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Humanitarian organisations must do more to influence spoilers on the battlefields and beyond

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This is a first half-baked draft. Comments on improving it are most welcome.

I am aware of two major problems but unsure how to solve them

The section entitled “Humanitarian influencing strategies and tools” is too long and too descriptive. It merely describes how Hum orgs influence. It does not speak to how these instruments can be employed in a strategic manner in a specific conflict. Perhaps, it should be cut significantly to leave more space for the case study

The case study does not work either, but I am not sure how to do it. Should it be structured by the four questions on page 5?

Abstract:

Humanitarian organisations need to manage spoilers undermining their humanitarian space better. Therefore, this article constructs an analytical tool that will make it easier for humanitarian organisations to identify spoilers and determine how, and to what extent, they can influence them to stop their spoiling. Humanitarian organisations cannot focus primarily on combatants in their efforts to create and preserve humanitarian space; they must simultaneously influence their allies and supporters as well as the bystanders allowing humanitarian spoiling to occur.

Keywords: coercion, humanitarian action, humanitarian space, inducement, persuasion, protracted armed conflicts, spoilers, strategy

Introduction

In the 1990s, the international community was facing a problem in the armed conflicts, it was trying to end by means of negotiated peace agreements. After the signing of a peace agreement, actors often tried to undermine or alter it by using force. To address this challenge, Stedman formulated a spoiler theory to help peacemakers manage the actors using force.¹ Today, humanitarian organisations operating in protracted armed conflicts face a similar spoiler problem. They find it hard to obtain the consent and cooperation from the warring parties that they need to be able to conduct their operations in a secure and effective manner.² The number of attacks on UN peacekeepers and aid workers show an upward trend, and the number of aid workers killed now rival or exceed the number of United Nations (UN) peacekeepers suffering the same fate (see Table 1).

	1997	1999	2001	2003	2005	2007	2009	2011	2013	2015	2017
Aid workers	39	33	27	87	53	88	109	86	156	110	139
UN PKO	49	39	72	108	131	90	121	115	110	125	138

Sources: Aid Worker Security Database; United Nations Operations and Crisis Centre

To address these problems humanitarian organisations have beefed up their operational security procedures and enhanced their negotiation skills.³ The increased focus on operational security and “humanitarian” negotiation makes sense, but it only addresses a fraction of the spoiler problem that humanitarian organisations are facing. To address the challenge posed by limited consent and respect for IHL from the warring parties, humanitarian organisations need to look beyond the battlefields. Humanitarian organisations need to conduct what the military refers to as “shaping operations”. Like their military counterparts, humanitarian organisations must systematically consider how they can shape their operational environment and actively try to set the conditions for success before and during their operations. Shaping operations establish conditions for success by influencing the parties to the conflict, the population (including local leaders), regional allies and global actors capable of influencing the warring parties. Shaping operations target all these actors with all available means and require coordination of capabilities that the organisations conducting them do not own themselves. To succeed a shaping strategy seeking to establish a secure environment for humanitarian assistance must do three things:

- 1) study all the audiences and actors that are relevant for the attainment of this outcome
- 2) analyse the effects that need to be imparted on the relevant audience; before determining the best mix of instruments required to influence those audiences to achieve the outcome.

¹ Stephen John Stedman, “Spoiler Problems in Peace Processes,” *International Security*, Vol. 22, No. 2 (Fall 1997), p. 5-53.

² ICRC, *Protracted conflict and humanitarian action: some recent ICRC experiences*, Geneva, 2016, p. 9; ICRC, *ICRC Annual Report 2017*, Geneva, 2018, p. 78. See for instance Jan Egeland, Adele Harmer and Abby Stoddard, *To Stay and Deliver: Good practice for humanitarian in complex security environments*, OCHA Policy and Studies Series, p. vii; Caroline Flintoft, *Misery as Strategy: The Human Cost of Conflict*, International Crisis Group (ICG), 31 May 2018; OCHA, *In the line of fire*, 18 August 2017, at <https://www.unocha.org/story/line-fire> (accessed 1 October 2018).

³ Nicholas Leader and Joanna Macrae (eds.) *Terms of Engagement: Conditions and Conditionality in Humanitarian Action*, HPG Report 6, July 2000, pp. 1, 3, 13; Deborah Mancini-Griffoli and Andre Picot, *Humanitarian Negotiation: a Handbook for Securing Access, Assistance and Protection for Civilians in Armed Conflict*, Geneva: Centre for Humanitarian Dialogue, 2004.

3) determine to what extent a safe humanitarian space can be achieved at all.⁴

The purpose of this article is to help humanitarian organisations to formulate such strategies. It will help them to identify the spoilers they need to influence to create and preserve their humanitarian space, provide an overview of the full range of influence strategies and tools at their disposal, and finally enable them to assess to what extent a secure humanitarian space can be established in a given conflict.

The article has four parts. The first part identifies the different types of spoilers that undermine humanitarian space. The second part provides an overview over the three strategies that humanitarian organisations can employ to influence the spoilers: persuasion, inducement and coercion. Part three uses the case of Darfur (2003-2009) to do two things. First, it demonstrates how humanitarian organisations used all three strategies and their related tools in their efforts to manage spoilers and enhance their humanitarian space. Then it demonstrates how the proposed spoiler tool could have improved their effectiveness considerably. The final part summarizes the main findings and discuss their implications for humanitarian organisations seeking to influence spoilers in (protracted) armed conflicts.

Identifying humanitarian spoilers

Stedman originally defined spoilers as actors using force to undermine peace agreements.⁵ This definition is far too narrow with respect to humanitarian spoilers. Since humanitarian organisations rely on consent from the warring parties to get access to civilians in need, it is easy to hinder, delay and undermine humanitarian operations by non-military means on the battlefield and beyond. Non-military means must consequently be included in the analysis as well. Therefore, this analysis defines a humanitarian spoiler as “any actor that hinders, delays or undermines humanitarian action by military or non-military means either directly or indirectly”. This definition produces four main types of spoilers:

- 1) *combatants* that hinder, delay or undermine humanitarian action in warzones;
- 2) *allies* that provide direct material support (men, materiel and money) to combatants spoiling humanitarian assistance;
- 3) *supporters* that prevent others from taking action to stop humanitarian spoiling; and finally
- 4) *bystanders* that fail to use their power to reduce or stop humanitarian spoiling (see Table 2).

In the ongoing-armed conflict in Syria, the Syrian regime is an example of a *combatant* undermining humanitarian action through its repeated attacks on hospitals and humanitarian organisations, and its unwillingness to permit the delivery of humanitarian assistance to rebel-controlled areas. Russia is both a *combatant* contributing to humanitarian spoiling through its indiscriminate bombing of cities,⁶ and an *ally* providing material support that enables the regime to

⁴ UK Army Doctrine Publication, *Land Operations*, 2017, p. i.

⁵ Stephen John Stedman, “Spoiler Problems in Peace Processes,” *International Security*, Vol. 22, No. 2 (Fall 1997), p. 5.

⁶ Amnesty International, Syrian and Russian forces targeting hospitals as a strategy of war, Press Release, 3 March 2016, <https://www.amnesty.org/en/press-releases/2016/03/syrian-and-russian-forces-targeting-hospitals-as-a-strategy-of-war/>; Atlantic Council, *Breaking Aleppo*, Washington DC, 2017.

carry out its spoiling behaviour. China is a *supporter* because its repeated vetoes in the Security Council help to prevent the UN from punishing the Syrian government for its spoiling behaviour. Finally, the Western great powers are *bystanders* because they have done very little to influence combatants, allies and supporters to reduce the massive humanitarian spoiling occurring in Syria.

Combatants	Local, regional and global actors taking active part in the fighting that spoil humanitarian operations
Allies	Local, regional and global actors providing direct material support to combatants spoiling humanitarian operations
Supporters	Local, regional and global actors preventing others from imposing costs on combatants and allies spoiling humanitarian operations
Bystanders	Local, regional and global actors capable of taking action to reduce or stop humanitarian spoiling that fail to do so.

A humanitarian planner anticipating or planning an operation into a given conflict must identify all existing and potential spoilers in the four categories at all three levels. In addition to monitoring ongoing spoiling behaviour, planners must also look ahead and attempt to forecast the emergence of new spoilers in all categories at all levels. Such forecasting is a prerequisite for assessing future risks and, more importantly, taking proactive action to prevent new spoilers from emerging. Ideally, planners should understand why spoilers engage in humanitarian spoiling and what they hope to achieve, how they do it, and with what means (political, economic and military).⁷ This may well be a herculean task as the number and identity of humanitarian spoilers in a protracted armed conflict change as the conflict evolves. Syria is a case in point where the number and composition of humanitarian spoilers have changed significantly and frequently since the beginning of the conflict in 2011.

To make the task manageable, planners should start by determining the military capabilities of the combatants. A military capability analysis is a relatively simple way to determine the humanitarian spoiling capacity of the various combatants, and the risk they pose to aid workers and the local population. In view of the complexity and volatility characterizing protracted armed conflicts, it is most prudent to adopt a worst-case analysis assuming that combatants will spoil as much as they can. Greenhill and Major have demonstrated empirically that peace agreement spoilers tend to as “greedy” as their military strength allows them to be, and that their spoiling behaviour is based on cost-benefit calculations. Actors involved in a peace process can consequently be expected to spoil peace agreements for as long as the perceived benefits exceed the costs.⁸ Military balance of power considerations are key to the calculus made by peace agreement spoilers, and this will be true for combatants engaging in humanitarian spoiling in (protracted) armed conflicts as well.⁹ The key to influencing humanitarian spoilers is therefore to (threaten to) weaken their military capacity to engage in humanitarian spoiling and to survive on the battlefield. Degrading a spoiler’s military capability will make the spoiler more vulnerable to attacks from other warring parties thus giving it a strong interest in ceasing its spoiling behaviour.

⁷ Edward Newman and Oliver Richmond Peace Building and Spoilers. *Conflict, Security & Development* 6, 2006; Stephen John Stedman, “Spoiler Problems in Peace Processes,” *International Security*, Vol. 22, No. 2 (Fall 1997).

⁸ Kelly M. Greenhill and Solomon Major, The Perils of Profiling. Civil War Spoilers and the Collapse of Intrastate Peace Accords, *International Security*, Vol. 31, No. 3 (Winter 2006/07), pp. 7–40.

⁹ Larry Minear, Lessons learned: the Darfur experience, in N Behrman (ed.) *ALNAP Review of Humanitarian Action in 2004: Capacity Building*. London: Overseas Development Institute, 2005, 103.

The risk and scale of humanitarian spoiling therefore depends on whether other actors (local, regional and global) are capable and willing to use threaten the use of force to deter and, if need be, stop it. The logic is visible in the Syrian armed conflict, where the Trump Administration has used military force twice in 2017 and 2018 to punish the Syrian regime for using chemical weapons against its population. President Trump also vowed to use force again in September 2019 if the Syrian regime used chemical weapons as part of its offensive in the Idlib province.¹⁰ The American use of military coercion has reduced the “chemical” spoiling carried out by the regime to a low level. By contrast, the United States has not been willing to punish the Syrian regime’s repeated and well-documented use of indiscriminate air power against city centres and health facilities. American use of air power could also have reduced this form of humanitarian spoiling significantly, and the failure to act makes the United States (and its NATO allies) bystanders indirectly contributing to humanitarian spoiling in Syria.

Once the military capabilities of the principal combatants and the military balance of power between them has been determined, the second step in the analysis is to identify their allies, supporters and the bystanders with a military capacity to alter the military balance of power. It is not enough to focus on combatants using force on the battlefield and their allies providing support that enable them to wage their military campaigns. To assess the prospects for influencing the combatants and their closest allies to stop their humanitarian spoiling, it is also necessary to include supporters and bystanders in the analysis. Supporters and bystanders will usually have less at stake than combatants and allies and this may make them easier to influence.

Humanitarian organisations seeking to prevent and stop humanitarian spoiling in a (protracted) armed conflict should therefore ask four questions when analysing the conflict:

- 1) Who are the principal combatants, how much military capability do they have, how can it be degraded and by whom?
- 2) Who are the principal allies, how do they support the combatants, how can their support be stopped and by whom?
- 3) Who are the principal supporters, how do they support the combatants, how can their support be stopped and by whom?
- 4) Who are the principal bystanders with a capacity to alter the military balance on the ground, how can they be influenced to act and by whom?

Humanitarian organisations must ask and revisit these questions repeatedly as the conflict evolves. As already mentioned, the identity and number of spoilers will change in the course of the conflict and so will the (lack of) opportunities to influence the level and character of humanitarian spoiling. The answers provided to these questions are crucial for devising effective influence strategies. An influence strategy must be tailor made for each spoiler, and each strategy should combine persuasion, inducement and coercion for maximum impact. How humanitarian organisations can employ persuasion, inducement and coercion to this end is the question addressed in the next section.

Humanitarian influencing strategies and tools

¹⁰ Josie Ensor and Joseph Haboush, White House warns it will 'respond swiftly' if Syria uses chemical weapons again, as Idlib hit by Russian airstrikes, *The Telegraph*, 4 September 2018.

As guides and manuals on operational security and humanitarian negotiation with combatants stress repeatedly, humanitarian organisations relying on consent from the warring parties can do very little to directly influence the military balance of power on the battlefield. Indirectly, they can and do influence it in several ways, however. Their means of influence can be grouped three main strategies (see Table 3), and this section provides an overview of the three strategies and exemplifies the means of influence associated with them.

Persuasion	Information, education and training
Inducement	Promises and rewards
Coercion	Threats and punishment

The strategy of *persuasion* relies on information, education and training. It involves the transmission of information and knowledge and aim to persuade (potential) spoilers with arguments that speak to their particular position in conflict. Effective persuasion explains (potential) spoilers what they are supposed to do (and why), and lays out concrete methods for how to do it. Persuasion has both preventive and operational dimensions, and humanitarian organisations employ it continuously in peacetime and war in order to prevent humanitarian spoiling from emerging in the first place and to stop it when it does.

The strategic purpose of peacetime persuasion is to humanize future battlefields making them as conducive for humanitarian operations as possible by creating and internalizing respect for IHL, humanitarian organisations and humanitarian space from all potential spoiler types at the local, regional and global levels. Information, training and education is the common way to do this. The activities carried out by the ICRC to “communicate, develop, clarify and promote the implementation of IHL and other relevant bodies of law”, as well as efforts to facilitate acceptance of humanitarian organisations and their work serve this purpose.¹¹ In addition to working with state militaries and international organisations helping them to integrate IHL into military doctrine and regulation, training, equipment and sanctions, its dissemination efforts also target schoolchildren, university students, the general public, the mass media and Armed Non-state Actors (ANSAs).¹² The UN and many other humanitarian non-governmental organisations carry out similar activities in order to increase the knowledge and respect for human rights and the humanitarian principles underpinning the humanitarian space.

Persuasion also takes the form of advocacy campaigns targeting the military and financial means permitting spoiling behaviour. The International Campaign to Ban Landmines (1,300+ NGOs) played a critical role in the adoption of the International Mine Ban Treaty in 1997,¹³ the Cluster Munition Coalition (400+ organisations) helped pave the way for the 2008 Convention on Cluster

¹¹ ICRC, ICRC Prevention Policy, 2010, 5; Jean-Luc Blondel, “The role of the ICRC in preventing armed conflict: its possibilities and limitations,” *International Review of the Red Cross*, Vol. 83, No. 844, December 2001, pp. 923-45

¹² Vincent Bernard, Time to take prevention seriously, *International Review of the Red Cross* (2015), 96 (895/896), 695; Forsythe, *Humanitarians* 2005, 270-273; ICRC, *The Roots of Restraint in War*, 2018; Michelle Mack, Increasing Respect for International Humanitarian Law in Non-international Armed Conflicts, ICRC, 2008, <http://www.icrc.org/eng/resources/documents/publication/p0923.htm> (accessed 24 September 2018).

¹³ See <https://www.globalpolicy.org/ngos-and-the-international-campaign-to-ban-landmines.html> (accessed 1 October 2018); Forsythe *Humanitarians* 2005, 264-265; Don Hubert, *The Landmine Ban: A Case Study in Humanitarian Advocacy*. Watson Institute, Occasional Paper No. 42. Providence, RI: Brown University, 2000.

Munitions,¹⁴ and the Control Arms campaign (300+ organisations) led to the 2013 Arms Trade Treaty, seeking to prevent and eradicate illicit trade and diversion of conventional arms.¹⁵ Advocacy campaigns launched by coalitions of humanitarian organisations also played important roles in the establishment of International Criminal Court in 1998,¹⁶ and in the process leading to the adoption of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, which entered into force in 2002.¹⁷ Ongoing advocacy campaigns led by coalitions of humanitarian organisations seek to stop the proliferation of small arms and light weapons, to ban the development of autonomous weapons - the so-called killer robots, and to stop the use of child soldiers.¹⁸

A related form of persuasion that deserves mentioning is the pioneering work undertaken by Geneva Call in order to engage ANSAs. In 2000, Geneva Call began to engage ANSAs to persuade them to sign a Deed of Commitment to adhere to the ban on anti-personnel mines, destroy any stockpiles they may have, cooperate with mine clearing and victim assistance programmes, and allow Geneva Call and associates to monitor and verify their compliance with the commitment. Geneva Call subsequently began to use the same approach to get ANSAs to sign Deeds of commitment to protect children in armed conflict and to prohibit sexual violence and gender discrimination. As of September 2018, 52 ANSAs had signed the Deed of Commitment banning Anti-Personnel mines, 26 ANSAs had signed the Deed of Commitment protecting children in armed conflict, and 24 had signed the Deed of Commitment prohibiting sexual violence and gender discrimination.¹⁹

A third variant of general persuasion is the Codes of Conduct adopted by humanitarian organisations to signal their commitment to the humanitarian principles of protection, neutrality, impartiality and independence. As of 26 September 2018, the *Code of Conduct for the International Red Cross and Red Crescent Movement, and non-governmental organisations in disaster relief* resting on these principles has been signed by 767 NGOs and endorsed by the UN Office for the Coordination of Humanitarian Affairs (OCHA) and the UN General Assembly.²⁰ This code has been supplemented by others such as the Sphere Project establishing minimum standards in core areas of humanitarian response.²¹ Communication and adherence to these standards help to reduce humanitarian spoiling by persuading potential spoilers that humanitarian organisations will not side with their enemies.

In addition to the three forms of general or structural persuasion seeking to prevent humanitarian spoilers by creating a favourable context for future humanitarian operations, targeted persuasion seeks to convince identified (potential) spoilers of all types to refrain from or cease spoiling

¹⁴ Thomas Nash, The role of NGO activism in the implementation of the Convention on Cluster Munitions, UNIDIR, 2010; www.stopclustermunitions.org (accessed 1 October 2018)

¹⁵ See <https://controlarms.org/control-arms/> (accessed 1 October 2018)

¹⁶ See <http://www.coalitionfortheicc.org/> (accessed 1 October 2018)

¹⁷ See <https://www.child-soldiers.org/> (accessed 1 October 2018)

¹⁸ See The International Action Network on Small Arms (IANSA) <https://www.iansa.org/>; Campaign to stop Killer Robots, <https://www.stopkillerrobots.org/>

¹⁹ See <https://genevacall.org/how-we-work/deed-of-commitment/> (26 September 2018).

²⁰ OCHA, *On Message: Humanitarian Principles*, 2012; International Federation of Red Cross and Red Crescent Societies, *Signatories to the Code of Conduct* <https://media.ifrc.org/ifrc/who-we-are/the-movement/code-of-conduct/signatories-to-the-code-of-conduct/>

²¹ The Sphere Project, *The Sphere Handbook: Humanitarian Charter and Minimum Standards in Humanitarian Response, third edition* (Rugby: Practical Action Publishing, 2011).

behaviour in ongoing conflicts. Humanitarian organisations do this by engaging directly with potential and actual spoilers, but also providing information about ongoing conflicts to other actors with a capacity to influence them, local community leaders, the media, other organisations and states.

Humanitarian organisations engage directly with combatants in war zones to inform them about their responsibilities under IHL, humanitarian principles and to gain access to civilians in need of humanitarian assistance in their areas of control. The ICRC, the UN and other large humanitarian organisations have developed handbooks and humanitarian negotiation tools to help humanitarian personnel create and preserve consent and cooperation from combatants.²² When humanitarian engagement with combatants move from information-sharing, training and education to give-and-take negotiations relying on promises, rewards, threats and punishment, we move into the realms of the strategies of inducement and coercion - more on this below.

Humanitarian organisations also engage in indirect persuasion by raising awareness of humanitarian emergencies and/or violations of IHL. They do this by giving journalists access to war zones, by providing the media, other humanitarian organisations and governments with information, by publishing their own reports and by urging all parties to a conflict to respect their IHL obligations.²³ During the Bosnia war, the ICRC denounced the detention and inhumane treatment of innocent civilians, and called upon the warring parties to take steps to improve the plight of the civilian population in Sarajevo. In Somalia the ICRC paid journalists to go to interior parts of the country to cover the desperate plight of starving civilians, and the ICRC helped journalists to Kigali during the first month of the 1994-genocide in Rwanda.²⁴

In the ongoing war in Syria, the ICRC, the UN and other organisations have repeatedly called upon the parties to respect IHL and provide humanitarian organisations access to the millions in need of assistance.²⁵ Humanitarian organisations have also played a key role in documenting humanitarian need and IHL violations. A recent analysis of British and French media coverage of the conflict documents how information provided by Human Rights Watch, ICRC, MSF, Oxfam and the Syrian Observatory for Human Rights about the extent of human suffering, casualties and atrocities has played a key role in shaping the media coverage and public debate about the conflict.²⁶

When persuasion proves insufficient with respect to preventing and stopping humanitarian spoiling, humanitarian organisations can resort to the *strategy of inducement*, which backs persuasion with positive inducements in the form of promises and rewards. The rewards can be non-tangible in the

²² ICRC, *Safer Access for all National Societies Increasing acceptance, security and access to people and communities in need*, <http://saferaccess.icrc.org/>; Humanitarian Negotiations Information Portal, <http://www.humanitariannegotiations.org/resource-database/>; Gerard Mc Hugh and Manuel Bessler, *Humanitarian Negotiations with Armed Groups A Manual for Practitioners* (OCHA: United Nations 2006).

²³ Dennis Dijkzeul and Markus Moke, Public communication strategies of International humanitarian organizations, *International Review of the Red Cross*, Volume 87 Number 860 December 2005, 674-675.

²⁴ David P. Forsythe, "Naming and Shaming: The Ethics of ICRC Discretion," *Millennium*, 34 (2) 2006, 461-474; Jakob Kellenberger, 'Speaking Out or Remaining Silent in Humanitarian Work', *International Review of the Red Cross* 86, no. 855 (2004): 599, 606.

²⁵ See for instance *Uniting for Peace in Syria: Global Civil Society Appeal to UN Member States*, <https://www.hrw.org/news/2016/12/01/uniting-peace-syria-global-civil-society-appeal-un-member-states>

²⁶ Christoph O. Meyer, Eric Sangar and Eva Michaels, How do non-governmental organizations influence media coverage of conflict? The case of the Syrian conflict, 2011-2014, *Media, War & Conflict*, Vol. 11(1) 2018, p. 164.

form of recognition and legitimacy, and tangible in the form of resources and services or silence in the face of human suffering or IHL violations.

With respect to legitimacy, the mere act of negotiation and cooperation with a humanitarian organisation may serve as a positive incentive bestowing legitimacy on an armed group. ANSAs with political aspirations often use cooperation with humanitarian groups to demonstrate their legitimacy and ability to govern areas under their control.²⁷ The importance attributed to such legitimacy is not only visible in way that ANSAs use it strategically. It is also visible in the way governments fighting ANSAs attempt to deny them legitimacy by banning contacts between ANSAs and humanitarian organisations, and by designating ANSAs as terrorists.²⁸

The resources and services that humanitarian organisations command constitute another important source of leverage that can be used as positive incentives in bargaining situations. Humanitarian organisations bring food, water, medical services, and employment opportunities; they rent offices, housing and cars and help grow the local economy.²⁹ In the 1990s, all the humanitarian organisations operating in Somalia had to hire armed security guards thus providing resources to the warlords controlling their areas of operation.³⁰ In 2006-2009, humanitarian organisations had to provide aid in exchange for security to some ANSAs in Darfur,³¹ and in Somalia today, al-Shabaab taxes all businesses in their areas of control making it impossible for humanitarian organisations to hire local staff or buy services without paying such taxes indirectly.

The bargaining leverage provided by humanitarian operations is further illustrated by the fact that ANSAs ideologically opposed to humanitarian organisations have accepted their presence or invited them in. An interest in winning the “hearts and minds” of the local population by increasing the level of medical assistance was one of the factors that led the Taliban to invite MSF into areas of under its control in 2010.³² Similarly, al-Shabaab allowed MSF to continue to operate with minimal interference in some areas in Somalia for a number of years, because its medical services were highly valued by the local community.³³ The Syrian regime has also used international humanitarian assistance strategically. By granting humanitarian organisations access to areas under its control and

²⁷ Haiti article on gangs; Jonathan Loeb, Talking to the other side Humanitarian engagement with armed non-state actors in Darfur, Sudan, 2003–2012, *HPG Working Paper*, August 2013, 16

²⁸ Rob Grace, Frontline Negotiations with Non-State Armed Groups, Harvard Humanitarian Initiative's Advanced Training Program on Humanitarian Action, 2015; Ashley Jackson, Talking to the Other Side: Humanitarian Engagement with Armed Non-State Actors, *HPG Policy Brief 47*, June 2012.

²⁹ Erik Abild, Creating humanitarian space: a case study of Somalia, UNHCR Research Paper No. 1842009, p. 14.

³⁰ Claire Magone, Michael Neuman, Fabrice Weissman (eds.) *Humanitarian Negotiations Revealed, The MSF Experience*, London: Hurst & Company, 2011, 187; Joakim Gundel, Humanitarianism and Spoils Politics in Somalia, in Monica Kathina Juma and Astri Suhrke (eds.) *Eroding Local Capacity: International Humanitarian Action in Africa* Uppsala: Nordiska Afrikainstitutet 2002, p. 146.

³¹ Karoline R. Eckroth, Humanitarian Principles and Protection Dilemmas: Addressing the Security Situation of Aid Workers in Darfur, *Journal of International Peacekeeping* 14 (2010), p. 102; Jonathan Loeb, Talking to the other side Humanitarian engagement with armed non-state actors in Darfur, Sudan, 2003–2012, *HPG Working Paper*, August 2013, 24.

³² Claire Magone, Michael Neuman, Fabrice Weissman (eds.) *Humanitarian Negotiations Revealed, The MSF Experience*, London: Hurst & Company, 2011, 56, 62, 66

³³ Joel Belliveau, Red lines and al-Shabaab: negotiating humanitarian access in Somalia, NOREF Report, 2015,

denying it to rebel-held areas, it has used international aid to generate better conditions in its own areas.³⁴

A third positive incentive commanded by humanitarian organisations is (a promise to maintain) silence in the face of humanitarian suffering or atrocities/war crimes. This is an asset that ICRC and MSF have used over the years in their dealings with governments and non-state actors to gain and preserve humanitarian access.³⁵ It has gained in importance as spoilers have come to fear public denouncements from humanitarian organisations. For instance, al-Shabaab will only grant access to areas under its control to humanitarian organisations that promise not to speak out publicly against the group.³⁶ (Promise of) silence has clear and obvious limits as it may facilitate continued humanitarian spoiling under some circumstances. Nevertheless, it does provide leverage that can be used to influence humanitarian spoilers (combatants, allies and supporters) fearing external intervention to take steps to reduce or stop the level of spoiling on the battlefield.

When humanitarian organisations break their silence and name and shame identified humanitarian spoilers, they cross the threshold from inducement to *coercion*. This strategy relies on threats and punishments in order to influence actors to refrain from or stop humanitarian spoiling. Naming and shaming is one variant of humanitarian coercion, another is termination or suspension of humanitarian operations, and a third is use of armed protection.

Humanitarian organisations use naming and shaming against all types of spoilers from combatants to bystanders. It relies on two coercive mechanisms. It generates direct pressure on the spoilers named to refrain from or stop its spoiling behaviour as well as indirect pressure by mobilizing the media and public opinion to generate pressure on other actors to take action against the named spoilers.³⁷ As Human Rights Watch executive director Roth has pointed out, effective naming and shaming has three components. A humanitarian organization “must be able to show persuasively that a particular state of affairs amounts to a violation of human rights standards, that a particular violator is principally or significantly responsible, and that a widely accepted remedy for the violation exists”.³⁸

Humanitarian organisations use naming and shaming against combatants interfering with their operations at the tactical level threatening to expose their spoiling to the local population, more powerful groups or outside actors.³⁹ MSF used humanitarian naming and shaming in the 1980s trying in vain to use the media and public opinion to mobilize the international community to stop

³⁴ Emma Beals and Nick Hopkins, Aid groups suspend cooperation with UN in Syria because of Assad 'influence', *The Guardian*, 8 September 2016; Nick Hopkins and Emma Beals, How Assad regime controls UN aid intended for Syria's children, *The Guardian*, 29 August 2016.

³⁵ Jakob Kellenberger, 'Speaking Out or Remaining Silent in Humanitarian Work', *International Review of the Red Cross* 86, no. 855 (2004), pp. 593-609; Claire Magone, Michael Neuman, Fabrice Weissman (eds.) *Humanitarian Negotiations Revealed, The MSF Experience*, London: Hurst & Company, 2011, 6, 46, 92, 110, 120

³⁶ Ashley Jackson and Abdi Aynte, “Talking to the other side: Humanitarian negotiations with Al-Shabaab in Somalia,” HPG Working paper, Humanitarian Policy Group, December 2013, p. 10

³⁷ Some humanitarian handbooks term this indirect coercive mechanism “mobilization” and regard it as a separate humanitarian mode of action. See Hugo Slim and Andrew Bonwick (eds), *Protection: An ALNAP Guide for Humanitarian Agencies*, Overseas Development Institute, London, 2005, p. 86; ICRC, *Enhancing protection*, <https://www.icrc.org/eng/assets/files/other/icrc-002-0956.pdf> (accessed 1 October 2018).

³⁸ Kenneth Roth, Defending Economic, Social and Cultural Rights: Practical Issues Faced by an International Human Rights Organization, *Human Rights Quarterly* 26, 1 (February 2004), 67-68.

³⁹ Johan Pottier, Roadblock Ethnography: Negotiating Humanitarian Access in Ituri, Eastern DR Congo, 1999-2004, *Africa: The Journal of the International African Institute*, Volume 76, Number 2, 2006, p. 173.

Soviet humanitarian spoiling in Afghanistan, and to stop forced resettlements carried out by the Ethiopian government.⁴⁰ Even the ICRC, which uses bilateral confidential dialogue as its primary mode of action,⁴¹ uses naming and shaming on exceptional occasions.⁴² One example was its public denunciation of the government of Myanmar in 2007 for major and repeated violations of international humanitarian law and its refusal to engage in dialogue or grant the ICRC independent access to prisons.⁴³ Humanitarian organisations have used naming and shaming frequently during the ongoing conflict in Syria.⁴⁴

Humanitarian naming and shaming calls for diplomatic and economic sanctions in most cases. Calls for military action against spoilers are less frequent, but they are made. In April 1992, MSF called for military intervention against the Serb nationalists to stop their bombardment of Sarajevo.⁴⁵ CARE USA called for military intervention in Somalia later that year, and Oxfam called for military intervention in Bosnia in 1993, in Rwanda in 1994 and in the Democratic Republic of Congo in 1996.⁴⁶ MSF also called for international military intervention in Rwanda in 1994 and in the DRC in 1996.⁴⁷ In 2004, UN Secretary General Annan urged UN member states to use military means if the Sudanese government did not grant humanitarian organisations and human rights investigators access to Darfur.⁴⁸ In the ongoing conflict in Syria, Amnesty International and Human Rights Watch have supported military intervention in Syria to stop the regime's systematic IHL violations and use of chemical weapons, if such intervention respected IHL principles and reduced the suffering of the Syrian people.⁴⁹ Likewise, International Crisis Group has urged the United States to use air power to stop the Syrian regime from using air power against rebel-held areas.⁵⁰

Humanitarian organisations also use naming and shaming to target bystanders that help to fuel armed conflicts. The international humanitarian NGO, Global Witness, specializes in using naming and shaming campaigns in order to stop illegal trade with natural resources from fuelling conflicts.

⁴⁰ Claire Magone, Michael Neuman, Fabrice Weissman (eds.) *Humanitarian Negotiations Revealed, The MSF Experience*, London: Hurst & Company, 2011, p. ?

⁴¹ <https://www.icrc.org/eng/assets/files/other/icrc-002-0956.pdf>, 36

⁴² See "Action by the International Committee of the Red Cross in the event of violations of international humanitarian law or of other fundamental rules protecting persons in situations of violence," *International Review of the Red Cross*, No. 858, 30 June 2005, pp. 393-400.

⁴³ Claire Magone, Michael Neuman, Fabrice Weissman (eds.) *Humanitarian Negotiations Revealed, The MSF Experience*, London: Hurst & Company, 2011, 122

⁴⁴ Uniting for Peace in Syria: Global Civil Society Appeal to UN Member States,

<https://www.hrw.org/news/2016/12/01/uniting-peace-syria-global-civil-society-appeal-un-member-states> (accessed 25 September 2018). For an analysis of the humanitarian use of naming and shaming in the Syrian conflict see Christoph O. Meyer, Eric Sangar and Eva Michaels, How do non-governmental organizations influence media coverage of conflict? The case of the Syrian conflict, 2011–2014, *Media, War & Conflict*, Vol. 11(1) 2018, pp. 149–171.

⁴⁵ Claire Magone, Michael Neuman, Fabrice Weissman (eds.) *Humanitarian Negotiations Revealed, The MSF Experience*, London: Hurst & Company, 2011, 186

⁴⁶ Brendan Sims, *Unfinest Hour. Britain and the destruction of Bosnia* (London: Penguin Books, 2002), unpaginated; Abby Stoddard, "Humanitarian NGOs: Challenges and Trends," in Joanna Macrae and Adele Harmer, eds., *Humanitarian Action and the "Global War on Terror": A Review of Trends and Issues* (London: Overseas Development Institute, Humanitarian Policy Group, 2003), 32.

⁴⁷ Claire Magone, Michael Neuman, Fabrice Weissman (eds.) *Humanitarian Negotiations Revealed, The MSF Experience*, London: Hurst & Company, 2011, 188

⁴⁸ Claire Magone, Michael Neuman, Fabrice Weissman (eds.) *Humanitarian Negotiations Revealed, The MSF Experience*, London: Hurst & Company, 2011, 193

⁴⁹ <https://www.hrw.org/news/2016/08/30/un-security-council-ensure-justice-syria-atrocities>;
<https://www.amnestyusa.org/6-key-points-for-military-intervention-in-syria/>

⁵⁰ International Crisis Group, New Approach in Southern Syria, Middle East Report No. 163, 2 September 2015, 25.

It made its name documenting how Khmer Rouge earned large sums of money smuggling timber to Thailand, and its campaign led to the closure of the border between the two countries. A subsequent campaign against “blood diamonds” helped to establish the Kimberly Process that made it harder to sell diamonds from conflict zones in Africa.⁵¹ Other organisations use naming and shaming and advocacy campaigns seeking to stop weapon sales to countries in conflict. The campaigns launched to stop weapon sales to Saudi Arabia since its intervention in Yemen in 2015 are recent cases in point.⁵²

(Threats of) suspension or termination of humanitarian operations constitute a second coercive instrument available to humanitarian organisations. It is used most frequently against combatants, but have on occasion also been employed against bystanders using humanitarian assistance as an alibi for inaction to coerce them to act. In 1985, Swiss MSF terminated its programme in Ethiopia and publicly condemning the government obstruction that prevented it from providing relief to the population as well as the UN failure to stop it.⁵³ In 1994, ICRC withdrew from rural Liberia due to systematic manipulation of aid and looting of equipment.⁵⁴ In 1996, Oxfam and Save the Children suspended their aid programmes in Afghanistan in order to coerce the Taliban to lift their restrictions on female employment.⁵⁵ In 2006, French MSF withdrew from Myanmar because government restrictions made it impossible for it to conduct its work in accordance with humanitarian principles.⁵⁶ The ICRC suspend prison visits from time to time in order to coerce governments to provide access to all prisoners,⁵⁷ and it has a practice of suspending its aid operations in response to attacks on ICRC personnel in order to coerce combatants to stop such attacks.⁵⁸

Humanitarian organisations have also used (threats of) suspensions in order to coerce bystanders to do something. As mentioned already, MSF tried in vain to use its termination of its operation in Ethiopia in 1985 to coerce the UN and the great powers to act against the Ethiopian government. In 1992, a threat to withdraw from Somalia made by a group of American NGOs had more success helping to coerce the United States to launch a military intervention to create a secure environment for humanitarian operations.⁵⁹

⁵¹ Franziska Bieri, *From Blood Diamonds to the Kimberley Process: How NGOs Cleaned Up the Global Diamond Industry* (London: Routledge 2016).

⁵² Campaign Against Arm trade, Stop Arming Saudi Arabia, <https://www.caat.org.uk/campaigns/stop-arming-saudi>; Human Rights Watch, #Stop Arming Saudi, <https://www.hrw.org/StopArmingSaudi>; Kloe Tricot O'Farrell and Roy Isbister, The beginning of the end? European arms exports for the Yemen war, *Saferworld*, 1 March 2018; Sarah White, French government faces legal pressure over arms sales to Saudi, UAE, *Reuters*, 6 May 2018 Patrick Wilcken, Britain and the US must stop fueling the bloody Saudi war on Yemen, *The Guardian*, 20 March 2018.

⁵³ Claire Magone, Michael Neuman, Fabrice Weissman (eds.) *Humanitarian Negotiations Revealed, The MSF Experience*, London: Hurst & Company, 2011, 37

⁵⁴ Nicholas Leader and Joanna Macrae (eds.) *Terms of Engagement: Conditions and Conditionality in Humanitarian Action*, HPG Report 6, July 2000, p. 28.

⁵⁵ Matthew Fielden and Sippi Azerbaijani-Moghadam, Female Employment in Afghanistan: A Study of Decree # 8, 6 February, Inter-agency task force study on Taliban decree and its implications, 2001, 7.

⁵⁶ Claire Magone, Michael Neuman, Fabrice Weissman (eds.) *Humanitarian Negotiations Revealed, The MSF Experience*, London: Hurst & Company, 2011, 120

⁵⁷ David P. Forsythe Naming and Shaming: The Ethics of ICRC Discretion, *Millennium*, Vol.34 No.1 (2005), p. 468.

⁵⁸ ICRC suspends operations in Peshawar and Karachi, *BBC News*, 10 May 2012; Bashir Ansari, Red Cross suspends Afghanistan operations after six aid workers killed, *Reuters*, 8 February 2017; Nabeel Biajo, ICRC Suspends Operations in South Sudan County After Attack, *VOANEWS*, 24 April 2018.

⁵⁹ Sarah K. Lischer, 2003. “Collateral Damage: Humanitarian Assistance as a Cause of Conflict.” *International Security* 28 (1), p. 102.

A third coercive instrument available to humanitarian organisations is the use of armed guards and escorts to protect their personnel and operations to increase the costs of attacks and harassment. While armed protection remains an exceptional practice, all major international humanitarian organisations have used it at various times since the state collapsed in Somalia in 1991.⁶⁰ This also applies to ICRC and MSF, both of whom oppose the use of armed protection as a matter of principle. The ICRC also worked in tandem with the US intervention force in Somalia in 1993.⁶¹ The use of armed guards and escorts remains necessary in south-central Somalia today.⁶² The ICRC has also hired local guards to escort aid convoys in the Northern Caucasus, and MSF has done it in Afghanistan, Eritrea, Pakistan and Pakistan.⁶³

Table 4: Strategies and means used to influence humanitarian spoilers	
Persuasion: information, education and training	<ul style="list-style-type: none"> - IHL and human rights training, education and information campaigns - Campaigns aimed at banning weapons systems, stopping the proliferation of small and light arms, the use of child soldiers and so on - Informing combatants about their IHL obligations and humanitarian principles in order to gain access to civilians in need - Providing information about atrocities and humanitarian spoiling to advocacy groups, journalists, governmental organisations and governments - Appeals to all spoilers in a given conflict to respect IHL and stop their spoiling behaviour
Inducement: promises and rewards	<ul style="list-style-type: none"> - Legitimacy derived from cooperating with humanitarian organisations - Humanitarian assistance to civilians enabling governments and armed groups to divert resources to military capacities or gain support from the local population - Payment for accommodation, services and local staff benefiting the local economy and thereby governments and armed groups - Direct payment to combatants for protection and humanitarian access - (Promise of) silence concerning human suffering and spoiling in exchange for humanitarian access
Coercion: threats and punishment	<ul style="list-style-type: none"> - (Threat to engage in) naming and shaming of humanitarian spoilers in order to mobilize local, regional and global pressure on them to stop - (Threat to issue) calls for diplomatic, economic, or military measures against identified humanitarian spoilers - (Threat to) suspend or terminate humanitarian operations - (Threat to) use armed escorts to protect humanitarian aid

Humanitarian spoiler management in Darfur (2003-2009)

In 2003, the Sudanese government assisted by proxies launched a brutal counter-insurgency campaign to crush a rebellion. The destruction of villages and indiscriminate killings left an estimated 200,000 people dead and over 2 million displaced.⁶⁴ In the course of the next 6 years, humanitarian organisations used all the strategies and instruments presented in the section above in order to stop the humanitarian spoilers limiting their humanitarian space. The case is useful for demonstrating the power and pitfalls of humanitarian influencing. Because it combines

⁶⁰ Abby Stoddard, Adele Harmer and Victoria DiDomenico, The use of private security providers and services in humanitarian operations, HPG Report 27, October 2008, 12.

⁶¹ David P. Forsythe, *Humanitarians: The International Committee of the Red Cross*, Cambridge: Cambridge University Press, pp. 118-120.

⁶² Abby Stoddard, Adele Harmer and Victoria DiDomenico, The use of private security providers and services in humanitarian operations, HPG Report 27, October 2008, 11.

⁶³ James Cockayne, *Commercial Security in Humanitarian and Post-Conflict Settings: An Exploratory Study* (New York: International Peace Academy, 2006), p. 6.

⁶⁴ ICG, 'To save Darfur', 17 March 2006.

unprecedented success with respect to influencing humanitarian spoiling with ultimate failure to bring spoiling to an end. The conflict and humanitarian spoiling is ongoing as of 2019.

On the positive side, the case demonstrates how humanitarian organisations can influence spoilers in all categories (see Table 5). Humanitarian organisations raised the alarm calling attention to the unfolding tragedy, documented atrocities and successfully put the conflict on the international agenda. No mean achievement considering that the Western powers had little interest in Darfur, and China and Russia actively tried to keep the conflict off the Security Council's agenda. A comment by a UN representative made in the context of 10th anniversary of the genocide in Rwanda that Darfur resembled Rwanda made headlines in American newspapers and generated pressure on the US President and the UN to do something. The G-word also caught the public imagination and helped launch the Save Darfur campaign, which became the largest international advocacy movement since anti-apartheid putting pressure on all spoilers to stop their spoiling and end the conflict.⁶⁵ The pressure induced the US government to characterize the conflict as genocide and take the lead in the efforts to solve it. The United States became the largest contributor of humanitarian assistance to Darfur, imposed unilateral economic sanctions on the Sudanese government and put pressure on its allies, the UN, Russia and China to support the deployment of a peacekeeping force in Darfur. This would not have happened in the absence of the influence activities undertaken by humanitarian organisations.

The humanitarian organisations succeeded in launching the world's largest humanitarian relief (13.000 personnel) and peacekeeping (26.000 personnel) operations, and they also helped bring about American, Chinese and Russian acceptance of a UN Security Council referral of the conflict to the ICC, which resulted in an indictment of Sudanese President Bashir for war crimes. An advocacy campaign coupling the 2008 Beijing Olympics with the Chinese support for the Sudanese regime also reduced Chinese spoiling behaviour.

On the negative side, humanitarian influencing did not succeed in paving the way for peace or the establishment of humanitarian space. The Sudanese government continued its spoiling behaviour throughout the period. The efforts by the humanitarian organisations to obtain humanitarian access met with limited success no matter which combination of persuasion, inducement and coercion they employed. In 2009, the ICC indictment of President Bashir triggered an immediate expulsion of 13 humanitarian organisations operating in Darfur. Later that year the United States eased its pressure on Sudan shifting to a policy of engagement that has proved as ineffective as its use of diplomatic pressure and sanctions. The conflict in Darfur remains unsolved.

This overall failure has been attributed to a host of factors such as insufficient coordination among within and between the humanitarian organisations engaged, poorly conceived advocacy campaigns, lack of clear objectives and insufficient understanding of the Sudanese actors they were trying to influence.⁶⁶ Yet as will become clear in the next section, the failure can also in part be attributed to the fact that the humanitarian organisations were advocating military options that were bound to fail.

Table 5: Humanitarian spoiler management in Darfur (2003-2009)

⁶⁵ David Lanz, Save Darfur: A Movement and Its Discontents, *African Affairs*, Vol. 108, No. 433 (October 2009), pp. 669.

⁶⁶ Kate M. Bridges, Between Aid and Politics: diagnosing the challenge of humanitarian advocacy in politically complex environments—the case of Darfur, Sudan, *Third World Quarterly*, Vol. 31, No. 8, 2010, 1256-1260.

Spoilers	Persuasion	Inducement	Coercion	Effect
<p>Combatants:</p> <p>Sudanese government and proxies:</p> <ul style="list-style-type: none"> - indiscriminate killings of civilians - attacks on aid workers and peacekeepers - denial of humanitarian access - bureaucratic constraints on humanitarian space and access⁶⁷ - expelling 13 aid organisations <p>Rebel groups splintering and shifting alignments in the course of the conflict</p> <ul style="list-style-type: none"> - Atrocities and banditry 	<p>Feb. 2003-: Early warnings and calls for greater assistance and documentation of atrocities⁶⁸</p> <p>Dec 2003: OCHA calls Darfur one of the world's worst humanitarian crisis⁶⁹</p> <p>ICRC and MSF use information & persuasion with combatants and local communities to cultivate consent and access⁷⁰</p>	<p>Aid in exchange for access to rebel areas</p> <p>Rebel cooperation with NGOs strengthened their popular support</p> <p>Humanitarian presence in rebel areas reduced risk of government attacks⁷¹</p> <p>UN and humanitarian NGO try to use silence in exchange for access⁷²</p>	<p>Nov 2003: UN spokesman naming and shaming Sudanese government for obstructing humanitarian organisations seek to get access to civilian in Darfur⁷³</p> <p>March 04: UN representative compares Darfur to Rwanda⁷⁴</p> <p>May 04: ICG call for military intervention if necessary⁷⁵</p> <p>July 04- Save Darfur campaign call upon Sudan to stop spoiling in Darfur ICC⁷⁶</p> <p>Aug 04: ICG calls for sanctions, AU PKO force, UN Commission of Inquiry⁷⁷</p>	<p>March 04: Sudan provides more access to Darfur</p> <p>Sudan allows deployment of AU/UN peacekeeping force</p>

⁶⁷ Hugo. Slim, "Dithering over Darfur? A Preliminary Review of the International Response", *International Affairs*, Vol. 80, No. 5 (2004), p. 812.

⁶⁸ Amnesty International UK, Sudan: Urgent call for Commission of Inquiry in Darfur as situation deteriorates, Press release, 21 February 2003; Amnesty International, Sudan: Looming Crisis in Darfur, 30 June 2003; Amnesty International, Sudan Darfur: Too Many People Killed for No Reason, 3 February 2004; International Crisis Group, Darfur Rising: Sudan's New Crisis, 25 March 2004; Human Rights Watch, Darfur in Flames: Atrocities in Western Sudan April 2004; Human Rights Watch, "Darfur Destroyed: Ethnic Cleansing by Government and Militia Forces in Western Sudan," May 2004.

⁶⁹ Jonathan Loeb, Talking to the other side Humanitarian engagement with armed non-state actors in Darfur, Sudan, 2003–2012, *HPG Working Paper*, August 2013, 16

⁷⁰ Karoline R. Eckroth, Humanitarian Principles and Protection Dilemmas: Addressing the Security Situation of Aid Workers in Darfur, *Journal of International Peacekeeping* 14 (2010), p. 107.

⁷¹ Jonathan Loeb, Talking to the other side Humanitarian engagement with armed non-state actors in Darfur, Sudan, 2003–2012, *HPG Working Paper*, August 2013, 16, 19, 24

⁷² Hugo. Slim, "Dithering over Darfur? A Preliminary Review of the International Response", *International Affairs*, Vol. 80, No. 5 (2004), p. 815

⁷³ AFP, Khartoum red tape choking aid flows to war-ravaged Darfur: UN, 10 November 2003

⁷⁴ IRIN, Sudan: Darfur is World's Greatest Humanitarian Disaster, Says UN Official, Press release, 22 March 2004.

⁷⁵ Gareth Evans, Darfur: The world should be ready to intervene in Sudan, *New York Times*, 15 May 2004.

⁷⁶ Colin Thomas-Jensen and Julia Spiegel, Activism and Darfur: Slowly Driving Policy Change Fordham International Law Journal, Volume 31, Issue 4 31 (2007-2008), 848.

⁷⁷ International Crisis Group, 'Darfur deadline: a new international action plan' (Nairobi and Brussels: ICG, 23 Aug. 2004).

<p>Allies China Key arms supplier, investor and trade partner. - Shields Sudan from arms embargo and coercive intervention - water down sanctions⁷⁸</p>			<p>Russia, China and Belorussia named and shamed for supplying Sudan with weapons⁷⁹</p> <p>Sept 06: Save Darfur campaign for UN PKO deployment in Darfur⁸⁰</p> <p>March 07-: Genocide Olympics advocacy campaign aimed at China⁸¹</p>	<p>Aug 06 China dropped initial resistance to AU/UN PKO mission in Darfur.⁸²</p> <p>Sept 07: 300 Chinese soldiers to AU/UN PKO mission</p> <p>Apr 07-Jan 08: Chinese pressure on Sudan to deflect Genocide Olympics campaign⁸³</p>
<p>Supporters Russia shielding Sudan from Security Council pressure</p>			<p>China and Russia named and shamed for supporting Sudan in the Security Council</p>	<p>15 states and major US companies disinvested in companies doing business with Sudan</p> <p>China dropped opposition to referral to ICC⁸⁴</p> <p>China dropped initial opposition to UN economic sanctions</p>
<p>Bystanders USA and Western states</p>			<p>Spring 06: President Bush receive 1 mil. postcards demanding stronger multinational force.⁸⁵</p> <p>Apr 06: Save Darfur Rally to Stop Genocide demanding PKO force</p> <p>May 07: Save Darfur - Divest for Darfur campaign states and firms named and shamed for investing</p>	<p>Dec 07: US Divestment Act imposed sanctions on Sudan</p> <p>US allowed UNSC to refer Sudan to ICC⁸⁷</p>

⁷⁸ Human Rights First, Factsheet: China's Arms Sales to Sudan, 3 November 2008, <https://www.humanrightsfirst.org/wp-content/uploads/pdf/080311-cah-arms-sales-fact-sheet.pdf> (accessed 1 October 2018); Mark MacKinnon, Russia's Weapon Sales to Sudan Assailed, *Globe and Mail*, 12 August 2004; Daniel Large, China's Sudan Engagement: Changing Northern and Southern Political Trajectories in Peace and War, *The China Quarterly*, Volume 199, 2009, pp. 616-617.

⁷⁹ Human Rights First, Factsheet: China's Arms Sales to Sudan, 3 November 2008.

⁸⁰ Alex De Waal, Darfur and the failure of the responsibility to protect, *International Affairs*, Volume 83, Issue 6, 1 November 2007, 1043.

⁸¹ Helen Cooper, "Darfur Collides With Olympics, and China Yields", *New York Times*, 13 April 2007; Ronan Farrow and Mia Farrow, The 'Genocide Olympics', *The Wall Street Journal*, 28 March, 2007.

⁸² Daniel Large, 'China and the contradictions of "non-interference" in Sudan', *Review of African Political Economy* 35, 115 (2008), pp. 93-106.

⁸³ Sharath Srinivasan, A marriage less convenient: China, Sudan and Darfur, November 2008, pp. 15-16, 19. <https://www.researchgate.net/publication/303260292> (accessed 2 October 2018)

⁸⁴ Security Council Refers Situation in Darfur, Sudan, to Prosecutor of International Criminal Court, UN Doc. SC/8351 31 March 2005.

⁸⁵ Rebecca Hamilton, *Fighting for Darfur: Public Action and the Struggle to Stop Genocide*, Palgrave MacMillan, 2011.

⁸⁷ Colin Thomas-Jensen and Julia Spiegel, Activism and Darfur: Slowly Driving Policy Change Fordham International Law Journal, Volume 31, Issue 4 31 (2007-2008).853; Sheryl Gay Stolberg, "Bush Tightens Penalties Against Sudan", *New York Times*, 29 May 2007

			in firms doing business with Sudan ⁸⁶	
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Hypothetical humanitarian spoiler management in Darfur using the proposed framework

This section will demonstrate how a simple first cut analysis of the military balance of power in Darfur in 2003 would have enabled humanitarian planners to assess the likely level of combatant spoiling and the military action required to stop it. Such an analysis could have made the humanitarian campaigning more effective with respect to creating and maintaining humanitarian space.⁸⁸

Key combatants? Key military capabilities?	Sudanese military strength 30.000 strong Force needed for a consensual intervention 35,000 Force needed for coercive intervention using 3:1 rule = 90.000 ⁸⁹ (Pentagon estimate in 2005: 120,000) ⁹⁰ (UNAMID authorised strength in 2007: 26.000 total; 19.500 military) ⁹¹
Effective counter-measures?	US/NATO only actors capable of deploying or leading an effective force of this size
Key supporters? Key means of support?	China Key arms supplier, investor and trade partner.
Effective counter-measures?	P-3, and AU pressure key to overcome spoiling
Key supporters? Key means of support?	China and Russia shield Sudan from sanctions and coercive intervention in UNSC
Effective counter-measures?	P-3 and AU pressure key to overcome spoiling
Key bystanders? Key source of inaction?	P-3 key to effective multilateral AU, EU, NATO or UN action. Their support determines the effectiveness of multilateral action, diplomatic, economic or military
Effective counter-measures?	Direct persuasion/naming and shaming of politicians and public pressure

Table 6 demonstrates that the United States and its Western allies held the key to any rapid or effective military intervention in Darfur. Considering that China was Sudan’s key ally supplying it with weapons, a major trade partner and a permanent member of the Security Council, it was also predictable that China, supported by Russia, would prevent any “interference in the domestic affairs” of its ally without its consent. During the 1990s, China consistently opposed UN interventions with Chapter VII mandate to use force beyond self-defence against governments in

⁸⁶ Check Colin M. Barry K. Chad Clay Michael E. Flynn Avoiding the Spotlight: Human Rights Shaming and Foreign Direct Investment, *International Studies Quarterly*, Volume 57, Issue 3, 1 September 2013, 532–544; Colin Thomas-Jensen and Julia Spiegel, Activism and Darfur: Slowly Driving Policy Change *Fordham International Law Journal*, Volume 31, Issue 4 31 (2007-2008).

⁸⁸ A comprehensive analysis preceding the launch of a humanitarian operation should include all available information about the combatants, their leaders, local culture and so on. My framework merely seeks to provide a worst-case estimate of the likely level of humanitarian spoiling and the military power required to stop it.

⁸⁹ John J. Mearsheimer, Assessing the Conventional Balance: The 3:1 Rule and Its Critics, *International Security*, Volume 13, Number 4, Spring 1989, pp. 54-89

⁹⁰ Pentagon estimates cited in Rebecca Hamilton, *Fighting for Darfur: Public Action and the Struggle to Stop Genocide*, Palgrave MacMillan, 2011, 76.

⁹¹ Security Council Authorizes Deployment of United Nations-African Union ‘Hybrid’ Peace Operation in Bid To Resolve Darfur Conflict, UN doc. SC/9089, 31 July 2007, <https://www.un.org/press/en/2007/sc9089.doc.htm>

power.⁹² It was equally unrealistic to expect the UN to be able to lead a “robust” peacekeeping operation capable of protecting civilians against attack without major Western support in face of predictable Sudanese spoiling.⁹³ In 2003, the UN had a notoriously poor record with respect to conducting major operations with chapter VII mandates in non-permissive environments.⁹⁴ This is why the Western permanent members since the UN failures in Bosnia, Somalia and Rwanda have conducted such operations under the auspices of NATO or in coalitions of the willing. The Western unwillingness to support the UN mission with troops, helicopters and other forms of critical enablers condemned the force to failure from the start.⁹⁵

The conclusion that the United States, France and the UK (P-3) were the key to making any military deployments successful, would have prompted humanitarian planners to assess the willingness of the P-3 to launch such an operation. The strategic question for humanitarian planners to ponder is whether the P-3 could be persuaded, induced and/or coerced (named and shamed) to launch such an operation and improve humanitarian space in Darfur. If the answer is yes, influence campaigns targeting each country individually should be launched. If the answer is no, the sensible choice is to abandon the push for military intervention, since it is going to be ineffective and most likely make it harder to conduct humanitarian operations. Humanitarian organisations should instead devote their resources to persuade/induce/coerce (name and shame) P-3, the Sudanese government, China and Russia to contribute to increase humanitarian access and focus on finding a negotiated solution to the crisis.

At the time (2003-2006), a humanitarian planner would probably have concluded that the odds of a P-3 intervention led by the United States were too low to warrant an influencing campaign. The Darfur crisis erupted at a time, when the US and its NATO allies were overstretched by difficult operations in Afghanistan and Iraq. Getting to Darfur and moving around in theatre was difficult requiring airlift that was in short supply because of Iraq and Afghanistan.⁹⁶ The United States did not have any strategic interest in Darfur warranting an intervention on the scale required, and there was widespread concern that an intervention might cause the peace process between the Sudanese government and the rebels in the Southern Sudan to collapse.⁹⁷ Hardly surprising that the Bush Administration never seriously contemplated a military intervention.⁹⁸

⁹² On the Chinese position on UN authorized coercive interventions see Christopher Holland, Chinese Attitudes to International Law: China, the Security Council, Sovereignty, and Intervention, *NYU Journal of International Law & Politics Online Forum*, July 2012, <http://nyujilp.org/wp-content/uploads/2012/07/Christopher-Holland-China-the-Security-Council-and-Intervention.pdf> (accessed 1 October 2018).

⁹³ For an account of Sudanese delaying tactics successfully slowing down the arrival of equipment and personnel see Irin, Waiting for peacekeeping muscle in Darfur, 31 December 2007.

⁹⁴ See Peter Viggo Jakobsen, UN Peace Operations in Africa Today and Tomorrow, in Michael Bothe and Boris Kondoch (eds.) *The Yearbook of International Peace Operations, Volume 7, 2001* (Hague: Kluwer Press International 2002), pp. 153-180.

⁹⁵ Critics pointed this out at the time. See for instance Alex de Waal, Darfur and the failure of the responsibility to protect, *International Affairs*, Volume 83, Issue 6, 1 November 2007, pp. 1039-1054; Lydia Polgreen, Darfur peacekeeping force at risk of failing, already, *International Herald Tribune*, 23 March 2008.

⁹⁶ “Getting boots off the ground. Choppers are vital—and hard to find,” *The Economist* 386, no. 8564 (26 January 2008), 70

⁹⁷ Hugo. Slim, “Dithering over Darfur? A Preliminary Review of the International Response”, *International Affairs*, Vol. 80, No. 5 (2004), p. 822.

⁹⁸ See Rebecca Hamilton, *Fighting for Darfur: Public Action and the Struggle to Stop Genocide*, Palgrave MacMillan, 2011, pp. 76-78.

Most humanitarian organisations supporting the proposals for the AU and AU-UN peacekeeping missions do not appear to have given much thought as to whether they would work. It was obvious to any military planner at the time that the two AU forces deployed were far too small and incapable of fulfilling their missions. The UN planners responsible for deploying the joint AU/UN force also knew they were heading for trouble. They objected to it in vain to the mission. The consent required for the conduct of a peacekeeping operation did not exist, and like its AU predecessor, it lacked critical enablers such as helicopters and was undermined by Sudanese spoiling.⁹⁹

A better understanding of the necessary military requirements for success might have induced the humanitarian organisations calling for military intervention to have named and shamed the P-3 into providing the AU and UN missions with critical enablers and personnel. This might have given them a chance to hold the ring and facilitate humanitarian assistance operations.

Conclusion

This article has sought to make two contributions in order to improve the ability of humanitarian organisations to manage the spoilers undermining humanitarian space that they encounter at the local, regional and global levels. The first contribution was to demonstrate that humanitarian organisations have more leverage in their dealings with humanitarian spoilers than they think. My broad definition of spoilers highlight the need to influence spoilers on the battlefield and beyond simultaneously, and the need for different types of humanitarian organisations to team up and do it together. If operational organisations such as coordinate and cooperate more with thinking organisations such as and campaign organisations, they are likely to achieve great success with respect to targeting combatants, allies, supporters and bystanders. In each conflict, the key to success is to identify the weakest link in the spoiler change and target it collectively.

The other contribution was to highlight the importance of putting the military capabilities of combatant spoilers at the center of their operational and strategic analyses. A correct assessment of their military capabilities and the relative balance of power among them is a prerequisite for understanding the risk of spoiling, and how to address with a strategy combining persuasion, inducement and coercion in the way that will produce the greatest effect. If humanitarian organisations had undertaken such an analysis before embarking on their humanitarian operations and advocacy campaigns in Darfur in 2003/04 they might have achieved a better result.

⁹⁹ Julie Flint and Alex De Waal, *Darfur: A New History of a Long War*, New York, Zed Books, 2008, unpaginated; Colum Lynch, A Mission That Was Set Up to Fail, *Foreign Policy*, 8 April 2014, <https://foreignpolicy.com/2014/04/08/a-mission-that-was-set-up-to-fail/> (accessed 2 October 2018).