

LETTING GO OF THE HUMANITARIAN PRINCIPLES IN COMPLEX EMERGENCIES? A CASE STUDY OF CIVIL-MILITARY COOPERATION IN THE EASTERN DEMOCRATIC REPUBLIC OF CONGO

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Abstract: *Civil-military cooperation (CIMIC) has officially emerged as a coordinated strategy between the United Nations peacekeeping missions and humanitarian non-governmental organizations (NGOs) to enable access to people in need of assistance in complex emergencies. However, this integrated approach raises serious concerns regarding the respect of traditional principles of humanitarian action: humanity, impartiality, neutrality, and independence. While some humanitarian NGOs are opposed to any form of collaboration with the military, others believe this cooperation is very important to enable access and provide aid to civilians in needs. Using the case study of the Democratic Republic of Congo (DRC), this article analyses the impact of the CIMIC integrated approach between the United Nations Peacekeeping and Stabilization Mission in the DRC (MONUSCO) and humanitarian NGOs on the afore-mentioned principles of humanitarian action. It argues that most humanitarian NGOs that are operating in the Eastern DRC are opposed to the CIMIC's integrated approach as it pushes them to violate the principles of neutrality, independence, and impartiality. Second, CIMIC increases the danger of humanitarian workers to be targeted by illegal armed groups. Third, despite their integrated approach, both MONUSCO and humanitarian actors have not been able to pacify the Eastern DRC, end the humanitarian needs of the population, or improve their effectiveness.*

Keywords: *Humanitarian intervention, DR Congo, civil-military cooperation, peace-building, complex emergencies*

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Introduction

Civil-military cooperation (CIMIC) in complex emergencies raises a controversial debate between the strict principled and less-principled approach NGOs. Traditional NGOs such as the Red Cross, the Red Crescent, and Médecins Sans Frontières (MSF) are in favor of the ‘*strict respect*’ of the four traditional principles of humanitarian action: humanity, impartiality, neutrality, and independence.¹ According to Red Cross and Red Crescent Guide, the principle of humanity refers to “the desire to prevent and alleviate human suffering wherever it may be found to protect life and health, and to ensure respect of human being”.² Impartiality refers to the “no discrimination nature of humanitarian aid and action as to nationality, race, religious beliefs, class, or political opinions.”³ It endeavours to relieve the suffering of individuals, being guided solely by their needs, and to give priority to the most urgent cases of distress”.⁴ Neutrality implies that humanitarian organizations should “not take sides in hostilities or engage at any time in controversies of a political, racial, religious, or ideological nature.”⁵ Lastly, independence implies that humanitarian action “must always maintain their autonomy from public and government authorities”.⁶

While there is a huge literature that discusses the emergence and evolution of the civil-military cooperation in the United Nations system and the humanitarian field, only few research studies assess the actual impact of this CIMIC collaborative approach on the principles of humanitarian action.⁷

¹ Red Cross and Red Crescent, “Four Key Humanitarian Principles Set by Red Cross and Red Crescent Guide the Action of Most Humanitarian Organizations Namely Humanity, Impartiality, Neutrality, and Independence”, 1996, p. 2.

² *Ibidem*.

³ *Ibidem*.

⁴ *Ibidem*.

⁵ Red Cross and Red Crescent, *op. cit.*

⁶ *Ibidem*.

⁷ Cedrick De Coning, “The United Nations and the Comprehensive Approach”, DIIS REPORT, IASC, “Civil-military Relationship in Complex Emergencies, An IASC Reference Paper”, 2004; Hugo Slim, *Relief Agencies and Moral Standing in War: Principles of Humanity, Neutrality, Impartiality and Solidarity*, New York: Routledge 1997; Ferreiro Marcos Rodriguez, “Blurring of Lines in Complex Emergencies: Consequences for the Humanitarian Community”; Victor Holt, Taylor Glyn and Max Kelly, “Protecting Civilians in the Context of UN Peacekeeping Operations: Successes, Setbacks and Remaining Challenges”, Independent study jointly commissioned by DPKO and OCHA, 2009; Red Cross and Red Crescent, *op. cit.*;

Similarly, several studies in the literature analyze the root causes of armed conflicts, the peace-making (mediation and negotiation) processes undertaken to solve them,⁸ and the role of MONUSCO, as a peacekeeping and peace-building mechanism, in protecting civilian populations in the Eastern DRC.⁹ However, not much research in the literature analyzes how MONUSCO and humanitarian NGOs can work together to address the humanitarian needs caused by these armed conflicts. To fill this gap in the literature, this article addresses two related questions: (i) how does MONUSCO collaborate with humanitarian NGOs in providing aid to civilians in the Eastern DRC? and (ii) what is the actual impact of this CIMIC integrated approach on humanitarian principles? By answering these two fundamental questions, this article contributes to the emerging civil-military cooperation debate, and its impact on the respect of the principles of humanitarian action in complex emergency environments.

While traditional humanitarian NGOs are strictly bound by the aforementioned principles, development NGOs are flexible, and even reluctant about them. For traditional humanitarian NGOs, the role of the military sometimes contradicts these humanitarian principles. MSF, for instance, argues that the fact that humanitarian NGOs are impartial, neutral, and independent

Hugo Slim and Andrew Bonwick, "Protection: An ALNAP Guide for Humanitarian Agencies", Oxfam, 2006; Liam Mahony, "Proactive Presence: Field Strategies for Civilian Protection", Geneva: Centre for Humanitarian Dialogue; Inter-Agency Standing Committee (IASC), "Civil-military Relationship in Complex Emergencies – An IASC Reference Paper", 2004.

⁸ Sergiu Mișcoiu, Jean-Michel De Waele et Andreea Bianca Urs (dir.), *Maquisards, rebelles, insurgés... politiques. Le devenir des chefs de guerre africains*, Cluj-Napoca: Casa Cărții de Știință, 2023; Dominique Kenge Mukinyi, Sergiu Mișcoiu, « Rétroactes sur le conflit congolais (RDC) et regards sur ses causes » in *Studia Universitatis Babeș-Bolyai. Studia Europaea*, no. 2, 2020, pp. 105-132.

⁹ Emeric Rogier, "MONUSCO and the Challenges of Peace Implementation in the DRC: Participant Approach", in Mark Malan and Joao Gomes Porto (eds.), *Challenges of Peace Implementation. The UN Mission in the Democratic Republic of the Congo*, Pretoria: ISS, 2003, pp. 256-268; Cori Wielienga and Nickson M. Bondo, "Mediated Power-sharing Agreement, Reconciliation and Transitional Justice. Liberia, Burundi, and the Democratic Republic of Congo", Center for Mediation in Africa, Mediation Argument no 6, University of Pretoria, 2014; Nickson M. Bondo, "Transregional Conflict in the Great Lakes Region", in Ulf Engel (ed.) *Africa's Transregional Conflicts, Comparativ*, vol 28, No. 6, 2018, pp 24-48 [<https://doi.org/10.26014/j.comp.2018.06.02>]; Mwesiga Baregu, *Understanding Obstacles to Peace: Actors, Interests, and Strategies in Africa's Great Lakes Region*, Kampala: Fountains Publisher, IDRC, 2011.

provides them the opportunity necessary to do their job, and prevents humanitarian action from being instrumentalized.¹⁰ Thus, for defenders of the *'strict principled approach'*, humanitarian NGOs must distance themselves from the military forces. By doing so, humanitarian NGOs will avoid being perceived as parties to the conflict and keep their staff members safe from being targeted by military attacks.¹¹

By contrast, other scholars consider principles of humanitarian unachievable and are tempted to abandon them. Hugo Slim, for instance, argues that most NGOs operating in complex emergencies abandon the principle of neutrality to a point of considering it unachievable, undesirable, and unprincipled.¹² He argues that humanitarian aid is very often misused by both peacekeepers and illegal armed groups in violation of the humanitarian principle. Slim advocates for the principle of solidarity towards civilian populations in need of assistance instead of remaining neutral¹³. Like Hugo Slim, Marcos Ferreiro Rodriguez argues that "the challenge may be even bigger in the case of UN humanitarian agencies are involved in integrated missions and/or under UN Security Council resolutions with clearly political mandates".¹⁴ In this case, humanitarian action becomes a political instrument.¹⁵

This article goes beyond the Red Cross and Red Crescent's *'strict respect'* of traditional principles and Hugo Slim's unachievable, undesirable, and unprincipled neutrality to suggest a *'selective approach'*. This new approach enables NGOs to selectively comply with principles of humanitarian action depending on the emergency environment in which they operate. It explains the challenges facing humanitarian NGOs that, sometimes, have no better alternatives than violating their neutrality, independence, and impartiality for humanity's sake, and vice-versa. The volatile security situation in most complex emergencies in general, and the Eastern DRC in particular, makes it difficult for humanitarian NGOs to access the civilian populations in need of aid. Most humanitarian actors acknowledge the fact that international military and peacekeeping forces can provide a degree of physical protection

¹⁰ Médecins Sans Frontières staff, anonymous, Goma, July 2015.

¹¹ *Ibidem*.

¹² Slim, *op. cit.*

¹³ *Ibidem*.

¹⁴ Rodriguez, *op. cit.*

¹⁵ *Ibidem*.

which they need while working in complex emergency environments.¹⁶ These include using military asset to assist relief workers with transportation and logistics, security of humanitarian aid, engineering support, the provision of escorts and security patrols by the military to aid workers in complex emergency environments.¹⁷ Consequently, humanitarian NGOs have no better alternative, but to depend either on UN peacekeeping military personnel, national government, or rebel forces to access to civilians in need of aid.

Like several scholars and humanitarian NGOs, this article assumes that a permanent dialogue and cooperation between humanitarian organizations and UN peacekeeping helps both actors to enforce the humanitarian imperative that obliges parties to conflict to comply with international law by allowing humanitarian agencies and NGOs to address humanitarian need wherever it is found and provide aid to civilians in war zones.¹⁸ In the same vein, it is assumed that the permanent dialogue and collaboration between UN peacekeeping mission and humanitarian NGOs contributes to raising awareness of the specific obligations of the forces concerned under international law; alerting the negative impact of military operations on civilians; and sharing aggregated data to minimize the negative impacts of armed conflicts on civilian populations.¹⁹

Research methodology

I used a qualitative methodology to collect, interpret and analyze empirical data. To this end, I conducted a nine-month field research in Goma and Bukavu (Eastern DRC) from June to September 2014 and June to December 2015. In this regard, I conducted twenty semi-structured interviews: five with MONUSCO's staff members, five with humanitarian organizations, five with representatives of civil society organizations and five with government officials based in Goma and Bukavu. I also analyzed the content of UN Security Council Resolutions, official reports of MONUSCO and humanitarian NGOs on the security situation in the Eastern DRC. Moreover, I used an empirical participatory observation as an intern at the Executive Secretariat of the International Conference on the Great Lakes Region

¹⁶ Slim and Bonwick, *op. cit.*

¹⁷ Holt, Glyn and Kelly, *op. cit.*

¹⁸ *Ibidem.*

¹⁹ Mahony, *op. cit.*

(ICGLR) to analyse the security challenges that humanitarian NGOs operating in the Eastern DRC face; and assess the impacts of the cooperation between MONUSCO and humanitarian NGOs on principles of humanitarian action. Finally, I collected secondary data through a review of existing literature on policy guidelines and impacts of civil-military cooperation on principles of humanitarian principles in protracted wars in general, and the Eastern DRC in particular.

Furthermore, I used critical discourse to answer the research questions. As argued by Schmidt, the discourse analysis enabled us to go beyond what is said (ideas and text) to find out where, when, how and why it was said (context); what was said, where and how (structure); and who said what to them (agency).²⁰ Schmidt distinguishes two types of discourse analysis: *coordinative discourse* that focused on policymaking and enforcement process, and *communication discourse* that takes place between political actors and the public²¹. Discourse analysis is also used in social and policy realm and applies to generalized ideas, beliefs and assertions that can be descriptive or prescriptive.²² Like Humphreys, Van Dijk argues that discourse analysis reflects ideologies that are fundamental beliefs of groups and their members.²³ According to Dijk, critical discourse analysis enables to explain how political leaders abuse of social power, to dominate and foster inequality among the population.²⁴ Thus, discourse analysis enabled us to understand the context in which humanitarian NGOs choose to either strictly respect, abandon or select the principles of neutrality, independence, impartiality for humanity's sake. Including the introduction, the article is structured around five main sections. The second section defines CIMIC and its emergence in the UN system. The third section discusses how MONUSCO collaborates with humanitarian NGOs through the CIMIC

²⁰ Vivienne Schmidt, "Discursive Institutionalism: the Explanatory Power of Ideas and Discourse" in *Annual Review of Political Science*, Vol. 11, 2008, p. 303.

²¹ *Ibidem*.

²² David, Humphreys, "Discourse as Ideology: Neoliberalism and the Limits of International Forces Policy" in *Forest Policy and Economics*, Vol. 11 (5), 2009, pp. 319-325. See also Sergiu Mișcoiu, Oana Crăciun, Nicoleta Colopelnic (eds.), *Radicalism, Populism, Interventionism. Three Approaches Based on Discourse Theory*, Cluj-Napoca: Editura Fundației pentru Studii Europene, 2008.

²³ Teun A. Van Dijk, *Critical Discourse Analysis*, 2000

[<http://www.discourses.org/OldArticles/Critical%20Discourse%20Analysis.pdf>], January 5, 2021.

²⁴ *Ibidem*.

integrated approach. The fourth section discusses the actual impact of the CIMIC integrated approach on humanitarian principles in the Eastern DRC. The fifth section provides the conclusion of the article.

Civil-Military Cooperation (CIMIC)

Several related concepts are used to describe the coordination between civil and military actors. The North Atlantic Treaty Organization (NATO), European Union (EU) and Canada, for instance, use *civil-military cooperation (CIMIC)*; the United States (US) use the term *civil military operations (CMO)*; and the UN and the humanitarian community use the term *Civil-Military Coordination (CMCoord)*.²⁵ Approaches to civil-military cooperation differ depending on actors using this concept. For instance, the UN approach to civil-military cooperation differs from the NATO, EU, and US approaches to CIMIC and CMO. In NATO and the EU doctrine, CIMIC is motivated by the need to establish the cooperation between the military force, as a separate legally mandated entity, and the civilian actors in their area of operations.²⁶ In the context of the UN peacekeeping operations, *CIMIC* is motivated by the need to maximize the coordination between the military component and the civilian components of the same integrated mission.²⁷

In this article, we use the concept of civil-military cooperation (CIMIC) to describe the collaboration between MONUSCO as the military actor and humanitarian NGOs as civil actors, with an aim to create a safe and secure environment that enables access to civilians in warzones. The Eastern part of the DRC constitutes a complex emergency environment that obliges MONUSCO and humanitarian NGOs to work together to achieve a common goal of protecting civilian populations and alleviating their sufferings. In a bid to have a better understanding of the CIMIC's integrated approach, it is important to define the 'complex emergency' context in which it has emerged. The Inter-Agency Standing Committee (IASC) defines a 'complex emergency' as "a humanitarian crisis in a country, region or society where there is total or considerable breakdown of authority resulting from internal or external conflict and which requires an international response that goes beyond the mandate or capacity of any single and/or ongoing UN country programme".²⁸ The next

²⁵ De Coning, *op. cit.*

²⁶ *Ibidem*, p. 19.

²⁷ *Ibidem*, *loc. cit.*

²⁸ Inter-Agency Standing Committee (IASC), *op. cit.*

section briefly discusses the establishment of MONUSCO, its mandates, and its CIMIC's integrated approach.

The establishment of MONUC/MONUSCO

Background of MONUC's establishment and the evolution of its mandates

On 20 July 1999, one year after the outbreak of the second Congolese war (August 2, 1998 to April 2, 2003), all parties to the conflict, the DRC government, major Congolese rebel groups and their foreign allies such as Angola, Namibia, Burundi, Rwanda, Uganda, and Zimbabwe met in Lusaka and signed a cease-fire agreement to stop the fighting and resolve their conflict through peaceful means. The aim of the Lusaka cease-fire agreement was to stop war, promote dialogue and reconciliation, and enable the deployment of an international peacekeeping force to monitor the implementation of the Agreement and protect civilian populations in the Eastern DRC.²⁹ The signing of the cease-fire agreement by all parties to conflict paved the way for the establishment of the United Nations Peacekeeping Mission in the DRC (MONUC), and a long peacemaking process that led to the holding of the Inter-Congolese Dialogue, the signing of the Final Act of the Sun City Agreement on 1-2 April 2003, the official end of the second Congolese war and the establishment of the transitional government (1+4).³⁰ Against this backdrop, MONUC was established on 6 August 1999 by UN Security Council Resolution 1258 with the consent of belligerents to observe and enforce the implementation of the ceasefire agreement through the disengagement of forces and maintain liaison with all parties.³¹ In addition, MONUC was mandated to provide and maintain humanitarian assistance and protect displaced persons (IDPs), refugees and other affected persons.³² This means that the CIMIC's integrated approach was included in MONUC's mandate at an early stage of its peacekeeping mission.

²⁹ Lusaka Cease-fire Agreement 1999; article 1, chapters 5 and 8 of the annex A [<https://www.peaceagreements.org/viewmasterdocument/319>], 20 June 2022.

³⁰ Rogier, *op. cit.*

³¹ United Nations Security Council, "Security Resolution S/RES/1258. The Situation in the Democratic Republic of Congo", 6 August 1999 [<http://unscr.com/en/resolutions/1258>], December 20, 2022.

³² Lusaka Cease-fire agreement.

Later on, MONUC's mandate was extended to include multiple related additional peacebuilding tasks, including ensuring security, political and logistic supports to the transitional government; co-organizing, monitoring and providing technical and logistic supports to the DRC government in holding general democratic elections; carrying out the demobilization, disarmament, reintegration, resettlement and repatriation of combatants (DDRRR); supporting the DRC government Security Sector Reform; trying to resolve conflicts in a number of the DRC provinces at the local and national levels; ensuring that perpetrators of human rights and humanitarian violations such as war crimes and crimes against humanity are brought to justice; and protecting civilians.³³ Despite this multiple peacebuilding tasks, the huge number of military and police peacekeepers (above 19,000), a significant budget (estimated at USD 1 billion per year), and logistics, MONUC was severely criticized for failing to protect civilians, enforce sustainable peace and security and ensure that criminals are held accountable for their crimes.³⁴

In response to this harsh criticism against MONUC, the UN Security Council voted the Resolution 1925, that changed the mandate and renamed MONUC as MONUSCO to reflect the new phase reached in the country.³⁵ With this reconfiguration, MONUSCO's mandate is to perform several stabilization tasks including, but not limited to supporting the DRC government to completely eradicate all negative forces operating in the provinces of North and South Kivus, and the Orientale provinces; improving government capacity to protect the population effectively; and consolidating the state authority throughout the country in general, particularly the North

³³ United Nations Security Council, "Security Resolution S/RES/1279. The Situation in the Democratic Republic of Congo", 30 November 1999 [<http://unscr.com/en/resolutions/1279>], November 20, 2022.

³⁴ Ayodeji B. Ogunrotika, "The Factors Behind Successes and Failure of the United Nations Peacekeeping Missions: A Case of the Democratic Republic of Congo" in *Journal of Alternative Perspectives in the Social Sciences*, vol. 3, 2012, pp. 914-932; Holt, Glyn and Kelly, *op. cit.*, pp. 33-73; European Communities, "The Protection of Civilians During Peacekeeping Operations", European Parliament, 2008, pp. 9-13 [<http://www.europarl.europa.eu/activities/committees/studies.do?language=EN>], 6 January 2024.

³⁵ United Nations Security Council, "Security Resolution S/RES/1925 (2010). The Situation in the Democratic Republic of Congo", 28 May 2010 [<https://monusco.unmissions.org/sites/default/files/n1038014.pdf>], November 30, 2022.

South Kivu provinces.³⁶ With its new mandate, MONUSCO increased its military capacity to include, in addition to the appropriate civilian, judiciary and correction components, a maximum of 19,815 military personnel, 760 military observers, 391 police personnel, and 1,050 members of formed police units.³⁷ As discussed in the next sections, despite its huge military, police, and civilian personnel, MONUSCO has failed to protect civilian populations against military attacks and maintain a secure and stable environment that can enable humanitarian NGOs to safely provide aid to people in needs in the North and South Kivu provinces. Several foreign and local rebel forces such as Allied Democratic Forces and National Army for the Liberation of Uganda (ADF-NALU), FDLR, CNDP and M23 rebels, and local mai-mai militias have continued killing and kidnapping civilians; attacking and looting humanitarian convoys; killing and kidnapping aid workers.³⁸ The next section discusses how MONUSCO collaborates with humanitarian NGOs to protect aid workers and enable their access to civilians in needs of aid in such a security complex and volatile environment.

MONUSCO's CIMIC integrated approach

The “triple hat” of Deputy Special Representative of the Secretary General, Resident and Humanitarian Coordinator (DSRSG/HC/RC) characterizes MONUSCO's CIMIC integrated approach. This “triple hat” DSRSG/HC/RC oversees monitoring the regional peace security and cooperation framework (PSCF) benchmarks and security sector reform to improve humanitarian access.³⁹ He officially ensures that all parties to conflict allow and facilitate humanitarian workers, equipment and supplies to have full, safe, immediate, and unhindered access to civilian population in

³⁶ United Nations Security Council, “Security Resolution S/RES/2098. The Situation in the Democratic Republic of Congo, 28 March 2013 [<http://unscr.com/en/resolutions/2098>], December 30, 2022.

³⁷ *Ibidem*.

³⁸ United Nations Security Council, “Letter Dated 13 June 2023 from the Group of Experts on the Democratic Republic of the Congo addressed to the President of the Security Council, pp. 7-35 [<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N23/123/80/PDF/N2312380.pdf?OpenElement>], July 20, 2023.

³⁹ Victoria Metcalfe, Alison Giffen and Samir Elhawary, “UN Integration and Humanitarian Space. An Independent Study Commissioned by the UN Integration Sterling Committee”, 2011, Overseas Development Institute [<http://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/7526.pdf>], July 1, 2021.

needs of humanitarian aid throughout the territory of the DRC in full respect of the relevant provisions of international law.⁴⁰ MONUSCO's CIMIC integrated approach is also implemented through the establishment of three protection initiatives namely the protection cluster, the co-cluster lead for protection and the senior management group - protection policy (SMG-PP). These protection clusters put in place by MONUSCO, and humanitarian organizations have made limited achievement in protecting civilian populations and aid workers in the Eastern DRC in different ways.

The protection cluster and the senior management group protection policy (SMG-PP) have allowed humanitarian workers to identify "must go" areas which require immediate deployment of MONUSCO troops. In other words, despite some controversies between MONUSCO and humanitarian NGOs, the protection cluster advocacy has enabled information sharing on troop movements to facilitate access to civilians needs.⁴¹ To this end, MONUSCO plays a significant role in ensuring movements of humanitarian agencies and NGOs to enable their access to victims in high-risk security zones.⁴² In the same vein, NGOs have used the Protection Cluster to pressure MONUSCO to proceed with caution during operations against the Democratic Forces for the Liberation of Rwanda (FDLR) rebel group.⁴³

Similarly, multi-mandated NGOs argue that the integration between MONUSCO and humanitarian NGOs has offered the latter considerable opportunities to expand their reach inside the UN through the Protection Cluster and other cooperation initiatives.⁴⁴ Using the cluster system and other cooperation venues, humanitarian NGOs have increased their professional and personnel relations with MONUSCO's military strategists and stabilisation planners. This applies to their cooperation with UN agencies as well. In other words, multi-mandated NGOs that participate in the Protection Cluster share information concerning present civilian threats and help in codifying and categorizing these threats as either "must", "could" or "should" protect

⁴⁰ *Ibidem*, p. 34.

⁴¹ *Ibidem*, p. 35.

⁴² Ryan O'Neill, "Blurred Lines, Shrunk Space? Offensive Peacekeepers, Networked Humanitarians, and the Performance of Principle in the Democratic Republic of the Congo", in Dennis Dijkzeul and Zeynep Sezgin (eds.), *The New Humanitarians in International Practice: Emerging Actors and Contested Principles*, London: Routledge, 2016, pp 104- 125.

⁴³ *Idem*, "Rebels without Borders. Armed Groups as Humanitarian Actors", in *ibidem*, pp. 126-143.

⁴⁴ *Idem*, "Blurred Lines", in *ibidem*, pp. 104-125.

zones. The “must” protect zones are those that require an immediate response from MONUSCO through active patrolling or the establishment of a temporary operating base (TOB).⁴⁵ Thus, for most humanitarian NGOs, the Protection Cluster helped to prevent violence against civilians at least in a short turn. Because of this limitation, the Force Commander, SRSG, and senior military planners have used the Protection Cluster as a venue to push for the expansion of the “neutralisation” mandate to cover.⁴⁶ Despite its limited success in sharing safety and security related information between MONUSCO and humanitarian NGOs, the CIMIC integrated approach is viewed by traditional humanitarian NGOs as inappropriate since it does not follow the principles of humanitarian action well enough. The next section discusses the impact of MONUSCO’s CIMIC integrated on the principles of humanitarian action.

Impacts of MONUSCO’s CIMIC integrated approach on humanitarian principles

The CIMIC approach has significantly contributed to the violation of the principles of neutrality, independence, and impartiality and humanity; and the division between ‘strict principled’ versus ‘less principle’ approach.

Violation of the principles of humanitarian action

The CIMIC integrated approach between MONUSCO and humanitarian NGOs has three main negative impacts of the principles of humanitarian action: *neutrality, independent, and impartiality as defined by Red Cross and Red Crescent*.⁴⁷ Yet, the complex emergency in the Eastern DRC has left humanitarian NGOs with no better alternative but to let go some of these traditional principles of humanitarian action in a bid to access and provide aid to civilians in needs.

a. Neutrality

Far from being considered as neutral actors, humanitarian NGOs that are operating in the Eastern DRC are perceived as de facto parties to conflict. MONUSCO’s CIMIC integrated approach has led humanitarian NGOs operating into violate the principle of neutrality. Two factors explain the

⁴⁵ *Idem*, “Rebels”, in *ibidem*, pp. 126-143.

⁴⁶ *Ibidem*.

⁴⁷ According to Red Cross and Red Crescent Guide, *op. cit.*

violation of the principle of neutrality by humanitarian NGOs. First, the fact that MONUSCO participates in joint military operations with the Congolese army (FARDC) against rebel forces makes this peacekeeping and stabilisation mission a *de facto* party to the conflict. As pointed out by a former M23 spokesperson, MONUSCO is not perceived as a neutral actor, but a belligerent in the Congolese conflict. After the defeat of M23, foreign rebel groups such as the Alliance Democratic Forces for the Liberation of Uganda (ADF-NALU), the Democratic Forces for the Liberation of Rwanda (FDLR) and other local militias have continued launching military attacks against humanitarian convoys of both international and local humanitarian workers. As revealed by the European Interagency Security Forum (EISF), 287 humanitarian workers that were previously involved in MONUSCO's CIMIC integrated approach were the target of military attacks.⁴⁸ In August 2017, UN agencies and humanitarian groups reported that 75 aid workers had been attacked, 15 UN peacekeepers killed, 1246 abducted and 543 kidnapped in the Kivu province, furthermore, two UN investigators were killed in the Kasai province in the same year.⁴⁹ These military attacks conducted by local and foreign rebel forces such as ADF-NALU and FDLR Congolese rebels, CNDP, M23, and local mai-mai militias against aid workers and civilians demonstrate the negative impact of the MONUSCO's integrated approach on safety and security of aid workers. Thus, it can be argued that by participating in MONUSCO's comprehensive integrated approach, humanitarian workers are not perceived as neutral actors, but as *de facto* parties to conflict.

In the same vein, MSF blamed other NGOs involved in MONUSCO's stabilization initiative of violating the principles of neutrality.⁵⁰ To keep its neutrality, (MSF) for instance, has never taken a stand against M23 rebels. It avoided any contact with military personnel, including MONUSCO soldiers, and did not allow them to be deployed near its health facilities.⁵¹ By doing so, MSF did not want to run the risk of blurring the lines between the preservation of the humanitarian principle of neutrality and active support

⁴⁸ EISF, "Managing the Security of Aid Workers with Diverse Security Profile", EISF Research Paper [<https://gisf.ngo/wp-content/uploads/2018/09/Managing-the-Security-of-Aid-Workers-with-Diverse-Profiles.pdf>], December 20, 2022.

⁴⁹ *Ibidem*.

⁵⁰ O'Neil, "Blurred Lines", p. 119.

⁵¹ *Ibidem*.

for insurgents. For MSF, there was a real danger that a heightened tension between MONUSCO peacekeeping forces and illegal armed groups could lead to a targeting of medical activities in it joined its CIMIC integrated approach.⁵² Second, the fact that MSF took a political stand like that of rebel forces jeopardized the principle of neutrality it strives to defend. While MSF accused other NGOs of abandoning their neutrality; other NGOs accused MSF of indirectly advancing the political position of illegal armed groups such as M23 and Al-Shabab.⁵³ MSF supported the position of M23 rebel group that urged the distinction between MONUSCO's assets and those of humanitarian NGO by painting green any vehicles carrying weapons or troops. Similarly, MSF accused 'less principled' multi-mandated NGOs involved in MONUSCO's post-war reconstruction of humanitarian complicity.⁵⁴ This was the same allegation made by Al-Shabaab, a rebel group who accused humanitarian NGOs of imperialism.⁵⁵ The fact that the position of MSF is like that of M23 rebels had destroyed the image and credibility of humanitarian organizations. By advancing the position of non-state armed groups, MSF violated the principle of neutrality it claimed to defend.

b. Independence

While the principle of independence implies that humanitarian action "must always maintain their autonomy from public and government authorities", this has not been the case with humanitarian NGOs that are operating in the Eastern DRC. Given the complex emergency environment in which they operate, some humanitarian NGOs in the Eastern DRC have no better alternatives, but to use MONUSCO's military assets to access and provide aid to civilian in territories where the security situation is volatile. By using MONUSCO military logistics to delivery aid to civilians in needs, humanitarian NGOs jeopardise their independence and expose themselves to military attacks of local and foreign rebel groups. In other words, the use of MONUSCO's military assets by humanitarian workers within the CIMIC integrated approach put their lives in danger. For instance, in 2013 M23

⁵² *Ibidem*.

⁵³ *Ibidem*, p. 120.

⁵⁴ Marie-Pierre Allié, "Introduction: Acting at Any Price?", in Claire Magone, Michael Neuman and Fabrice Weissman (eds.), *Humanitarian Negotiations Revealed: The MSF Experience*, New York: Columbia University Press, 2012, pp. 1-15.

⁵⁵ *Ibidem*.

rebels increasingly shot at unarmed MONUSCO helicopters and warned that it would strike any UN aircraft entering their airspace.⁵⁶

For M23 and other foreign and local rebel groups, the fact that the Congolese army (FARDC) made use of MONUSCO's resources such as military bases, intelligence, and supply lines make them defacto parties to conflict.⁵⁷ In October 2013, M23 rebels fired upon a MONUSCO helicopter carrying civilian and humanitarian staff. When questioned about the incident, M23 members responded that they had fired on the helicopter because they had mistaken it to be part of a joint FARDC-MONUSCO operation.⁵⁸ The second factor that jeopardizes the independence of humanitarian NGOs is their reliance on MONUSCO's information sharing mechanism. Given the absence of the State's authority in the Eastern DRC, humanitarian NGOs have no other alternatives but to depend on MONUSCO's information sharing mechanism to ensure the safety and security of aid workers. To this end, MONUSCO and humanitarian NGOs meet weekly not only to share information concerning the security threats and distinguish between the 'must', 'could' or 'should' go zones.⁵⁹ The 'must go' zones are those territories where MONUSCO is obligated to respond either through active patrolling or the establishment of a temporary operating base (TOB) "to protect civilians and ensure the safety and security of aid workers."⁶⁰ Whereas the 'should' or 'could go zone', does not require urgent or immediate MONUSCO troops deployment to protect aid workers and civilian populations.⁶¹

If MSF was opposed to this information-sharing initiative, a group of major international humanitarian NGOs, including the International Rescue Committee, Norwegian Refugee Council, Oxfam, and War Child encouraged other humanitarian NGOs to collaborate with MONUSCO to ensure the safety and security of aid workers.⁶² The aim of this CIMIC was to enable humanitarians to be better informed of upcoming MONUSCO's troop's

⁵⁶ Kashmiria Gander, "Congo Rebels Fire Shots at UN Helicopter" in *The Independent*, 2013 [<http://www.independent.co.uk/news/world/africa/congo-rebels-fire-shots-at-un-helicopter8876263.html>], October 15, 2020.

⁵⁷ *Ibidem*.

⁵⁸ *Ibidem*

⁵⁹ MONUSCO, "Islands of Stability", Stabilization Support Unit, Draft Final, 2013.

⁶⁰ *Ibidem*.

⁶¹ *Ibidem*.

⁶² O'Neil, "Blurred Lines", p. 110.

deployments and operations, the general security context, and civilian protection related matters. However, as Ryan O’Neil puts it, NGOs that actively participate in the ‘must, should, could protect’ system have legitimised MONUSCO’s integrated approach that has provided few long-term results.⁶³ While these efforts may have deterred attacks in the short run, there is no long-term evidence to suggest that they prevent violence against civilians or aid workers. In a bid to improve MONUSCO’s protection cluster, the Force Commander, the SRSG, and senior military planners have pushed the expansion of the ‘neutralisation’ mandate to cover all battalions. Yet, the ongoing killings of civilians and military attacks against civilians and aid workers in the Eastern DRC demonstrate the ineffectiveness of MONUSCO’s protection cluster. Finally, several NGOs working in the Eastern DRC have abandoned the principle of independence and negotiated either with MONUSCO or illegally armed actors to access and provide humanitarian aid to civilians in need in the name of humanity. To this end, several humanitarian NGOs made semi-formal negotiations with non-state armed groups in the Kivu provinces⁶⁴. However, only a few NGOs have different policies regarding negotiation with non-state armed groups to allow them access to civilians in the territories not controlled by the government.⁶⁵

c. Humanity and impartiality

The CIMIC’s integrated approach has led to the violation of the principles of impartiality and humanity. MSF, for instance, accuses other multi-mandated NGOs operating in the Eastern DRC of ignoring needs, and providing aid that it is not entirely needs-based.⁶⁶ Similar accusations are made by multi-mandated NGOs against MSF whose work is mainly focused on North Kivu while greater needs are found in the South Kivu and Katanga provinces. For its part, MSF still maintains that there are always emergencies in the North Kivu to justify its presence in non-emergency contexts.⁶⁷ By doing so, MSF has violated the principle of humanity by providing

⁶³ *Ibidem*.

⁶⁴ Geneva Call, “Negotiation of Humanitarian access in the North Kivu. The Perceptions of State Armed Actors, Communities and Humanitarians”, 2019 [https://www.genevacall.org/wp-content/uploads/2019/07/GC-Negotiation-of-humanitarian-access-in-NK_EN2.pdf], December 20, 2020.

⁶⁵ *Ibidem*.

⁶⁶ O’Neil, “Blurred Lines”.

⁶⁷ *Ibidem*.

humanitarian aid mainly in the North Kivu at the detriment of emergency territories in the South Kivu province. As revealed by Bimwana Aembe and Dennis Dijkzeul, “emergency cases are still observed in many locations of South Kivu regardless of the apparent security. Political stabilisation is not yet guaranteed, nor is the state response to the vulnerability of the war-affected population regarding their security and social well-being. The current risk of rapid deterioration of the humanitarian context, as was the case in Shabunda in 2009, 2010 and 2012, resulting in an influx of internally displaced persons and consequently poor public healthcare, encourages the position of MSF. MSF cannot disengage unless there is improvement in the security situation”.⁶⁸

The fact that humanitarian NGOs are sometimes obliged to negotiate with non-state armed groups to enable access and provide aid to civilians in the territories under their control jeopardise the impartiality and humanity principles. This non-state armed influence the way aid is distributed to civilian populations so that enough aid is left over to feed military troops.⁶⁹ If under normal circumstances humanitarian relief is subjected to the consent of the legitimate central government, this is not often the case in most complex emergencies. Humanitarian NGOs that are operating in the Eastern requires the consent of non-state armed actors for them to provide aid to civilians in need in the territories under their controls. While non-state armed groups accept to grant consent, they still exercise a control over the relief action and the aid that is provided to civilians in the territories.⁷⁰ In most cases, non-state armed actors condition their consent by technical arrangements with humanitarian NGOs to make sure that aid is safely delivered, and humanitarian convoys are not used to disguise supply weapons in their occupied territories. By doing so, non-state armed group easily manipulate aid to feed parties to conflict in violation of the principles of impartiality and humanity. As argued by Bimwana Aembe and Dennis Dijkzeul, the fragile state nature of the DRC government to fill in the security gap makes the implementation of principled humanitarian aid difficult and complicated as several actors involved in the Eastern part of the North and

⁶⁸ Bimwana Aembe, Dennis Dijkzeul, “Humanitarian Governance, and the Consequences of the State-fragility Discourse in the Democratic Republic of Congo’s Health Sector” in *Disasters*, 2019, p. 189 [DOI: 10.1111/disa.12336].

⁶⁹ Geneva Call, *op. cit.*

⁷⁰ *Ibidem.*

South Kivu provinces do not respect the said principles.⁷¹ Consequently, neither humanitarian NGOs, nor MONUSCO has been effective in protecting civilians and aid workers, or creating a safe environment to enable aid workers to access and provide aid to people in needs wherever they are found.

Division between ‘strict principled’ and ‘less principled’ approach NGOs

MONUSCO’s CIMIC integrated approach has divided the humanitarian community into the ‘*less principled*’ versus the ‘*strict principled*’ humanitarian NGOs. The ‘*less principled*’ NGOs are considered as multi-mandated NGOs that do not identify themselves as having a humanitarian mission in the traditional sense of the ICRC, makes them feel not obliged to adhere to the principles. Whereas the *strict principled* humanitarian NGOs are those such as MSF and Red Croce that claim to be strictly bound by the observance of four traditional principles of humanitarian action.⁷² This division clearly demonstrates that most NGOs representatives do not have the same understanding and interpretation of the humanitarian principles as formulated by the ICRC and endorsed by the UN General Assembly. In other words, this means that MONUSCO’s CIMIC integrated approach divided the humanitarian community in those who follow the *strictly principled approach*’ versus the defenders of the ‘*less principled approach*’. The *strict principled* humanitarian NGOs are opposed to any forms of collaboration with MONUSCO, while the *less principled* NGOs are in favour of this CIMIC integrated approach. For instance, in July 2013, MONUSCO circulated a draft concept note entitled, “Islands of Stability” (IoS). The basic idea behind the concept was to “stabilize areas freed from armed groups” and “create the conditions for improved governance and long-term development by addressing the root causes of conflicts at the local level”.⁷³ While initially well received by ‘*less principled*’ humanitarian NGOs, the IoS initiative was perceived by ‘*strict principled*’ NGOs as endangering the humanitarian principles. The initial draft of the IoS initiative was easily accepted by most humanitarian NGOs because it did not make any reference to humanitarian

⁷¹ Aembe and Dijkzeul, *op. cit.*

⁷² *Ibidem.*

⁷³ O’Neil, “Blurred Lines”.

programs.⁷⁴ However, it made frequent reference to the integrated role of international NGOs in various areas such as economic recovery, mediation, social cohesion, and most importantly in the provision of, most of basic services. By contrast to the first draft, the second IoS draft caused confusion about MONUSCO-humanitarian NGOs integrated initiatives.⁷⁵ This reformulation gave the impression that humanitarian organizations were not independent but included in the broader counterinsurgency strategy. Consequently, humanitarian NGOs were divided into two groups: “*the strict principled approach*” versus the “*less principled approach*”. Led by MSF, the ‘*strict principled approach*’ humanitarian NGOs began to mobilise against the IoS initiative, which they perceived as an infringement of the principle of independence.⁷⁶ They consider that taking part in this MONUSCO’s stabilization project would jeopardise their ability to operate”, and decided to remain outside of the IoS initiative for as long as funding would allow them to.⁷⁷

MSF, for instance, criticized humanitarian NGOs involved in MONUSCO’s stabilisation project of being neither principled nor needs-based. Instead, MSF sees this integrated approach as violating the principle of neutrality by making humanitarian workers parties to the conflict and putting their life at risk. For MSF staff, MONUSCO’s new neutralisation mandate creates confusion between humanitarian and military activities. By contrast, *the ‘less principled’* NGOs actively participated in this stabilisation projects with an aim to share information on troop deployment and security initiatives, and the use of peacekeeping assets and logistics; and they even requested more integration. In response, MSF sent out several emails blaming NGOs in Goma of betraying humanitarian principles of independence and neutrality.⁷⁸ In its correspondences, MSF stated that “to ensure that the vast and persistent humanitarian needs in eastern DRC are prioritised in line with impartially assessed needs, humanitarian organisations must avoid engaging in political positions while providing their support to stabilisation initiatives,

⁷⁴ Joint NGO, “Joint INGO Letter to the United Nations Security Council”, 2014 [www.enoughproject.org/files/JointINGOLetter_MONUSCOMandateRenewal_0.pdf], 30 March 2023.

⁷⁵ *Ibidem*.

⁷⁶ *Ibidem*.

⁷⁷ *Ibidem*.

⁷⁸ O’Neil, “Blurred Lines”

peacebuilding, and the Peace Security Cooperation Framework. Rather, these organisations should be engaging in the MONUSCO mandate renewal process by highlighting the ways in which the current mandate is contributing to the restriction of humanitarian space required to provide quality assistance to populations in need”.⁷⁹

MSF made it clear that multi-mandated NGOs involved in MONUSCO’s stabilization programme, “risk contributing to the blurring of lines with politico-military agendas”.⁸⁰ In other words, MSF is concerned with linking humanitarian action to counterinsurgency warfare. Like MSF, Metcalfe and her colleagues argue that “while not seemingly a problem over the last year, humanitarians complained that the SRSR has used his influence over the DSRSG/HC/RC to enforce de facto “no contact” policies with various rebel factions, in particular Laurent Nakunda’s CNDP”.⁸¹ These ‘no contact’ policies have been interpreted by coalitions of humanitarian NGOs and advocacy groups as an infringement of the humanitarian principle of independence.⁸² In the same vein, one of the coalitions of humanitarian NGOs, known as InterAction, has taken strong positions against the MONUSCO’s CIMIC’s integrated approach.⁸³ Interaction argues that “no new structurally integrated missions should be established in any situation of armed conflict, political violence, or any context where a UN political or peacekeeping mission implements a partisan mandate”.⁸⁴ Thus, despite the favourable attitude of some ‘*least principled approach*’ NGOs towards the CIMIC integrated approach, *strict principled* humanitarian NGOs have been opposed to MONUSCO’s counterinsurgency agenda. This led to tensions on several occasions between MONUSCO and humanitarian NGOs, to a point that the latter raised their concern for a more independent humanitarian action in DRC.

⁷⁹ *Ibidem.*

⁸⁰ *Ibidem.*

⁸¹ Metcalfe *et al.*, p. 31.

⁸² *Ibidem.*

⁸³ InterAction, A Humanitarian Exception to the Integration Rule, 2011 [www.interaction.org/sites/default/files/InterAction%20statement%20on%20integration%20-%20FINAL%2015%20Dec%202011.pdf], May 15, 2022.

⁸⁴ *Ibidem.*

Thus, the best way of bridging gap between the ‘*strict principled approach*’ and ‘*least principled approach*’ NGOs is promoting a ‘selective’ to the respect of the principles. The four traditional principles of humanitarian action as originally conceived do no longer reflect the new forms of post-cold war armed conflicts in general, and in the Eastern DRC in particular. As argued by Dick Salomons, the traditional principles of humanity, neutrality, impartiality, and independence emerged during the battle of Solferino with the work of Henry Dunant.⁸⁵ Henry Dunant created the International Committee for the Wounded to provide humanitarian assistance which, later, evolved into the ICRC. In this context, while neutrality was necessary to gain access to all parties in a conflict, “humanity” implied that aid would be given impartially, independent of a wound combatant’s rank or affiliation.⁸⁶ In other words, for the International Committee for the Wounded to work effectively, Henry Dunant had to make sure that his organization is fully independent from any individual or group of governments, or religious organizations.⁸⁷ These traditional principles of humanitarian action have enabled the ICRC to regulate the way aid is delivered. However, these principles were conceived in the specific context of inter-state armed conflicts with clearly identifiable combatants, acting under a clear chain of command, in a political setting where war was well-regulated under the rule of law.⁸⁸ There was no real moral distinction between the combatants, and everyone accepted the validity of the ICRC’s mandate. The nature of post-cold war internal and inter-states conflicts in Africa, and in the D.R Congo makes it difficult for humanitarian NGOs to strictly abide with traditional principles of humanitarian action as conceived and applied by Henry Dunant through the International Committee for the Wounded, and actual ICRC. Ongoing armed conflicts in the Eastern DRC war is conducted by illegal local and foreign rebel groups and militias that ignore, or simply consider themselves not bound by international humanitarian law in general, and particularly the four Geneva Conventions of 1949 and its three additional protocols of 1977 and 2005.

⁸⁵ Dick Salomons, “Charity, or Charade? The Tragedy of Humanitarianism” in *Journal of International Affairs*, Vol. 70, no. 2, 2017, p. 50 [<https://www.jstor.org/stable/e90012612>], November 30, 2023.

⁸⁶ *Ibidem*, p. 51.

⁸⁷ *Ibidem*.

⁸⁸ *Ibidem*.

The fact that most of illegal armed groups in the Eastern DRC ignore the basics of international humanitarian law makes it difficult, if not impossible for humanitarian NGOs to operate as neutral, independent, and impartial actors as this was the case with the International Committee for the Wounded during the First and Second World Wars. To address the multi-dimensional aspect of the post-cold war conflicts, the UN and the ICRC established the “Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Relief”.⁸⁹ The aim of this Code of Conduct was to put in place standards of behavior for the ICRC and the many national Red Cross and Red Crescent organizations, but also for a small group of signatory NGOs to abide with the four traditional principles of humanitarian action.⁹⁰ Despite this Code of Conduct, the security complex situation in the Eastern DRC puts humanitarian NGOs in a serious dilemma. Given the climate of permanent insecurity characterized by the continuous cases of kidnappings and killings of aid workers in the Eastern DRC, many humanitarian NGOs have no better option than participating into MONUSCO’s integrated approach to guarantee the safety and security of their personnel, relief convoys and assets. In the same vein, humanitarian NGOs in the Eastern DRC are forced by donors to negotiate with, or to rely on rebel groups to have a safe access to civilians in need of assistance in territories not controlled by MONUSCO, or the national army.⁹¹ In both situations, humanitarian NGOs run a risk of violating the principles of neutrality, impartiality, and independence.

By collaborating with, or relying on one of the parties to conflict, humanitarian NGOs are perceived not as neutral and independent actors but as de facto parties to the conflict. Yet, they are struggling to address the basic needs of civilians wherever they are found in fulfilment of the core principle of humanity. This dilemma shows the need for developing a ‘*selective respect approach*’ rather than the ‘*traditional strict respect approach*’ to the principles of humanitarian action. The article argues that the “Do no harm” approach should be the guiding principle of this ‘*selective respect approach*’ to the respect of each of the four principles of humanitarian action. In her ‘do no harm’ approach, Mary Anderson argues that any conflict resolution or peacebuilding intervention should intend to do better to the beneficiaries rather than

⁸⁹ Salomons, *op. cit.*

⁹⁰ *Ibidem.*

⁹¹ Geneva Call, *op. cit.*

exacerbating the conflict.⁹² Thus, the respect or letting go of each principle of humanitarian action should be measured on whether this will do more harm than good to both aid workers and beneficiaries.

Given the difficulty to achieve all the four humanitarian principles in most complex emergencies and the Eastern DRC in particular, the article suggests the notion of '*selective respect approach*' versus the '*traditional strict respect approach*' of the humanitarian principles as a remedy to this controversial debate. As opposed to the notion of the '*strict traditional respect*', '*the selective respect approach*' advocates for the respect of principles of humanitarian action depending on the complex emergency environments in which humanitarian NGOs operate. Contrary to the ICRC and Red Crescent Movement's traditional view, our '*selective respect approach*' suggests that achieving the principles of humanitarian action should not be regarded as an interlinked linear process whereby all the four traditional principles of humanitarian action have to be simultaneously achieved, but as a selective process. As Salomons puts it, "the only principle that should truly guide humanitarian action is "humanity".⁹³ Like Salomons, Dunant believed that humanity was best expressed through personal engagement he held the hands of dying soldiers".⁹⁴

Thus, as argued by Bwimana Aembe and Dennis Dijkzeul, to enable an effective humanitarian governance in complex emergency situations such as the DRC, it is paramount to combine humanitarian normative intentions with the study of multi-actor governance and its empirical consequences on the ground.⁹⁵ The respect of each principle of humanitarian action should, in my view, depend on the security challenge that aid workers are facing on the field. This means that given the security situation on the ground should determine the extent to which humanitarian NGOs can strictly or selectively abide with one or another principle of humanitarian. According to Meinrad Studer, "ICRC tries to ensure that military action does not impinge on the impartiality, neutrality and independence of its work".⁹⁶ However, the

⁹² Mary Anderson, '*Do No Harm*', *How Aid Can Support Peace or War*, London: Lynne Rienner Publisher, 1999.

⁹³ Salomons, *op. cit.*, p. 53.

⁹⁴ *Ibidem*.

⁹⁵ Aembe and Dijkzeul, *op. cit.*, p. 188.

⁹⁶ Meinrad Studer, "The ICRC and Civil-Military Relations in Armed Conflict International Review of the Red Cross"

[https://www.researchgate.net/publication/231965732_The_ICRC_and_CivilMilitary_Relations_in_Armed_Conflict], June 2, 2022.

reality on the field demonstrates that all four principles of humanitarian action should not be given the same level of importance and priority. Contrary to ICRC's view, this article argues that the idea of pure neutral, independent, or impartial humanitarian work is not realistic in most complex emergency situations in general, and the DRC.

Similarly, some scholars and humanitarian agencies recognize the principle of impartiality as the sole and fundamental principle for humanitarian action. Meinrad Studer, for instance, values more the principle of impartiality than neutrality, independence, and humanity.⁹⁷ He believes that the only instance where humanitarian NGOs will clash with the fundamental idea of humanitarian action is when they deliver aid to the beneficiaries with partiality.⁹⁸ By contrast, the Inter-Agency Standing Committee (IASC) considers humanity is the core principle of humanitarian action and urges that "any civil-military coordination must serve the prime humanitarian principle of humanity".⁹⁹ The fact that all the four traditional principles of humanitarian action are not considered at the same level in terms of importance and priority, the '*selective respect approach*' is deemed necessary to fit the context of complex emergencies.

Like many previous studies, this article argues that while the principles of humanity and impartiality are less controversial, the principles of neutrality and independence are difficult, if not impossible, to achieve in security complex emergency situations such as the DRC. It questions the extent to which aid workers can remain neutral and independent from peacekeepers and still have access and provide humanitarian assistance to people in needs in complex emergency environment where their security and safety is not guaranteed. In addition, it is difficult, if not impossible, for aid workers operating in the Eastern DRC to strictly respect all the four principles and still have access to civilians and address their needs wherever they are found. The respect of these principles should depend on circumstances, context, and environment where humanitarian NGOs operate. Thus, the controversy among humanitarian NGOs regarding the MONUSCO's integrated approach demonstrates the limitation of the "*strict respect approach*" of the four

⁹⁷ *Ibidem*.

⁹⁸ *Ibidem*.

⁹⁹ Inter-Agencies Standing Committee (IASC), "Civil-military Relationship in Complex Emergencies – An IASC Reference Paper", 2004 [<http://espace.library.uq.edu.au/view/UQ:62914>], August 1, 2022.

traditional principles of humanitarian action as conceived by the ICRC. For the “*least principled*” multi-mandated NGOs, the principles of impartiality, neutrality and independence should not be used as an excuse to disregard humanity. In other words, the strict respect of humanitarian principles should not be used as an excuse to prevent NGOs from helping people in need and alleviate their suffering no matter where they are.

Furthermore, multi-mandated NGOs with peace-building, security sector reform or development related projects applied codes of conduct and internal principles different from the traditional humanitarian principles formulated by the ICRC’s. Whereas less principled humanitarian NGOs have abused the principle of humanity to justify their continuous presence in the Eastern DRC, other strict principled NGOs have used the principles of independence and neutrality to cover up their lack of effectiveness in providing aid to people in need. The work of MSF in the DRC has managed to keep the issue of humanitarian space on the agenda and helped the humanitarian community in framing the debate on the use of MONUSCO’s drones and other military assets by aid workers. However, MSF’s position about the respect of humanitarian principles has not always been consistent but changed over time.

Conclusion

Civil-military cooperation (CIMIC) has emerged as a coordinated strategy between the UN peacekeeping forces and humanitarian NGOs to enable the later to access civilians in need of aid in complex emergencies. Using the CIMIC between humanitarian NGOs and the United Nations Peacekeeping and Stabilization Mission in the Democratic Republic of Congo (MONUSCO) as the case study, the primary objective of this article was to analyze the impacts of the MONUSCO’s CIMIC integrated approach on the principles of humanitarian action. To this end, it addressed two fundamental questions: (i) how does MONUSCO collaborate with humanitarian NGOs in providing aid to civilians, and (ii) what is the actual impact of this CIMIC integrated approach on humanitarian principles? The “triple hat” of Deputy Special Representative of the Secretary General, Resident and Humanitarian Coordinator (DSRSG/HC/RC) characterizes MONUSCO’s CIMIC integrated approach, with an aim to improve humanitarian access. However, this MONUSCO’s integrated approach has significantly contributed to the violations of the traditional principles of humanitarian action (neutrality, independence,

impartiality, and humanity); and the division of the humanitarian NGOs between the defenders of the *'strict principled approach'* versus the *'least principled approach'*. Humanitarian NGOs have struggled to become more effective in delivering aid in strict respect of the traditional principles of humanitarian action as advocated by the ICRC; but most of them have failed.

The weakness of the DRC government and its FARDC to establish the State's authority and ensure the security of both, aid workers and beneficiaries, has left some humanitarian NGOs with no better alternatives but to negotiate either with MONUSCO, or with non-state armed actors to access and provide aid to civilians in needs in the territories under their control. By doing so, humanitarian NGOs have been perceived not as neutral, impartial, and independent actors, but as parties to conflict. This explains to some extent military attacks carried out by the M23 rebel group and other mai-mai militias against aid workers. Consequently, MONUSCO's CIMIC integrated approach has divided humanitarian NGOs into two groups: defenders of the *'strict principled approach'* led by ICRC and MSF versus defenders of the *'least principled approach'* advocated by multi-mandated NGOs. However, neither a *'least principled approach'*, nor *'strict principled approach'* has been effective in providing aid the Eastern DRC. Defenders of *'the strict principled approach'* such as MSF and the ICRC blame humanitarian and multi-mandated INGOs involved in MONUSCO's integrated stabilization process of violating humanitarian principles. They accused aid workers involved with MONUSCO of violating the principles of independence and neutrality and running a risk of being perceived as de facto parties to conflict and become the target of illegal armed groups. Whereas defenders of the *'least principled approach'* consider MONUSCO's CIMIC integrated approach as the best means to ensure the security of aid workers and safe access to civilians in need of aid. Given the complex emergency in which humanitarian NGOs operate in the Eastern DRC, this article advocates for a *'selective approach'* to the respect of the principles of humanitarian action. As opposed to *'the strict principled approach'* and *'least principled approach'*, the *'selective respect approach'* enables humanitarian NGOs to abide with the principles of humanitarian action based on the contexts and environments in which they operate. The *'do no harm'* approach should guide humanitarian NGOs in selecting which of the four principles of humanitarian action to respect or let go for humanity sake to enable them access to civilians and provide aid wherever the needs are found.

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