and picked up some of these individuals and took them back to their headquarters they could revive them, but if they kept stopping to do that they would never get their job done. And their job is to deliver supplies to hundreds of thousands.\textsuperscript{763}

\textsuperscript{754} See Kampfner, “‘Country without a people’”
\textsuperscript{755} Lindsey Hilsum, "Rwanda chaos invades Zaire", \textit{The Observer}, 17 July 1994
\textsuperscript{756} Middleton & O'Keefe, \textit{Disaster and Development}, pp. 111-112
\textsuperscript{757} \textit{The Economist}, “The flight of a nation”
\textsuperscript{758} \textit{The Economist}, “The flight of a nation”
\textsuperscript{760} \textit{The Economist}, “The flight of a nation”
\textsuperscript{761} \textit{The Economist}, “The flight of a nation”
\textsuperscript{762} Vassall-Adams, \textit{Rwanda: An Agenda}, p. 49
\textsuperscript{763} Annabel Ferriman, “After raw life, back to Sunday supplements”, \textit{The Independent}, 5 August 1994
By early August Oxfam was reporting that 30,000 refugees had died since mid-July amidst the highest mortality rates it had ever encountered in the field (at between 1,000 and 2,000 per day). Goma was in a volcanic region, and the hard ground made it difficult to dig deep latrines or graves. The urgency of their condition was complicated by the presence in the camps of many members of the military forces and paramilitary groups who had perpetrated the genocide (the genocidaires). They had regrouped in the camps and controlled the access of relief agencies to camp populations. These groups continued to propagate extremist anti-Tutsi propaganda and used extreme violence to enforce their authority and maintain control of the camp populations. In view of the massive scale of the crisis and the immediacy of the needs of the refugees, many INGOs who wanted to conduct relief operations felt that this could only be done by negotiating access with these extremist groups.

Just as Oxfam had been unprepared for the size and speed of the refugee flows in July and early August, in the midst of the chaos and suffering in Zaire it had misunderstood the cause of the flight. Like many other organisations, Oxfam had assumed that the flows were escaping the fighting, and not that they were a "manoeuvre operation" by the former government to depopulate Rwanda. The refugee populations could then form a base for continued resistance to the RPF in Rwanda. Many relief organisations, including the UN agencies, had assumed that once the fighting stopped the refugees would return. The continued presence of the refugees in Zaire promised continuing suffering. Such a large population could not be maintained indefinitely on the hard volcanic rock of northeastern Zaire, particularly in the context of the epidemics of fatal waterborne disease which were beginning to spread to the local Zairean population. The massive refugee populations were also deforesting large areas of hillside,
threatening soil erosion and permanent environmental damage\textsuperscript{773}. The only hope to begin a process of reconstruction and rehabilitation was for the refugees to return to Rwanda, and the new RPF government had publicly indicated its desire to see the refugees return in safety, and had pledged to protect those who had not been involved in the genocide\textsuperscript{774}. The Hutu extremists who controlled the camps however were determined that the refugees should not return to a Rwanda under the control of the RPF\textsuperscript{775}. The refugee population provided a base of recruits for the genocidaires, and the aid operation not only reinforced their authority but also provided them with essential logistical supplies\textsuperscript{776}. Oxfam faced the dilemma that its relief operations were providing shelter and sustenance for those responsible for the genocide it had condemned and called on the international community to deploy armed forces to end in April. Moreover, through force and continued propaganda the extremists were preventing the efforts of the UN, Rwandese government, and INGOs to encourage the refugees to return.

As the French began a gradual withdrawal at the end of July and throughout August, a substantial part of the UN force had yet to arrive\textsuperscript{777}. Despite the organisation's fears, the French had not become involved in fighting with the RPF, and had largely been successful in securing their deployment area in south-western Rwanda\textsuperscript{778}. Oxfam feared another massive exodus of Hutus from this region with the departure of the French\textsuperscript{779}. The organisation was concerned at this point that the international relief effort should not again be overwhelmed whilst it was still in the midst of dealing with the initial refugee crisis. It urged a number of measures to encourage the return of refugees and ensure their safety including; relief, rehabilitation, and reconstruction activities within Rwanda, the rapid deployment of UNAMIR II, a delay in the withdrawal of the Tourquoise forces, and support for the investigation of the genocide\textsuperscript{780}. Although the expected refugee flows did not materialise, the condition of the refugees who had already fled to neighbouring countries remained of critical concern to Oxfam. With the victory of the RPF, stories of revenge massacres carried out by Tutsi against Hutu had begun to emerge. Some of these stories were exaggerated, and others invented to maintain the fear of massacre which had caused the Hutu to flee in the first place. By

\textsuperscript{773} Smith, “Rwanda: Refugee crisis deepens”; Smith, “The Need for Humanitarian Intervention”, para. 4
\textsuperscript{774} Chris McGreal, Ian Katz, & Ian Black, “Rwandan Apocalypse”, \textit{The Guardian}, 23 July 1994
\textsuperscript{775} Middleton & O'Keefe, \textit{Disaster and Development}, p. 115
\textsuperscript{776} The Economist, “The flight of a nation”
\textsuperscript{777} Connaughton, “Military Support for Humanitarian Assistance”, Section 3, paras. 1-17
\textsuperscript{778} Oxfam, “Rwanda: Urgently needed action”
\textsuperscript{779} Oxfam, “Rwanda: Urgently needed action”

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August, and despite the assurances of the new RPF-led government, few Rwandese refugees had returned\textsuperscript{781}. The security situation within the camps was beginning to deteriorate. Stockton reported from Goma that

"The political realities here lead us to believe quite strongly that a badly organised and poorly screened repatriation ... almost certainly will lead to a rapid increase in insecurity in Rwanda, as guerrillas are infiltrated into the country who will enjoy popular support of people in the Gisenyi and Ruhengeri area."\textsuperscript{782}

Oxfam's public response to this complex situation was twofold. In September 1994, it called for the creation of an international tribunal mechanism to prosecute those responsible for the genocide\textsuperscript{783}. Not all of the refugees were \textit{genocidaires}\textsuperscript{784}, and many feared that the RPF would exact revenge against all Hutu who returned irrespective of whether they had actually taken part in the killings\textsuperscript{785}. The refugees could only return if they were confident of being treated fairly and within the law. Moreover, Rwanda could only return to a degree of long term stability once the issue of the responsibility for the genocide had been conclusively settled. This could only be legitimately done through international and local legal processes. While the media coverage of the refugee flows in July and August had generated a massive international emergency relief response, Oxfam felt that insufficient resources had been allocated by the international community to the process of reconstruction, rehabilitation, and human rights protection within Rwanda\textsuperscript{786}. Without this, there was only the prospect of continued instability and communal conflict and suffering\textsuperscript{787}. In a letter to the \textit{Guardian}, Wallis cited a moral responsibility of the international community towards the victims of the genocide and the civilians in the refugee camps, again basing Oxfam's call for a tribunal on its construction of a complex of international rights and duties:

\begin{quote}
The international community has already failed the people of Rwanda ... by an abject failure of will and nerve to intervene once the killings had started.
These same nations are in danger of failing the people of Rwanda once again. It is crucial to establish a judicial process to prosecute individuals suspected of war crimes against humanity. This will require the establishment of an international tribunal and a new legal and judicial system.
\end{quote}

\textsuperscript{781} Oxfam, "Rwanda: Urgently Needed Action"

\textsuperscript{782} Vassall-Adams, \textit{Rwanda: An Agenda}, p. 51

\textsuperscript{783} Oxfam, "Oxfam warns of race against time in Rwanda as human rights process falters for lack of political will", Press Release, 14 September 1994, OPO

\textsuperscript{784} Indeed, persons accused of crimes against humanity such as genocide are not entitled under the Refugee Convention to have refugee status extended to them.

\textsuperscript{785} Connaughton, "Military Support for Humanitarian Assistance", Section 2, paras. 19-21


\textsuperscript{787} Oxfam, "Oxfam warns of race against time"
... It is vital that nations act consistently to uphold the basic rights of
human beings wherever they are threatened.\(^{788}\)

In the short term however, the camps began to see more and more bloodshed as the
extremists consolidated and enforced their control.

In early November 1994, deteriorating security in the refugee camps in
eastern Zaire led Oxfam and some other INGOs to threaten to withdraw its
operations from the camps (in the event Oxfam did not withdraw).\(^{789}\) It again
called for international military intervention, this time to protect relief operations
and disarm the camp militias in Zaire.\(^{790}\) In a joint public statement with other
agencies it called on the British government, again using the enabling language of
rights and duties, to support the deployment of UN troops in the camps, stating that
"the relief operation is unsustainable; refugees are denied the right to return to their homes,
equal access to humanitarian aid, protection, and the guarantee of basic human rights."\(^{791}\)
Oxfam (and many other INGOs) felt that it was essential that the perpetrators of
the genocide should be separated from the civilians in the camps.\(^{792}\) The
establishment of an international tribunal was a key aspect of this, but there was
also an urgent need to combine such action with the provision of physical security
for both refugees and aid agencies. On 30 November the Security Council
authorised a second military operation to secure the refugee camps and help
facilitate the return of the Hutu refugees to Rwanda.\(^{793}\) In the event however this
force did not materialise in the field, again because key UN member states were
not prepared to materially support it.\(^{794}\) In February 1995, Bryer asserted that
remembrance must be matched by the actions needed to avert the real danger of
renewed slaughter. By itself, humanitarian relief will not avert that. What could is a
serious effort to bring security to those Rwandese who have fled and who are still
intimidated by the killers, and to help the new government rebuild a fair judiciary
and reconstruct their country.\(^{795}\)

Oxfam’s advocacy at the end of 1994 reflects an important change in its criteria
for the success of humanitarian intervention. In April the organisation had publicly
constructed the duty of the international community towards the relief of suffering


\(^{789}\) Oxfam, “Aid agencies issue ultimatum over Rwandan refugee camps in Goma”, Press Release, 3
November 1994; McGreal, “Hutu extremist”

\(^{790}\) Oxfam, “Aid agencies issue ultimatum”

\(^{791}\) Sam Kiley, “UN chiefs to meet over reign of fear in Zaire aid camps”, *The Times*, 5 November
1994

\(^{792}\) Wallis, letter, 31 October 1994; Oxfam, “Aid agencies issue ultimatum”

\(^{793}\) Connaughton, “Military Support for Humanitarian Assistance”, Section 2, para. 34

\(^{794}\) Connaughton, “Military Support for Humanitarian Assistance”, Section 2, para. 34

\(^{795}\) Bryer, letter, 1 February 1995
in terms of a short-term military intervention to secure human rights and humanitarian operations, as it had in Iraq and initially in Somalia. In the effective absence of a timely operation, the crisis had deepened and become longer term. Oxfam's immediate concern for the welfare of the victims of the genocide and its perception of the long-term effects of the continuing refugee crisis in neighbouring states led it to advocate a longer-term and more sustained commitment by the international community. Hence this response arose out of the organisation's perception of the developmental causes and consequences of the Rwandese emergency.

In November, Oxfam was criticised for its advocacy of military intervention. The first major piece of criticism came in an article in the Times by Simon Jenkins. His article was a general critique of the practice of humanitarian intervention. It decried the establishment of aid distribution points in Goma, describing them as "magnets for the Hutu warlords": "Never was short-termism more at odds with harsh common sense. The UN and the more reckless relief agencies launched a worldwide appeal based on Goma as "the biggest humanitarian disaster since the founding of the United Nations." Jenkins specifically constructed the call by Oxfam and other agencies for intervention in the camps as illegitimate, arguing that the crisis in the camps was a consequence of the relief operations mounted by the aid agencies.

Oxfam's reply came in a letter in the Times from the Deputy Director, John Whitaker. When the organisation had been criticised in the 1970s and 1980s for illegitimately involving itself in 'political' issues through its advocacy activities, its response had been to assert the legitimacy of its actions based on its experience in the field. Oxfam's response to this new challenge to its legitimacy also reflected the changes in its humanitarian culture after the end of the Cold War. Whitaker asserted the organisation's construction of an international complex of rights and duties towards the welfare of suffering populations:

Contrary to Simon Jenkins' theory that it is the aid intervention which exacerbates instability in conflict situations, we believe it is the failure of the international community to engage in political and diplomatic involvement in the resolution of conflict that has resulted in the present chaos in Somali and Rwanda.

... Humanitarian agencies, as distinct from the United Nations, do not have a mandate to ... discharge international law.

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796 Simon Jenkins, "Fanning the flames of war", The Times, 9 November 1994
797 Jenkins, "Fanning the flames of war"
798 Jenkins, "Fanning the flames of war"
Mr Jenkins’s article illustrates the urgent need for the international community to act consistently in upholding human rights and civil law. The role of aid agencies in a humanitarian disaster is to address the effects of that disaster, while doing what they can to influence governments and the United Nations to play their role in addressing its causes.

Another critique of Oxfam’s call for intervention in the camps came from one of the most prolific writers on humanitarian relief, Alex de Waal, in an article in the *Independent on Sunday* later in the same month. The article was based on a larger article in the November-December issue of *Index on Censorship*, which was in turn based on a since much quoted 39-page publication by African Rights (also published in November) called *Humanitarianism Unbound?: Current Dilemmas Facing Multi-Mandate Relief Operations in Political emergencies*. de Waal picked up the themes of the challenges posed by post-Cold War civil conflict, and the opportunities provided by changes in the normative international context, and, at one point specifically addressed Oxfam’s calls for intervention in the camps. Focusing on competing constructions of ‘neutrality’ between agencies which claimed to have a human rights mandate, he asserted that Oxfam’s advocacy for intervention in the refugee camps in Zaire arose from a basic failure to engage with the full implications of claiming to be a ‘human rights’ oriented organisation. de Waal claimed that constructing the killings as genocide obliged Oxfam to participate in the capture and prosecution of the *genocidaires*. As such, de Waal claimed that Oxfam’s refusal to name the *genocidaires* was inconsistent, and hence illegitimate. Moreover, this inconsistency destabilised the organisation’s public assertion that human rights were at the core of its activities: “A human rights organisation must always be prepared to run the risk of being declared *persona non grata*.”

There were two responses by Oxfam arising out of de Waal’s and African Rights’ criticisms. The first was a reply from Bryer published in the same paper the following week. He accepted the dilemma faced by Oxfam in the refugee camps in eastern Zaire in providing emergency relief and at the same time

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800 Whitaker, letter
801 Alex de Waal, “Fine feelings, big problems”, *The Independent on Sunday*, 27 November 1994
804 De Waal, “Fine feelings, big problems”; see also de Waal, “African Encounters”, p. 26
806 De Waal, “African Encounters”, p. 25
807 David Bryer, letter, *The Independent on Sunday*, 4 December 1994
undertaking human rights advocacy. However, he contested de Waal’s assertion that this dilemma was the result of failing to fully engage with issues of human rights in the field:

[de Waal’s] citing of Oxfam and Rwanda is not a good example of an NGO backing down and deciding to keep quiet to protect staff or to be able to carry on providing relief. Oxfam has consistently argued, frequently in a very public manner, that genocide has happened in Rwanda and that those responsible for genocide must be brought to justice.808

Echoing Whitaker’s reply to Jenkins, Bryer refuted de Waal’s accusation that the organisation had been inconsistent in naming the killings as genocide and then refusing to help in the prosecution of genocidaires. He justified Oxfam’s refusal to participate in the capture and prosecution of the genocidaires on the basis that this was the duty of the international community. Oxfam’s human rights advocacy arose from its primary humanitarian duty towards the welfare of the suffering, and the organisation did not have the moral or legal authority to punish the perpetrators of the genocide:

we are not in a position to name guilty individuals as Mr De Waal demands because we do not know; it is not our mandate to investigate such crimes. That is why we have pushed for an international investigation. The article also misses the point on UN military intervention. Oxfam never claimed the UN could or should intervene in the war. Oxfam and other agencies called for rapid UN intervention to save as many civilians lives as possible by establishing safe areas, as the rump UN force of 400 successfully did to save thousands of people in Kigali. ... It is our firm belief that action by the international community could have saved tens of thousands of lives.

Oxfam will continue to speak out against human rights violations at the same time as ensuring that people’s basic rights to water, food and shelter are met. ... It is vital the international community does not turn its back on Rwanda.809

The second principle public response from Oxfam was a letter from Ed Cairns in Index on Censorship in January 1995810. Cairn’s letter reflects more strongly the changes in the organisation’s humanitarian culture in terms of legitimisation of relief activities through the language of ‘Basic rights’:

While humanitarian agencies have traditionally seen [human rights] threatened by lack of material resources, human rights groups have focused on threats from the political actions of governments and others. Such compartments are no longer valid. Oxfam believes in the indivisibility of all rights: the right to relief, for example is neither greater nor less than the right to protection from physical attack.

... Goma illustrates why this is so difficult for humanitarian agencies to put into practice. The right to life is threatened both by a lack of relief and by the prospect of further conflict. Yet these is the clear tension between protecting people from the former threat without exacerbating the latter.

This dilemma is made more acute by the relative inaction of other parts of the ‘international community’. It is the duty of governments hosting refugees, and

808 Bryer, letter, 4 December 1994
809 Bryer, letter, 4 December 1994
Chapter Seven: Rwanda

the [UNHCR] to determine which Rwandese now living in neighbouring countries are true refugees ...

... Some people suggest that aid agencies should deny aid to people in the Goma camps suspected of human rights abuses. Yet aid agencies that adopt this approach are in danger of becoming judge, jury and executioner, meting out possible death sentences against individuals who have not had a fair trial, and inevitably withdrawing aid from the innocent.  

Cairns acknowledges many of de Waal’s criticisms as valid but inevitable consequences of undertaking human rights advocacy and at the same time extending relief activities in the field. He challenges a key implicit assumption of de Waal’s argument; namely a dichotomy between ‘human rights’ organisations, and ‘humanitarian’ organisations. This reflects the process by which Oxfam has come to undertake advocacy on civil-political rights as a consequence of its developmental activities in the field (see Chapters Three and Four). In effect, he affirms the legitimacy of such advocacy as a ‘humanitarian’ activity. Equally importantly, he justifies Oxfam’s practices by contextualising them within an international complex of rights and duties towards the relief of suffering. In providing relief in the field, the organisation was fulfilling the primary humanitarian duty which forms the basis of Oxfam’s identity as a ‘humanitarian’ agency. The call for the separation and prosecution of the genocidaires was a consequence of this. The responsibility to actually undertake this action lay with the international community. As such, Cairns’ reply to de Waal is a justification both of the core rule in Oxfam’s humanitarian culture, and of the post-Cold War developments in the culture which have formed the basis of the qualified legitimisation of humanitarian intervention.

CONCLUSIONS

Since 1942, Oxfam’s constitutive humanitarian rule, that it has a duty towards the welfare of suffering populations has been interpreted as the organisation experienced different situations in the field. This cultural development has constituted Oxfam’s changing identity as a relief and development agency. With the end of the Cold War and the emergencies in northern Iraq and Somalia, Oxfam has had to engage with both a more permissive international context and more dangerous operational environments. Under the Directorship of David Bryer, the organisation has begun a process of retrospection and forward planning aimed at consolidating and expanding its activities around its core humanitarian values. A key point in this process was the formulation of the ‘Statement of Strategic Intent’. The importance of ‘Strategic Intent’ was not that it immediately constituted or legitimised new practices, as Cairns’ ‘conflict’ paper

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811 Cairns, letter, p. 9
did. Rather it provided a new enabling language of ‘Basic Rights’ and ‘Sustainable Livelihoods’ through which existing cultural practice could be conceptually integrated and publicly legitimised. It has also provided an agenda for the legitimisation of new practices which have arisen from the challenges of conflict and opportunities to assert humanitarian values in the post-Cold War world. As such ‘Strategic Intent’ reflects a key process of cultural change since it effectively provided new rules to give meaning to Oxfam’s practices as humanitarian activities. Importantly, the concept of ‘Basic Rights’ has been a key source of legitimacy for the organisation’s construction of a complex of international humanitarian rights and obligations. This construction justified the organisation’s practices in addressing the crisis in the Great Lakes region after the genocide in Rwanda.

In 1994 Oxfam was already heavily engaged in the relief of refugees and displaced persons fleeing from violent conflict in the Great Lakes region. Oxfam’s advocacy during the refugee crises in the area had included accounts of human rights abuse and its causes, presenting them in the context of their role in the creation and maintenance of long term poverty. Moreover, Waller’s claim in 1993 that “Rwanda stands on the brink of an uncharted abyss of anarchy and violence”812 was prophetic of the tragedy about to unfold. Nonetheless, Oxfam was unprepared for the sheer speed and scale of the genocide which began in April. The intense media coverage of the massacres and atrocity stories emerging from within Rwanda and the subsequent refugee crisis in eastern Zaire created a massive and irresistible dynamic within the organisation to respond. When the genocide began Oxfam expressed its concern for the physical security of civilians inside Rwanda by calling for international military intervention. This practice was enabled by normative change both in the wider international context, and in Oxfam’s own humanitarian culture. The organisation had not called for such intervention in Biafra or East Pakistan, where the suffering had been on a similar scale, and issues of human rights abuse had been equally prominent in media coverage of the emergencies. Indeed, Oxfam’s response to the East Pakistan disaster shows its acceptance of the primacy of state sovereignty in constraining its activities. Oxfam contributed to public discussions of human rights abuses in 1971 in a way which was not perceived as challenging Pakistani sovereignty. These practices had reflected the dominant interpretation of the sovereignty rule which allowed states to restrict the organisation’s humanitarian access. Moreover, Oxfam had been a far more ‘conservative’ organisation at that time. It was not until the early 1980s that

812 Waller, Rwanda: Which way now?, p. 60
it even began to undertake advocacy activities on the issue of human rights abuses committed against its own project workers. As such, the decision to conduct such advocacy in 1994 can also be understood in the context of the growing legitimacy in Oxfam’s humanitarian culture of advocacy on civil and political rights.

After the end of the Cold War changing norms of international humanitarianism enabled new forms of practice. In 1994 Oxfam specifically presented the argument that state sovereignty should not obstruct the extension of humanitarian provision and human rights protection. The precedents set by the involvement of the international community in providing protection for relief operations and suffering civilians, and the new language of international humanitarianism made such advocacy a great deal less controversial than it had been in 1971. Moreover, in publicly ascribing the massacres the meaning of ‘genocide’, Oxfam interpreted the inaction of the international community as illegitimate. The organisation specifically cited the responsibilities of states under international law, in particular the Genocide Convention, which commits states parties to prevent and punish the crime, legitimising Oxfam’s calls for military intervention.
Chapter Eight

Conclusion

Emergency humanitarian relief is not value free. It reflects the attitudes and values of the individual humanitarian actors who undertake particular relief practices within broader constraining and enabling contexts and networks of interaction. The purpose of this thesis has been to understand the way the humanitarian culture of one particular actor, Oxfam, has developed.

Oxfam was founded in 1942 as a challenge to the argument advanced by Allied leaders that the Axis powers were ultimately responsible for the welfare of civilians in occupied Europe. The core humanitarian rule around which the organisation's founding members coalesced, and which has been its central source of legitimisation ever since, was the collective duty of its members towards the welfare of suffering populations. Although its wartime campaign was unsuccessful in lifting the Allied blockade of occupied Europe to allow relief supplies through to famine-stricken populations in Greece, the organisation's values were seen by members to have been publicly legitimised by the donor response to Oxfam's appeals for funding. The organisation's central humanitarian duty was confirmed by the decision after the end of the war to extend its activities beyond Europe. The dominant interpretation of Oxfam's humanitarian culture in the immediate post-War period constructed the its identity and interests as lying with the relief of humanitarian emergencies. The debate over maintaining clothing appeals, the active engagement of the media in publicising emergency relief, and the early exchanges with the Charity Commissioners all served to emphasise the importance of maintaining the legitimacy of the organisation's public identity as a humanitarian organisation.
Oxfam’s increasing involvement in development activities throughout the 1950s and 1960s depended upon a key interpretation of its constitutive rule towards the relief of suffering. Its growing involvement in long-term refugee crises in the South brought the organisation into contact with suffering that could not be alleviated through the short term relief activities which characterised its emergency operations. This in turn led Oxfam to identify poverty as a principle perennial cause of suffering in the South. The organisation began to address this by supporting the process of Modernisation through development projects. During this period Oxfam’s expansion brought new members into the organisation who sought to conceptually engage the issue of development more comprehensively. Through the early period of the organisation’s existence, debates within Oxfam had been managed relatively unproblematically and uncontroversially through its consensus-based and inclusive policy making process. As the organisation grew in size and in the diversity of its membership, such contestations became more prominent, reflecting deeper divisions over the legitimacy of the dominant interpretations of Oxfam’s constitutive rule. With the support of senior members of staff such as the Director, Leslie Kirkley, the organisation began to gradually increase the profile of its growing identity as an agency which sought to alleviate both long and short-term suffering. In practice however, the organisation’s public identity was still dominated by its emergency relief practices. Nonetheless, the engagement with poverty as the most widespread cause of suffering enabled a constituency of radical members, many of whom had joined Oxfam as a result of its expansion, to raise new arguments about the legitimacy of the organisation’s development practices. This centred on the question of the greatest contribution Oxfam could make to the process of poverty alleviation.

The dominant interpretation of Oxfam’s duty towards the alleviation of poverty constituted its development activities as small scale projects targeting the material condition of particular groups of people in the South. Hitherto, this interpretation had constituted the organisation’s identity as a development agency. The argument of the radical constituency was that this limited the effect of the resources devoted to development. It was argued that the most legitimate way to achieve development would be to directly address the source of poverty, the structural inequality and exploitation inherent in the international economic system. This would be done by lobbying governments and international institutions and campaigning for changes to overseas aid and trade policies. This radical developmental agenda was advanced by Oxfam’s Deputy Director, Nick Stacey, to the Management Council in 1970. Stacey’s proposals were effectively an
alternative interpretation of Oxfam’s core rule towards the relief of suffering. Neither Stacey nor his opponents within Oxfam were disputing the legitimacy of development. Nor, critically, were they challenging the importance of emergency relief operations in legitimising its identity as a humanitarian agency. What Stacey and his supporters were asserting was that on the basis of their interpretation of the duty towards the relief of suffering, the most legitimate form of humanitarian practice was to divert resources from development activities in the South towards radical development advocacy in the North. The greatest challenge in the relief of suffering was the development of the South. As such the organisation needed to capitalise on the increasing radicalism of the young in British society by identifying itself more prominently with what were perceived to be the most important international development issues of the time. They were in effect advancing an alternative regulative rule to that which dominated the organisation’s identity as a development agency, and in so doing creating new possibilities for action.

At the time however Stacey’s constituency, although vocal, was still in a minority. His challenge failed essentially because he and the constituency he represented had overestimated the degree of legitimacy ascribed to developmental advocacy as an expression of Oxfam’s core values. The most instrumental arguments advanced against the radical constituency were concerned with the importance of the public legitimisation of Oxfam as a humanitarian agency. The decision to reject Stacey’s proposals affirmed what remains a key rule in Oxfam’s humanitarian culture: a central aspect of the organisation’s legitimacy as a humanitarian agency arises from its field-level involvement in the alleviation of suffering in the South. It also reflected the constraints of charity law, since many members felt that undertaking the kind of radical advocacy which Stacey was proposing would be judged by the Charity Commissioners as within the realm of political activity. Moreover, the bulk of Oxfam’s membership saw the public prominence of its emergency relief activities as the primary source of this public legitimacy. As such, Stacey’s proposals were not seen as a reinterpretation of Oxfam’s constitutive rule but a challenge to the principle legitimising source of its identity. This leads to a key conclusion of the thesis: the legitimacy of Oxfam’s identity as a humanitarian organisation means that not only is it unable to resist donor demands to respond to humanitarian emergencies, but that it must do so in the field.
Chapter Eight: Conclusion

Oxfam’s response to the Biafra emergency was constituted by its humanitarian culture. As the Stacey affair shows, the humanitarian credibility of the organisation depended on its willingness to respond to human suffering in the field. The media coverage of the emergency created significant donor pressure on Oxfam to extend relief to the Biafrans, confirming the public image of the organisation as an emergency relief agency. The Nigerian government’s blockade of Biafra posed a key challenge to Oxfam’s constitutive rule however; not only was it perceived by the organisation as being the primary cause of suffering, it was preventing Oxfam from undertaking activities which would relieve that suffering. In many ways it was symbolic of the circumstances in which Oxfam had been founded: the deliberate denial of basic human necessities by a ‘friendly’ state (since the Nigerian authorities were receiving economic and diplomatic support from the British government) was causing massive suffering amongst a civilian population. The compelling conditions of the emergency, widespread donor support, and the effects of the Nigerian embargo led Oxfam to challenge the legitimacy of the means used by the Federal government to quell the rebellion.

The Biafran emergency demonstrated the constraining and enabling influence of the particular historical context to the crisis. It made sense for Oxfam to lobby the British government to use its influence with the Nigerians precisely because of British support for the Nigerians. This was done by advancing the argument that the blockade was illegitimate since it was preventing the relief of human suffering. Such advocacy however was also effectively a challenge to what the Nigerian government felt was the legitimate exercise of its political and territorial sovereignty. The international climate during the Cold War was not permissive of claims to the primacy of humanitarian concerns over state sovereignty. The 1960s were a time when many Southern states were still in the process of emerging from colonialism. The type of statements being made by Oxfam staff, in particular the demands that the British government should exercise a degree of control over the Nigerian conduct of the war, were perceived by the Federal authorities as challenging its very statehood. This was particularly so in the context of the violent conflict over what was effectively the territorial integrity of the Nigerian state. Indeed, it was in this context that the head of the Nigerian military government, Major-General Yakubu Gowon, described Oxfam as a hostile organisation which was “‘involving itself politically”’ in the Nigerian crisis. In the event not only was Oxfam effectively unable to extend relief to the Biafrans during the war, but the hostile meaning ascribed by the Nigerian government to the

813 The Times, “Wilson assurance to Oxfam on safety of Biafra flights”, 8 July 1968
organisation's advocacy in the UK threatened to end its existing operations in government-held territory.

The dilemma of how to fulfil Oxfam's humanitarian duty in the face of state non-compliance forced it to adopt a different approach to advocacy over the issue of atrocities committed by Pakistani forces in East Pakistan in 1971. The scale of the emergency was huge. Over the course of the nine months of the secessionist war, nine million refugees fled the territory into two of the poorest states in India, where they lived in squalor amidst outbreaks of cholera and typhoid. The true number of dead has never been verified, but the refugees told stories of mass killings, organised rape, and other systematic human rights abuse. Oxfam was heavily involved in the relief effort in India, having been excluded from East Pakistan along with all other relief agencies and foreign journalists. The ever increasing number of refugees between March and December 1971 threatened to overwhelm the relief operations.

As in Biafra, the organisation was faced with the dilemma of addressing massive human suffering arising out of the assertion of its political and territorial integrity by a Southern state without compromising the possibility of humanitarian access. Oxfam's response was constituted within the constraints of the dominant interpretation of the sovereignty rule. This privileged the capacity of the host state to control access to suffering populations over international humanitarian concern. The organisation's own public statements did not mention the conduct of the war by the Pakistani forces. The source of the refugee flows were described as being the war itself. In this context, the calls for a cease-fire did not threaten Pakistani sovereignty, since it did not publicly hold the Pakistani government responsible for the refugee flows. The atrocities were addressed by the sponsorship of *The Testimony of Sixty*, in which prominent international figures such as Mother Theresa of Calcutta and Senator Edward Kennedy recounted refugee experiences of human rights abuses. The prominence of these figures meant that their reports carried a significant degree of public authority. Moreover, since they were not Oxfam representatives, it was more difficult to directly attribute their condemnation of the human rights abuses to the organisation. By contrast, advocacy during the Biafran crisis had been primarily conducted through senior Oxfam staff such as Kirkley and Stacey.

In Biafra and East Pakistan, Oxfam had been denied access to suffering populations because of state non-compliance. In Cambodia in 1979 the
organisation faced a situation where it could satisfy its own conditions of access, but in a context where the very provision of relief was seen to be a highly political act. The operational problems of working with a government that was highly distrustful of Western agencies, and in a country with no civil infrastructure and a lack of skilled personnel were immense. Nonetheless, the magnitude of the emergency demanded the organisation’s presence in the field to legitimise its identity as a humanitarian agency. The dominant interpretation of the sovereignty rule was not the constraint it had been in Biafra and East Pakistan, since the Cambodian government was not opposed to the initiation of relief operations per se. Rather it sought to control the precise degree of access aid agencies had to Cambodians under the control of the Khmer Rouge. As with the Biafra and East Pakistan emergencies, the organisation sought to establish the humanitarian meaning of its actions and deny partisanship towards a party to the conflict which had caused the emergency. Unlike Biafra and East Pakistan however, the host state was not implicated in the massive and systematic human rights abuse which characterised the conflict. Moreover, the scale of the suffering in government-held territory meant that the core rule in Oxfam’s humanitarian culture of the duty to provide relief in the field made it possible to break with the position of UNICEF and the ICRC, which had sought unconditional access. This effectively gained the consent of the Vietnamese-backed Heng Samrin government.

The operation took place within the context of a wider challenge to the legitimacy of the new Cambodian regime by Western states, as part of global superpower competition during the Cold War. Media coverage of the Khmer Rouge atrocities, and the massive human suffering (not to say the prominent support of the BBC children’s programme, Blue Peter) all helped to justify the legitimacy of Oxfam’s relief operations. Nonetheless, many in the West saw the organisation’s relief activities as de facto recognition of the Vietnamese government, and contended that much of the material delivered to Cambodia would be diverted by the communist government. Oxfam’s response to this challenge was to affirm the impartiality of the delivery of its relief. As such, its decision to initiate relief activities was justified on the basis of its core humanitarian duty towards the welfare of suffering populations within a restrictive international political context. Critically, the international controversy during the Cambodia operation was less constraining than the sovereignty rule had been during the Biafra and East Pakistan emergencies. Moreover, the controversy and high profile of the Cambodian operation re-emphasised the legitimacy of the organisation’s identity as an emergency relief agency. Oxfam’s privileging of the
basic needs of Cambodians in the face of the vast logistical and political obstacles has passed into the organisation's folklore, further affirming the legitimacy of the rule that the best way to relieve suffering is through the direct provision of relief and services. The current Director, David Bryer, justified the legitimacy of Oxfam's decision in 1979 to break with the ICRC and UNICEF's position at the International Peace Academy Conference in Vienna in 1996:

we ... chose not to work with the Cambodian refugees in the Thai border because we judged that the diversion of aid, including to the Khmer Rouge, was unacceptably high, and because the whole refugee crisis was in some ways being deliberately maintained for political purposes. What we now see as perhaps an unintended consequence of international aid around Rwanda - the sustaining of a military force determined to regain lost power - was in this case the strategic objective, for the US and allied governments, of aid to the Cambodian border. 814

Despite the assertion and continuing importance of emergency relief in the public identity and internal cultural justification of Oxfam's practices during the Stacey affair, some members continued to advocate a greater allocation of resources towards more prominent and forthright development advocacy. These concerns were enunciated in Robin Sharp's proposals in 1974 which raised the argument that addressing concepts of 'rights' and 'justice' in its practices was the most legitimate way for the organisation to address wider developmental issues. A key contention in Sharp's proposals had been that 'rights' and 'justice' oriented practices addressed the root causes of poverty in the form of 'basic needs'. In many ways they were as radical as Stacey's had been in 1970, and both sets of proposals represented the agenda of a wider constituency within the organisation.

There are a number of key differences between Sharp's proposals, and those of Nick Stacey three and a half years earlier, which explain why they were accepted. Firstly, Sharp's proposals were not perceived by most of Oxfam's members as a challenge to the organisation's core humanitarian values. By 1974, Oxfam's involvement in development had increased significantly from when Stacey had challenged the dominant interpretation of the organisation's constitutive duty towards the relief of suffering. Crucially, Sharp was not challenging the legitimacy of Oxfam's dominant practices of field-level operations. Indeed his letter justified the proposal for rights and justice oriented development on the basis of the organisation's experience of injustice and the denial of socio-economic rights in the South. Moreover, Sharp's arguments were confirmed by the organisation's experience in Latin America where developmental activities were coming under

pressure from brutal authoritarian regimes. This convergence of Oxfam’s core cultural rules and the direct experience in the field (and also the increase in the number of members, such as Brian Walker and Robin Sharp, who were receptive to a radical developmental agenda) achieved a far greater degree of consensus than Stacey’s proposals. In essence, although the constituency represented by Sharp was no less radical than that represented by Stacey, their proposals for change were accepted because they were consistent with the dominant understanding of Oxfam’s identity as humanitarian organisation.

By the end of the 1970s and throughout the 1980s, the legitimacy of the new justice and rights oriented practices was being challenged more and more often by members of the right of British politics. These occurred in the context both of UK charity law, and broader strategic East-West rivalry. Many of the groups in Latin America and southern Africa which Oxfam sought to support were characterised by the British right as typically left-wing and communist aligned (or even openly communist). As such the organisation’s rights and justice oriented development activities were perceived to be at best politically naïve, and at worst partisan towards the ideological objectives of the Soviet bloc. On the issue of Israeli repression in the Occupied Territories in the mid 1980s, Oxfam was also challenged by the Jewish Chronicle and some members of the British Jewish community. These critics challenged the legitimacy of Oxfam’s development and advocacy under the rules of British charity law which prohibit ‘political’ activity by charities. The organisation’s response was to assert that it was actually enabled by the Charity Commissioners’ guidelines to undertake such practices since they directly supported its programme of development activities in the field.

This argument arises out of the organisation’s engagement with issues of socio-economic rights and justice. The legitimisation of concepts of rights and justice in Oxfam’s humanitarian culture was confirmed in the incremental codification of the organisation’s values throughout the 1970s and 1980s in “Oxfam: An Interpretation” in 1975, the ‘need’ policy in 1979, the ‘apartheid’ policy in 1982, and the ‘sanctions’ policy in 1987. These changes in the organisation’s humanitarian culture made speaking out on particular instances of civil-political human rights abuse a necessary and legitimate humanitarian activity. Since the general promotion of such rights had been deemed illegitimate by the Charity Commissioners, it was crucial that Oxfam’s advocacy was justified as permissible in law. Oxfam publicly asserted that the politics arising out of these practices was a ‘consequence’ of the organisation’s rights and justice oriented
developmental activities in Latin America, southern Africa, and the Middle East. In these places Oxfam was not acting to promote agendas of state governance or religion, but rather was concerned specifically, and solely, with the fulfilment of its own secular humanitarian duty. Where, as in Latin America, southern Africa, and the Occupied Territories, injustice and the denial of socio-economic rights was enforced by the state, the organisation’s activities in the field, its advocacy in the UK and in international institutions inevitably had a political ‘aspect’. Since the Charity Commissioners’ 1986 guidelines on political activity seemed to allow a degree of ‘political’ activity directly in support of primary charitable objectives, Oxfam was able to contend that the practices constituted by its humanitarian culture were legitimate within the rules of UK charity law.

The argument advanced by Oxfam’s various critics claimed that the organisation was actually supporting ideological agendas for state governance, or ‘party’ politics. This is specifically prohibited under charity law because it addresses the legitimacy of the substance and manner of state policy implementation, constitutionally the preserve of political parties. The prevailing legal opinion is that the courts cannot determine whether such agendas are for the ‘public good’, and as such they cannot be deemed to be charitable. Oxfam’s identity as a charity constituted under the law was an important source of legitimacy for its humanitarian activities. The loss of charitable status hence significantly threatened its capacity to fulfil its core humanitarian duty. Moreover, rights and justice oriented activities were constituted as legitimate humanitarian activities by Oxfam’s core cultural rules. As such, the public challenges to the organisation’s positions on apartheid and violent repression in the Occupied Territories were effectively challenges to the public validity of its humanitarian culture.

Oxfam did not at any point challenge the dominant interpretation of political activity; rather it claimed that this interpretation did not apply to its own activities since they did not address the question of state governance. Everything the organisation did was directed at maintaining the legitimacy of its identity as a humanitarian agency. Rights and justice oriented practice was hence ‘humanitarian’ and not ‘political’, and so legitimate under charity law. This assertion enabled Oxfam to undertake the practices legitimised by its humanitarian culture as legitimate humanitarian activities. The ultimate interpretive power of charitable activity lay however with the Charity Commissioners. As such, the significance of their report in April 1991, was that it established the public
meaning of the organisation’s advocacy of sanctions against South Africa as beyond the realm of legitimate charitable political activity.

The fact that Oxfam continued to undertake, and indeed to expand the range of advocacy activities which the Charity Commissioners had found to be illegitimate, reflects two things. Firstly, it emphasised the authority of the organisation’s interpretation of its constitutive rule which had constituted its advocacy of sanctions. Whilst they had the ultimate interpretive power in terms of the public meaning ascribed to Oxfam’s actions, the Commissioners could not impose their interpretations upon the organisation’s members. Although Oxfam publicly accepted the legitimacy of the Commissioners’ judgement, internally the rules which had constituted its advocacy practices remained legitimate for a number of reasons. The legitimacy of the arguments which had been raised over the issue of apartheid and sanctions were based on the experience of Oxfam’s partner organisations and Field Directors in southern Africa. Moreover, the organisation’s policy had emerged through a long process of internal debate consistently and consensually legitimised by its core humanitarian rules. Hence, the claims the organisation raised in the late 1980s over apartheid and the denial of both socio-economic and civil-political rights satisfy the criteria for the cultural legitimisation of new practices:

- derivation from the constitutive duty towards the amelioration of suffering (caused by apartheid)
- consensus amongst Oxfam’s members (emerging from the long internal debates)
- confirmation by experience in the field (from the demands of partner organisations and field staff).

Most importantly however, the Commissioners’ report had confirmed Oxfam’s perception that a degree of political advocacy was permissible within the constraints of charity law. They had found the specific circumstances of the call for sanctions to be illegitimate, but not the wider argument that it may be acceptable for charities to challenge the legitimacy of state policy where this was preventing them from fulfilling their mandated activities. As such, the lesson Oxfam learned from the Charity Commissioners’ enquiry was not that it was illegitimate to advocate its rights and justice oriented developmental agenda. Rather, and paralleling the lessons it took from the Biafran emergency, the organisation must pay more attention to the specific legal and political context of such activities in the future.
The second basis for the continuing rights and justice oriented practice has been a more permissive national and international context. The replacement of Margaret Thatcher by John Major as Prime Minister in November 1990 reduced the authority of arguments raised by the right in British politics, significantly decreasing the pressure on the Commissioners to be seen to regulate charitable advocacy. Moreover, the end of the Cold War effectively removed the source of much of this criticism, since the global strategic context no longer permitted the ascription of meaning solely in terms of pro-Western or pro-Soviet action. The end of superpower competition, particularly in the forum of the UN Security Council, created space for the issues of international peace and security to be addressed through assertive multilateral action, as during the second Gulf War in 1991. This in turn made it more permissible for Oxfam to address the constraining power of state sovereignty by advocating its humanitarian concerns in the face of state non-compliance.

The emergency facing the Kurds in northern Iraq was a key episode in the development of this international context. The organisation's call for intervention in 1991 was unprecedented. It had never before adopted the position that military forces should be deployed within the borders of a state against the wishes of the host government. This represents a stark contrast to Oxfam's practices during the emergencies in Biafra and East Pakistan. In Biafra far less forthright advocacy had effectively compromised the organisation's operations in the field, whilst in 1971, it had been careful to not threaten the sovereignty of the Pakistani government. Oxfam's advocacy in April 1991 reflects the key role of its humanitarian culture in constituting its practices. The magnitude and urgency of the crisis, verified by senior staff in the field, demanded the organisation's presence as an assertion of its humanitarian identity. At the same time, the absence of security in northern Iraq made it impossible to extend relief effectively. Unlike the emergencies in Biafra and East Pakistan however, the Kurdish crisis occurred against the background of enabling changes in the international context, especially in relation to military action. One senior member recalls that

With the end of the Cold War, one was looking much more uncomplicatedly, rather more directly, at the issues of humanitarian challenge and protection of people. There was a new openness about the situation which meant that ... you could seriously talk with the military about the military in terms of humanitarian responsibilities, and not just the political challenges in terms of the containment of communism. 815

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815 Interview A
Unable to create the conditions in which it could fulfil its core duty of delivering relief in the field, the gathering momentum behind Operation Provide Comfort enabled Oxfam to assert the primacy of its concern for the welfare of the Kurds over the sovereignty of Iraq. A former member of staff emphasises that "if there hadn’t been a military operation, many, many, many, many, many more people would have died. They could not have been sustained. They couldn’t have been looked after."\(^{816}\)

The short-lived Allied military operation in Iraq did not in itself establish a concept of legitimate humanitarian intervention. Nonetheless, Security Council Resolution 688 and the Memorandum of Understanding between the UN and the Iraqi government were symbolic of an emerging consensus among the international community on the strengthening of humanitarian access and protection. Although the legality of the intervention is questionable, it did effectively allow Oxfam and other humanitarian agencies to conduct emergency operations in northern Iraq. Subsequent UN and UN-authorised operations in the former Yugoslavia, Somalia, and Rwanda would see the formula of armed humanitarian intervention become a set of legitimate practices in the international response to complex emergencies. They also saw this formula expand to include a much wider range of activities than those undertaken in Iraq. As such, Operation Provide Comfort was the first instance of the emerging practice of military intervention by, or on behalf of the international community to defend human rights and protect humanitarian operations. It is in this context that Richard Connaughton claims that "[t]he trend towards a tentative convergence of military and humanitarian interests really began in Northern Iraq in 1991 where it was possible to witness British Royal Marines painting a hospital operated by MSF"\(^{817}\). Moreover, the aftermath of the operation led to an expansion of these principles in the form of General Assembly Resolution 46/182 in 1991, which created the Department of Humanitarian Affairs, and the publishing of *Agenda for Peace* in 1992. Cumulatively, these documents indicated a change in the dominant interpretation of the rule of state sovereignty. It was becoming less permissible for host states to justify the denial of access to suffering populations on the basis of sovereignty.

These changes, and the growing insecurity of relief environments, provided the context for Oxfam’s call for intervention in Somalia in 1992. Although Oxfam had worked close to front lines in the past, its operations had always been in areas

\(^{816}\) Interview E
of relative security. Moreover the harassment, selective assassination, and torture directed at Oxfam staff in the 1970s and 1980s had been orchestrated campaigns of terror that aimed to disrupt relief and development activities. In Somalia there was no dichotomy between the organisation’s humanitarian activities and the violent conflict which caused the suffering Oxfam was engaged in relieving. This was a situation that the organisation would encounter again in the refuge camps of eastern Zaire in 1994. The intervention in Iraq had been successful in creating the short-term conditions in which Oxfam could fulfil its primary duty to ameliorate suffering in the field. The most important issue for the organisation in Somalia in December 1992, as it had been in northern Iraq in 1991, was that of protection:

There were people dying in those villages, food was not getting to them because it was chaotic, the only way of establishing law and order was an external force. The clans couldn’t do it, nobody trusted Aideed or Ali Mahdi, Barre had twisted off. What the hell else were you going to do but put in a force?818

The calls for intervention in Iraq and Kurdistan were essentially spontaneous reactions to crises in the field. It was not until the aftermath of the Somalia operation that Oxfam began to seriously and systematically consider the legitimacy of its advocacy for intervention. This was a consequence both of the structural growth of its capacity to respond to emergencies, and the perceived necessity to conceptually reconcile the two dominant elements of Oxfam’s practices after the Cold War: emergency relief in situations of violent conflict, and long-term rights and justice oriented development. These two themes have emerged as prominent issues in the organisation’s process of strategic planning819. The construction of the key concept of ‘Basic Rights’ has framed Oxfam’s approach to the problems both of devising the criteria for legitimate humanitarian intervention, and of conceptually integrating the basis for its relief and development practices. ‘Basic Rights’ formalised socio-economic rights and justice as the principle source of legitimacy for the organisation’s advocacy of civil-political rights in the context of humanitarian emergencies. It has made Oxfam’s qualified legitimisation of military intervention possible, by locating such operations within a broader duty of the international community towards the relief

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818 Interview F
of human suffering, and the rights of affected populations to humanitarian protection.

Although the evolution of this sophisticated construction of rights and duty based legitimacy for qualified humanitarian intervention has not been publicly contested within the organisation, neither has it been unanimously supported by Oxfam members. A minority within the staff have been concerned that its identity as a humanitarian organisation should preclude support for the exercise of lethal force. This unease was one element in Oxfam’s decision to mount more prominent development advocacy campaigns. Although Ed Cairns’ ‘conflict’ paper was adopted by the Trustees in November 1993 after some minor revisions, it had originally been presented to them in September. Alongside it for consideration was a paper proposing a major Oxfam public advocacy campaign against the production, sale, and use of anti-personnel land-mines, which was adopted in the same meeting. Within Oxfam the anti-landmine campaign was an entirely uncontroversial expression of the organisation’s humanitarian culture. It directly addressed a long-term cause of massive suffering throughout the world, suffering which Oxfam witnessed and addressed in the field through its relief and development activities. It also served a symbolic function however. Land-mines were a long term cause of suffering, and more disruptive of development activities than relief operations. Not only did they kill and injure non-combatants, they also effectively denied access to large areas of land even after the end of a conflict making the task of rehabilitation and reconstruction even more difficult. The anti-landmines campaign hence directly addressed Oxfam’s long-term developmental objectives. Moreover, by addressing a cause of suffering arising out of conflict, the organisation was effectively making the point that calling for military intervention was not a deviation from the core understanding that conflict is a cause of suffering. As such, the landmines campaign has helped to reassure those within Oxfam and amongst its external supporters that the organisation was not being drawn into a position over the issue of humanitarian intervention which was inconsistent with its values and culture.

The organisation’s operations in the Great Lakes region occurred in the midst of this process of cultural development, and the organisation’s practices reflected many of the key elements of this change. The Rwandese crisis was the latest in a series of massive emergencies, the scale, complexity, and intensity of which Oxfam was unprepared for. The organisation had already committed itself

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820 Cairns, interview
to the relief of the Rwandese and the refugees from neighbouring states within Rwanda when the genocide began. There was no question over whether Oxfam should respond to the crisis in the field. The whole organisation at both field and headquarters level was caught up in the trauma of the killings. The insecurity of the crisis was even more intense than it had been in Somalia. The naming of the crisis as a genocide served two purposes. In the first instance it was a genuinely felt and credible characterisation of the mass killings. Staff in Rwanda were familiar with the communal nature of the Habyarimana regime, and the objectives behind the mobilisation of the extremist militia in the period before the genocide. Moreover, as Anne Mackintosh’s comments to the Independent show, field staff were actually in a position during the initial stages of the killings to verify the events.

Secondly, it reflected Oxfam’s emerging construction of an international complex of rights and duties towards the relief of suffering. During the emergencies in Iraq and Somalia, the organisation’s calls for intervention had occurred in the context of the public willingness of the international community to use force to secure humanitarian protection. In 1991, although made privately to the British government, Oxfam’s advocacy of the deployment of an international force in northern Iraq had come after Operation Provide Comfort had been proposed, and a number of countries had declared their support for the intervention. The public call for intervention in Somalia had similarly been made whilst the Security Council was considering the US proposal for the deployment of an international military force to protect humanitarian operations. The context in 1994 was very different. The disastrous Somalia operation had made key states, most prominently the US, resistant to responding to such calls. As such, whilst the end of the Cold War had made it possible to advocate intervention, the actual experience of such an operation in Somalia had made it unlikely that the international community would respond. By 1994, the international context had changed again: whilst it remained permissive, it was less responsive. The naming of genocide made it possible for the organisation to raise the argument that the international community had a moral duty to intervene under the terms of the Genocide Convention. Intervention was felt to be the only realistic way to protect the victims of the genocide, and to make it possible for Oxfam to address the suffering in the field.

The second call for intervention in the refugee camps of eastern Zaire also reflects the organisation’s inability to effectively deliver relief in the context of
chronic insecurity. This advocacy was again legitimised by the naming of genocide. Oxfam constructed the duty of the signatories to the Genocide Convention as being not only to prevent genocide and protect its victims, but also to punish its perpetrators. In this respect, the organisation sought the separation of genuine refugees (those who were not implicated in the execution of the genocide) from the genocidaires. This would secure the organisation’s relief operations, and facilitate the return of the refugees to Rwanda. This second call for intervention, and the accompanying advocacy of an international tribunal to prosecute the genocidaires can be understood as a convergence of its longer-term developmental and emergency relief concerns. So long as the refugees remained at the mercy of the extremist militia and former government armed forces, they would be dependent on international relief operations. Moreover, unless the refugees returned under conditions of safety and the rule of law, Rwanda had no hope of long term rehabilitation and stability. In the event, relief operations in Zaire and the process of returning the Rwandese refugees were overtaken by the campaign to overthrow the Mobutu regime in Zaire.

Oxfam continues to promote and elaborate a rights and justice oriented approach to emergency relief and base this on the established legitimacy of its development practices. In this respect the Strategic Review report published in July 1998 is a key and authoritative document. It outlines how Oxfam will engage the challenges and opportunities of the post-cold War world well into the next millennium. The authority of the report arises from the inclusive process of review and planning which has produced it: every section of the organisation’s membership has been consulted and given an opportunity to contribute to it. This again emphasises the importance of the achievement of consensus among members to establish the intersubjective legitimacy of new policy and practices.

Oxfam’s humanitarian culture constitutes its practices. It is the conceptual framework through which the organisation ascribes legitimacy to its activities, and decides what moves it will make in wider public contexts. Humanitarian culture gives meaning to the ‘reality’ of complex emergencies. These meanings arise and develop through processes of contestation, debate, challenge, and justification among members, Oxfam’s interactions with other humanitarian actors, and in the context of particular experiences in the field. In particular, the role of contestations

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821 Darcy, interview
822 Oxfam, Oxfam Strategic Review 98
823 Interview B
824 Interview B
and justifications in affirming and developing humanitarian culture points to another contention: different actors construct humanitarianism through their own culture, and not on the basis of a universal concept. Oxfam's construction of legitimate humanitarian practice in Cambodia differed from that of UNICEF and the ICRC. In Somalia, its call for military intervention in December 1992 was not echoed by SCF. Similarly, not all agencies felt that intervention in the refugee camps of eastern Zaire would serve humanitarian ends. This thesis has not engaged this argument directly, since it requires a comparative cultural analysis of at least two different agencies. As such, the thesis ends by establishing a research agenda: to examine how different agencies constitute alternative practices through their own humanitarian cultures.
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Annex A: Interview Questions - James Darcy

OXFORD, 23 JULY 1998

- 'Human rights' is a multi-faceted phenomenon - it means different things to different humanitarian agencies. This is a key contention of my thesis.

1. How did 'human rights' fit into Oxfam's mandate and activities at the end of the Cold War?

2. How and why, if at all, has this changed since the Cold War?

- Oxfam was involved in the relief of Kurds in northern Iraq after the second Gulf War. Although it was widely reported in the media at the time, Oxfam did not emphasise the human rights abuses committed by the Iraqi regime on its civilian populations.

3. How important were considerations of Iraqi sovereignty in how Oxfam responded to the Kurdish crisis?

4. How important were the human rights abuses committed by Iraqi forces against the Kurds in the way Oxfam approached the operation? Were these separated from the immediate relief requirements of the Kurds?

5. Did Oxfam operate in accordance with the UN's Memorandum of Understanding with the Iraqi government? If so/not, why?

- One of the most notable things (for me) about Oxfam after the Cold War is that it has called for external (albeit international) military involvement in the resolution of local conflicts. The first time was in 1991, when it initially called for the intervention of international military forces to support relief and peace-making operations in Somalia. Oxfam later changed its position and called for a reduction in military operations as UN forces became involved in a war with the SNA. During the course of the operation Oxfam repeatedly called for efforts to be made to resolve the conflict and support civil society institutions.
6. Did the Somalia operation leave Oxfam feeling more cautious about calling for international military intervention in the future?

7. Does Oxfam now feel it has a conflict resolution role as well as its traditional relief and development roles?

8. For Oxfam, where do human rights fit into conflict resolution?

- The genocide in Rwanda in 1994 was particularly traumatic for Oxfam. It had staff in Rwanda, both local and expatriate, who witnessed at first hand atrocities committed by extremists. Oxfam was among the first to publicly describe the massacres as a genocide, and later went on to cite the responsibilities of states parties to the Genocide Convention to prevent and punish the crime. The organisation drew a difference between the genocide and the fighting between the Rwandese government and the rebel RPF. It called for international military intervention under UN auspices, and was highly critical of US and French efforts to prevent this in the Security Council.

9. Why, in the wake of Somalia, was one of Oxfam's first responses to call for military intervention?

10. How important, were considerations of Rwandan sovereignty at this stage?

11. Was the distinction made between the civil war and the genocide a tactical move designed to present a case where the international community had a legitimate duty to intervene? How concerned, at this stage, was Oxfam with the longer term resolution of the conflict?

- Once the genocide had stopped, Oxfam was faced with massive refugee populations in neighbouring states, particularly Zaire. These populations were under the control of the same armed extremists who had committed the genocide. At this point Oxfam called for international protection of relief operations, and the arrest and prosecution of those who had committed the genocide. The organisation specifically called on the British government to respond.

12. Was there any concern that Oxfam's public statements might incur the wrath of the Charity Commissioners?

13. Was there any concern within the organisation about the fact that Oxfam, traditionally a relief and development organisation, was actively campaigning on issues of civil and political human rights? Has there been any since?
• The language of 'justice' and 'rights' entered Oxfam's vocabulary in the late 1970s. Its central role in Oxfam's mandate has been confirmed by both Brian Walker and Frank Judd.

14. What, if anything, prompted Oxfam's 5-year Strategic Plan?

15. Why was it felt necessary to refine these into a campaign on 'Basic Rights'?

16. Bearing in mind how long concepts of 'rights' and 'justice' have been associated with Oxfam's development programme, why has it taken so long to arrive at a consensus on presenting them in the organisation's advocacy activities?

17. Why has there been a strategic review? What problems was it meant to address?

18. What, if any, conclusions have been reached about Oxfam's approach to human rights (both first and second generation) and conflict?
Annex B: Interview Questions - Lord Judd

LONDON, 15 JUNE 1998

• 'Human rights' is a multi-faceted phenomenon - it means different things to different humanitarian agencies. This is a key contention of my thesis.

1. How did you see 'human rights' fitting into Oxfam's mandate and activities when you first arrived?

2. How and why, if at all, did this change over the years you were with the organisation?

• When you took over as Director from Guy Stringer in 1986, you arrived at an organisation that was in the midst of a long ongoing discussion over the issue of what policies Oxfam should adopt towards the effect of apartheid in South Africa.

3. Why do you feel the organisation adopted a pro-sanctions position in 1987?

• The year you arrived, the Charity Commissioners issued a new set of guidelines on political activities by charities. These new guidelines seemed to accept the possibility that some degree of political activity may be permitted where this was directly subsidiary to a charity's objects.

4. What effect, if any, did this have on the debate over sanctions?

• Throughout the 1980s Oxfam began to undertake far more contentious advocacy campaigns than ever before. Oxfam's public response to issues such as repression in the Occupied Territories, apartheid, US support for the Contras, and the resurgence of the Khmer Rouge, began to include for the first time concerns over not only social and economic human rights, but also civil and political ones.
5. Was this the result of a deliberate and considered organisational approach to the issue of human rights abuse, or were they individual responses to particular situations?

- Having looked at a range of Oxfam publicity, and public statements by you and others, it appears that Oxfam went to great lengths to take advantage of the space created by the new guidelines to pursue more forthright advocacy activities. At the same time some effort was clearly made to ensure that this was within the letter of the guidelines. Yet the Commissioner’s report censured Oxfam for having undertaken unacceptable political activities.

6. What lessons, if any, did Oxfam try to learn from this episode?

- The end of the Cold War had a momentous impact on the conduct of inter-state relations throughout the world. It seemed to open up a range of possible international action to resolve conflict and end oppression that had been unthinkable before. At the same time it made many existing and new conflicts more savage and dangerous, particularly for agencies like Oxfam.

7. What concerns, if any, did Oxfam have about the end of the Cold War, and how did it respond to these?

8. What opportunities, if any, was Oxfam concerned to exploit, and how did it go about this?

9. What impact, if any, did the end of the Cold War have on Oxfam’s continued evolution as
   a) a development agency?
   b) a relief agency?

- During the Cold War, external military involvement in local conflicts directly led to them taking the forms which they did. You had criticised US support for the Contras early in your incumbency, and Oxfam had highlighted the effects of Western support for the Khmer Rouge in a campaign in 1988. In April 1991 however, Oxfam publicly welcomed the deployment of international forces to protect Kurds in northern Iraq. In November of the same year Oxfam joined other agencies in calling for international military intervention in Somalia to support the international humanitarian effort.

10. Specifically what factors determined how Oxfam responded to the Kurdish crisis? How important, if at all, was the consideration of the human rights abuses committed by the Iraqi regime against the Kurdish and other civilian populations in Oxfam’s consideration of the crisis?
11. Why did Oxfam not call for international military intervention in northern Iraq? How important, if at all, were considerations of Iraqi sovereignty?

12. Did Oxfam operate under the same rules (MoU) as UNHCR?

13. What lessons, if any, did Oxfam learn from the Kurdish operation?

14. Why did Oxfam call for international military intervention in Somalia in November 1991? Was there any opposition within Oxfam to this position? Was it a unique response to a particular situation, or was it the result of a reassessment of the role of the international community in the amelioration of suffering?
CHIPPING NORTON, 6 JUNE 1998

One of the most notable things (for me) about Oxfam after the Cold War is that it has called for external, albeit international, military involvement in the resolution of local conflicts. The first time was in 1992, when it initially called for the intervention of international military forces to support relief and peace-making operations in Somalia. Oxfam later changed its position and called for a reduction in military operations as UN forces became involved in a war with the SNA. During the course of the operation Oxfam repeatedly called for efforts to be made to resolve the conflict and support civil society institutions.

1. What was the background to Oxfam's withdrawal from Mogadishu in December 1990?

2. Why was Somalia not emphasised more prominently amongst the group of African countries facing famine during the first half of 1991 when Oxfam was absent from much of Somalia?

3. What role, if any, did Oxfam play in the efforts of UN Special Representative Mohamed Sahnoun's attempts at conflict resolution between April and October 1992?

4. In retrospect, should Oxfam have called for military intervention in December 1992?

5. How, if at all, did the operations of the US led intervention force, UNITAF, affect Oxfam's work in Somalia?

6. In what condition was the morale of field staff during the Somalia operation? How, if at all, did this affect Oxfam's operations?

7. In the wake of the Somalia operation did Oxfam feel it had a conflict resolution role as well as its traditional relief and development roles? If so, where do human rights fit into conflict resolution?
Annex D: Interview Questions - Rev. Nicolas Stacey

Selling, 16 June 1998

- 'Human rights' is a multi-faceted phenomenon - it means different things to different humanitarian agencies. This is a key contention of my thesis.

1. How, if at all, did you see 'human rights' fitting into Oxfam’s mandate and activities when you first arrived?

2. How and why, if at all, did this change over the years you were with the organisation?

- One of the most remarkable things (for me) about your incumbency is that an existing constituency within Oxfam coalesced around you to urge the adoption of more radical developmental activities, including far more forthright advocacy activities.

3. How heterogeneous was the constituency which advocated radical development?

4. Did you feel you were challenging Oxfam’s core values?

5. In retrospect, why do you think that your proposals to the Oxfam Council in February 1970 were not adopted? How important, if at all, were fears of censure by the Charity Commissioners?

- Oxfam was involved in ameliorating suffering arising out of the Biafran conflict from its outset in 1967. The inability of aid agencies to deliver large amounts of relief over land was presented in much of the UK media as largely the result of the Nigerian government’s economic blockade of Biafra. Oxfam’s public statements that the blockade should be lifted received very hostile responses from the Nigerian government, that such action violated Nigerian state sovereignty. Oxfam’s representative in Nigeria, Tim Brierly, reported at the
time that he was having difficulty organising relief as a result of the government’s hostility towards Oxfam.

6. How important, if at all, were considerations of Nigerian sovereignty in the way Oxfam responded to the Biafran crisis?

7. Do you feel that the nature of public statements made at the time by you and others, including Leslie Kirkley, were justified given the operational problems they created?
Annex E: Interview Questions - Tony Vaux

OXFORD, 30 JULY 1998

• 'Human rights' is a multi-faceted phenomenon - it means different things to different humanitarian agencies. This is a key contention of my thesis.

   1. How did ‘human rights’ fit into Oxfam’s mandate and activities at the end of the Cold War?

   2. How and why, if at all, has this changed since the Cold War?

• Oxfam was involved in the relief of Kurds in northern Iraq after the second Gulf War. Although it was widely reported in the media at the time, Oxfam did not emphasise the human rights abuses committed by the Iraqi regime on its civilian populations.

   3. How important, were considerations of Iraqi sovereignty in how Oxfam responded to the Kurdish crisis?

   4. How important, were the human rights abuses committed by Iraqi forces against the Kurds in the way Oxfam approached the operation? Were these separated from the immediate relief requirements of the Kurds?

   5. Did Oxfam operate in accordance with the UN’s Memorandum of Understanding with the Iraqi government? If so/not, why?

• One of the most notable things (for me) about Oxfam after the Cold War is that it has called for external (albeit international) military involvement in the resolution of local conflicts. The first time was in 1991, when it initially called for the intervention of international military forces to support relief and peace-making operations in Somalia. Oxfam later changed its position and called for a reduction in military operations as UN forces became involved in a war with the SNA. During the course of the operation Oxfam repeatedly called for efforts to be made to resolve the conflict and support civil society institutions.
6. Did the Somalia operation leave Oxfam feeling more cautious about calling for international military intervention in the future?

7. Does Oxfam now feel it has a conflict resolution role as well as its traditional relief and development roles?

8. For Oxfam, where do human rights fit into conflict resolution?

- The genocide in Rwanda in 1994 was particularly traumatic for Oxfam. It had staff in Rwanda, both local and expatriate, who witnessed at first hand atrocities committed by extremists. Oxfam was among the first to publicly describe the massacres as a genocide, and later went on to cite the responsibilities of states parties to the Genocide Convention to prevent and punish the crime. The organisation drew a difference between the genocide and the fighting between the Rwandese government and the rebel RPF. It called for international military intervention under UN auspices, and was highly critical of US and French efforts to prevent this in the Security Council.

9. Why, in the wake of Somalia, was one of Oxfam’s first responses to call for military intervention?

10. How important, were considerations of Rwandan sovereignty at this stage?

11. Was the distinction made between the civil war and the genocide a tactical move designed to present a case where the international community had a legitimate duty to intervene? How concerned, at this stage, was Oxfam with the longer term resolution of the conflict?

- Once the genocide had stopped, Oxfam was faced with massive refugee populations in neighbouring states, particularly Zaire. These populations were under the control of the same armed extremists who had committed the genocide. At this point Oxfam called for international protection of relief operations, and the arrest and prosecution of those who had committed the genocide. The organisation specifically called on the British government to respond.

12. Was there any concern that Oxfam’s public statements might incur the wrath of the Charity Commissioners?

13. Was there any concern within the organisation about the fact that Oxfam, traditionally a relief and development organisation, was actively campaigning on issues of civil and political human rights? Has there been any since?
The language of 'justice' and 'rights' entered Oxfam’s vocabulary in the late 1970s. Its central role in Oxfam’s mandate has been confirmed by both Brian Walker and Frank Judd.

14. What, if anything, prompted Oxfam’s 5-year Strategic Plan?

15. Why was it felt necessary to refine these into a campaign on ‘Basic Rights’?

16. Bearing in mind how long concepts of ‘rights’ and ‘justice’ have been associated with Oxfam’s development programme, why has it taken so long to arrive at a consensus on presenting them in the organisation’s advocacy activities?

17. Why has there been a strategic review? What problems was it meant to address?

18. What, if any, conclusions have been reached about Oxfam’s approach to human rights (both first and second generation) and conflict?
Annex F: Interview Questions - Brian Walker

ARNSIDE, 23 JUNE 1998

• 'Human rights' is a multi-faceted phenomenon - it means different things to different humanitarian agencies. This is a key contention of my thesis.

1. How did you see 'human rights' fitting into Oxfam's mandate and activities when you first arrived?

2. How and why, if at all, did this change over the years you were with the organisation?

• You seemed to have paid far more attention than your predecessor, Leslie Kirkley, to establishing in writing the principles which inform Oxfam's activities. I would say that this process began with "Oxfam: An Interpretation", and can be seen in the debates over Oxfam's policies towards southern Africa. Kirkley's approach, when Oxfam was a much smaller organisation, seemed to emphasise more informal consensus-building. One former staff member remembers that Kirkley actively discouraged too much policy actually being written down.

3. Why did you feel it was necessary to take your approach
   a) generally?
   b) in the specific case of Oxfam?

• Soon after you arrived at Oxfam, you and the Deputy Director, Guy Stringer, began a series of structural and managerial reforms.

4. Why did you feel this was necessary?

5. What were the most difficult aspects of instituting these reforms?

• In 1974 Oxfam was still experiencing a debate between those who sought a more radical development agenda, and those who favoured a more traditionalist
approach to charitable work overseas. By the end of the 1970s concepts of ‘rights’ and ‘justice’ began to feature more prominently in Oxfam’s publicity.

6. What influence did violent repression in Latin America have on this debate over Oxfam’s development mission?

7. What, at the time, did ‘rights’ and ‘justice’ mean for you?

- As Oxfam began to support projects in the South which sought to actively address social injustice it began to come under attack from figures and organisations on the right of British politics. In the public replies to charges of political bias you and other staff emphasised that whilst Oxfam was not a ‘political’ organisation, its work had inevitable ‘political consequences’.

8. What, in the way you understood it at the time, was the difference between being ‘being political’ and having ‘political consequences’?

- In 1979 Oxfam diverged from the positions of the ICRC and UNICEF, by making an agreement with the new Cambodian government allowing it to initiate relief activities in Cambodia. This decision was to lead to accusations that Oxfam had de facto recognised the Vietnamese supported government in Phnom Penh, which was considered illegitimate by most Western-aligned states.

9. Why did you feel this decision needed to made?

10. Did you think at the time that this decision would attract as much controversy as it did?

- The Cambodia operation has passed into Oxfam’s history as the organisation’s ‘finest hour’. Yet important mistakes were made, particularly in over-estimating the scale of the famine. These were revealed at the time in reports from Tim Lusty, Robert Mister, and Tigger Stack.

11. Why did Oxfam choose not to present these failings in its publicity materials and in contacts with the media?

- Oxfam engaged in a long and drawn out internal discussion over the issue of how to approach the issue of violence and poverty arising out of apartheid in South Africa. This discussion continued for some time after you left Oxfam as Director. It produced two policy documents (“Policy statement regarding the response to need in the context of human conflict and political repression” in 1979, and “Oxfam’s policy in Southern Africa” in 1982 which recognised the role of apartheid in creating poverty in South Africa) which mark an evolution towards the pro-sanctions position adopted in 1989.
12. Why did it take so long for Oxfam to come to a firm consensus on its policy towards southern Africa?

13. What kind of compromises within Oxfam did these two documents represent?