

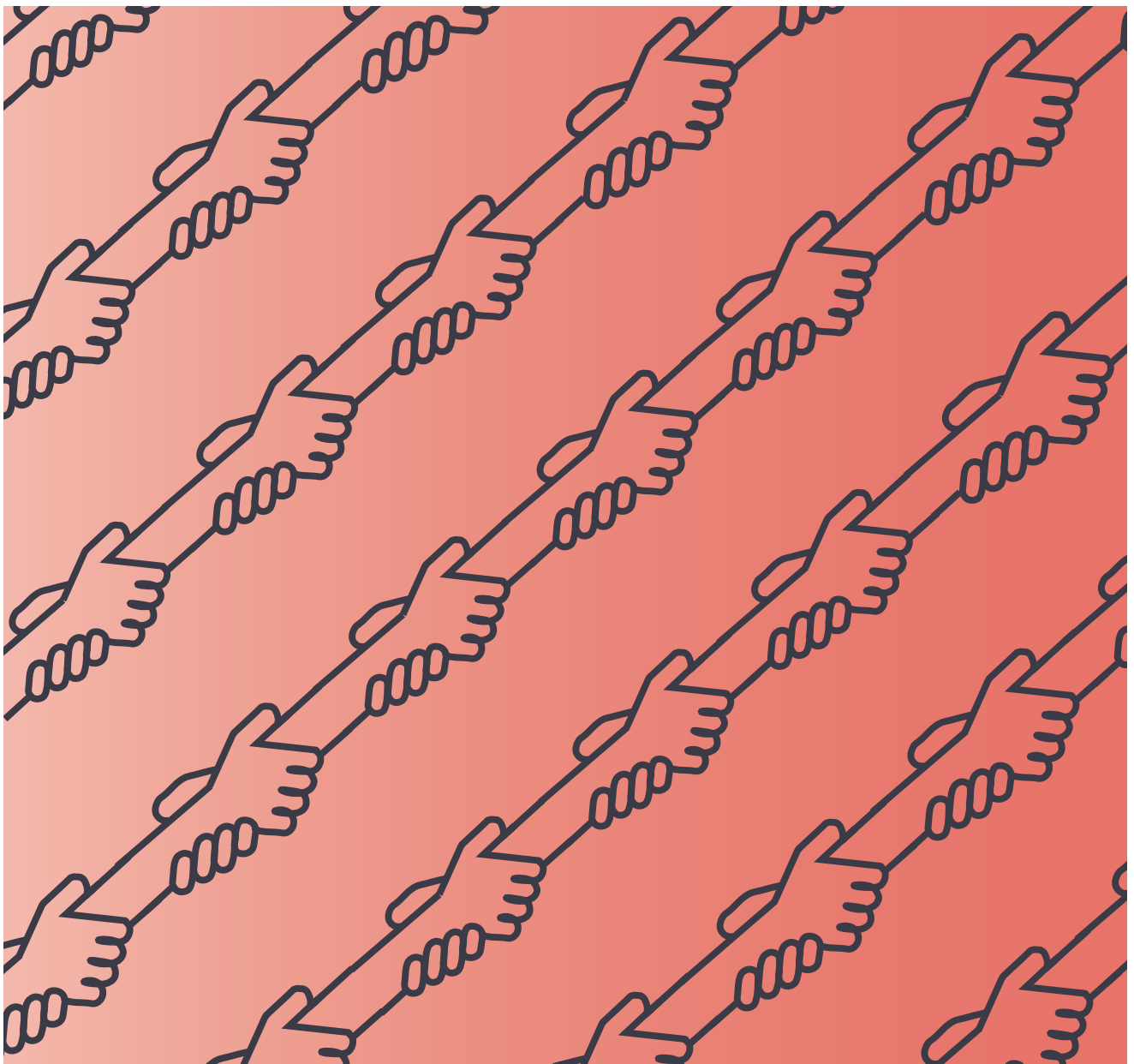
# Humanitarian resistance

Number 87 September 2022

## Network Paper

### Its ethical and operational importance

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Number 87 September 2022

**HPN**  
Humanitarian  
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## Humanitarian resistance : its ethical and operational importance

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## Introduction

Russia's invasion of Ukraine and the return of military dictatorship in Myanmar have reminded the world of the importance of humanitarian resistance. In both countries, civilian rescue and relief is being organised by resistance groups that are struggling for victory and humanity in equal measure, and so simultaneously taking sides for human life and human freedom. They are not neutral but they are humanitarian. In many situations, resistance humanitarians are reaching people faster and better than conventional humanitarians from neutral international agencies.

Humanitarian resistance organisations merit respect and support, and the very concept of resistance humanitarianism needs greater recognition. Conventional international humanitarian agencies often struggle to respond sufficiently to suffering and injustice. Their neutral operations require the consent of reluctant authoritarian regimes who typically suspect their liberal values and their Western backers. Agency bureaucracies and their myriad standards make them slow and expensive. Resistance humanitarians are already on the ground, close to people in need and more courageous in their humanitarian action. Their two-pronged struggle for justice and humanity is firmly grounded in ethics and law, making them just as legitimate as conventional humanitarians and often much more so in the eyes of their suffering populations.

International humanitarians and the governments that fund them should embrace locally led humanitarian resistance as we have seen it most recently in Syria, Myanmar, Ukraine and Tigray. But the idea of humanitarian resistance can send a shiver down the spine of some so-called 'principled humanitarians', who insist that humanitarian action must always be quintessentially neutral and led largely by internationally recognised organisations like the Red Cross Red Crescent Movement, United Nations (UN) agencies or international non-governmental organisations (INGOs). Formally recognising humanitarian resistance, or resistance humanitarianism, might be politically dangerous for their neutral humanitarian project. Sharing the humanitarian label with resistance organisations may taint conventional humanitarianism and put neutral and independent staff at risk of confusion with partisan humanitarians.

This paper makes the case for humanitarian resistance as an essential, ethical and legal form of organised humanitarianism. I argue that the phrase is not an oxymoron. Politically committed humanitarian action makes good moral sense and is lawful under international human rights law (IHRL) and international humanitarian law (IHL). Like partisan fighters under the laws of war, partisan humanitarians should be more formally acknowledged in policy and law to protect the life-saving contribution they make. If not, international humanitarians are at risk of operating a double standard in the silence they keep

about the value of resistance humanitarianism, and the noise they make about their own importance. In Ukraine, for example, internationals have struggled to match the reach and relevance of resistance humanitarianism, and have sought to colonise it rather than enable it.<sup>1</sup>

The paper starts with some recent examples of humanitarian resistance in action. This emphasises the significant contribution that humanitarian resistance makes in protecting and respecting human life during war, dictatorship and injustice today, as it always has done. I then show how humanitarian resistance fits within the wider politics and practice of civil resistance. Having identified humanitarian resistance as a specific practice, I then explore it ethically as the duty to resist and repair, and justify it legally by showing that neutral humanitarianism is not a requirement of human rights or humanitarian law. Finally, I look at two potential problems arising from labelling partisan relief as humanitarian resistance: first, the risk of pollution that may follow from confusion between resistance humanitarianism and neutral humanitarianism; and second, humanitarian resistance as part of unjust resistance movements. Here, I note that life-saving by people supporting an unjust cause is still worthy of a humanitarian epithet if its core values of humanity and impartiality are held, but not when those same organisations are complicit with deliberate inhumanity.

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<sup>1</sup> Stoddard, A., Harvey, P., Timmins, N. et al. (2022) *Enabling the local response: emerging humanitarian priorities in Ukraine March–May 2022*. London: Humanitarian Outcomes ([www.humanitarianoutcomes.org/Ukraine\\_review\\_June\\_2022](http://www.humanitarianoutcomes.org/Ukraine_review_June_2022)).

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## What is humanitarian resistance?

Humanitarian resistance is doubtless as old as war, tyranny and injustice itself, but the precise term has been coined recently and is a neologism in ethics, politics and law. I first came across the term ‘humanitarian resistance’ in Khatchig Mouradian’s important history of the covert network of individuals, churches and businesses that tried to save the lives of Armenians during the Ottoman genocide against them in the First World War.<sup>2</sup> Mouradian himself is drawing on the earlier use of the term by Hilmar Kaiser and others also writing about Armenian relief in Ottoman Syria.<sup>3</sup> Mouradian’s description of this resistance network, which combined local, national and international efforts to protect and rescue Armenians, as ‘humanitarian resistance’ seems apt to me. The network carried out its life-saving efforts in political opposition to Ottoman policy, usually without Ottoman consent and sometimes at personal risk of execution if they were discovered.

Humanitarian resistance is a common phenomenon throughout humanitarian history, and Mouradian’s Armenian example is just one case among hundreds. The 20th century, with all its wars and tyrants, saw many such instances of people taking sides in war and against dictatorship, who acted on their political commitments by taking direct action to save lives.<sup>4</sup> Holocaust historians have recorded many individual and collective efforts to rescue Jewish people from the Nazi genocide against them. Holocaust history adopts the term ‘rescue’ and ‘rescuers’ along with ‘resistance’ to describe the accounts of hundreds of brave people who hid and transported Jewish people to safety, or issued false documents for their safe passage.<sup>5</sup> Holocaust historians do not use the term humanitarian resistance, but they could. Political scientists have tended to talk of ‘rebel aid’ and ‘rebel governance’ in their recent analysis of resistance movements in Syria and elsewhere.<sup>6</sup> Social scientists write importantly on ‘civilian resistance’ and ‘self-protection’ in civil wars, and on ‘everyday peace’ during conflict. These studies reveal how communities avoid attacks, reduce their risks and sustain social and economic capital across enemy lines.<sup>7</sup> But for

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- 2 The first systematic use of the term of which I am aware is by Khatchig Mouradian in *The resistance network: the Armenian genocide and humanitarianism in Ottoman Syria 1915–1918* (2021). Ann Arbor: Michigan State University Press.
  - 3 Kaiser, H., Eskijian, L. and Eskijian, N. (2017) *At the crossroads of Der Zor: death, survival and humanitarian resistance in Aleppo 1915–1917*. Tampa: Signalman Publishing.
  - 4 Slim, H. (2020) ‘Notable humanitarians who took sides’. Online article. *The New Humanitarian* ([www.thenewhumanitarian.org/opinion/2020/09/22/humanitarians-who-took-sides](http://www.thenewhumanitarian.org/opinion/2020/09/22/humanitarians-who-took-sides)).
  - 5 For a short summary of Holocaust Rescue see Bauer, Y., Zuroff, E. and Litvak, Y. (eds) (2007) *Encyclopaedia Judaica*, Vol. 9, 2nd edn. USA: Macmillan Reference, pp 409ff.
  - 6 See, for example, Carnegie, A., Howe, K., Lichtenheld, A. et al. (2022) ‘The effects of foreign aid on rebel governance: evidence from a large-scale USAID program in Syria’ *Economics and Politics* (34) 1: 41–66 (<https://doi.org/10.1111/ecpo.12178>).
  - 7 Kaplan, O. (2017) *Resisting war: how communities protect themselves*. Cambridge: Cambridge University Press; Gorur, A. and Carstensen, N. (2016) ‘Community self-protection’ in Wilmot, H., Mamiya, R., Sheeran, S. et al. (eds) *Protection of civilians*. Oxford: Oxford University Press; Baines, E. and Paddon, E. (2012) ‘This is how we survived: civilian agency and humanitarian protection’ *Security Dialogue* 43 (3) (<https://doi.org/10.1177/0967010612444150>); Mac Ginty, R. (2021) *Everyday peace: how so-called ordinary people can disrupt violent conflict*. Oxford: Oxford University Press.

specific life-saving relief and protection organisations that combine a desire for victory and humanity, humanitarian resistance seems a more exact description than the broader notion of rebel governance and the narrower practice of self-protection.

Historical and contemporary examples suggest a relatively simple definition of humanitarian resistance:

Humanitarian resistance is the rescue, relief and protection of people suffering under an unjust enemy regime. It is specifically organised by individuals and groups who are politically opposed to the regime and support resistance against it because of their political commitments or personal conscience. Humanitarian resistance takes sides and is carried out without enemy consent, often covertly and at great personal risk.

Use of the word ‘enemy’ is key in this definition because people working in humanitarian resistance recognise they have an enemy, whereas neutral humanitarians must profess that they do not. The point about conscience is also important because not all resistance humanitarians are necessarily signed-up members of a political party or resistance movement working as an explicit opponent of the other side. Some humanitarians adopt a resistance approach out of personal conscience alone. Their resistance is religiously or ethically inspired and not attached to a particular political or resistance group.

One final observation on definition, albeit a rather philosophical one, is worth making. The principle of solidarity has traditionally been used to describe a form of humanitarianism that is not neutral but takes sides.<sup>8</sup> It might be asked, therefore, why we need the term ‘humanitarian resistance’ when we might just as easily talk of humanitarian solidarity. But there is a difference, I think, between solidarity and resistance. Solidarity expresses a moral and ideological stance in which we agree with the just cause of others and stand firmly beside them in support of their goal. Solidarity is essentially a commitment to unity and common cause. It says nothing about what one might actually do in practice. For example, being in solidarity with the Civil Disobedience Movement (CDM) in Myanmar, I might simply agree with their struggle and hope for the best for them. Solidarity is more attitude than act until it is manifested in a specific course of action, like rescuing and caring for particular people and protecting them from the enemy. In action, your solidarity must inevitably resist powerful forces around you that do not want you to rescue or relieve, and will punish you if they catch you doing so. Solidarity is a precursor and motivation for action. It is not action itself, but the moment you do act on it as a humanitarian you will be resisting enemy power, and be resisted by it in return.<sup>9</sup> This makes it more accurate to talk of humanitarian resistance because it captures the inevitable power dynamic involved in acting out one’s solidarity against an opponent.

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8 Weiss, T.G. (1999) ‘Principles, politics and humanitarian action’ *Ethics and International Affairs* 13 (<https://doi.org/10.1111/j.1747-7093.1999.tb00322.x>).

9 I am aware that this is all a bit Foucauldian and that many new-generation humanitarians understand Foucault’s work much better than me. But, of course, it is Newtonian physics too, which rather preceded the great Frenchman.

Another reason to specify resistance is because solidarity is used differently by different humanitarian agencies. Many neutral humanitarians, like the International Committee of the Red Cross (ICRC), will stress that they are in solidarity with the victims of war and violence. But, here, they are speaking of a solidarity that is neutral and universal with all who suffer. This is very different to a particular political solidarity with one side against another. So, solidarity discourse is likely to get confused when agencies are using it with different meanings. Resistance is much more explicit in its recognition of side-taking, enmity and confrontation, and also the inevitable secrecy that comes with resistance of all kinds.

This abstract definition can be fleshed out with several examples of humanitarian resistance. In the Egyptian revolution of 2011–2013, many doctors consciously fused their political and humanitarian commitments to become resistance medics caring for protesters on Tahrir Square, taking sides but also treating the wounded from both sides.<sup>10</sup> These medics went to the Square in common cause with the protesters and understood themselves as politically committed health workers. Caring for those wounded in revolutionary protests against the security forces was their contribution to the struggle. At the same time, however, their medical ethics also committed them to treat everyone who was wounded, and they also cared for any wounded police or military personnel brought to their clinics. Nevertheless, their impartiality was not appreciated by the authorities and they were sometimes attacked and beaten up in their field clinics by security forces for the support role they were playing, and their commitment to the revolution. Similar operations are the norm in Syria too.<sup>11</sup>

In the Mediterranean a similar form of humanitarian resistance has played out in recent years to rescue migrants from drowning in their attempts to come to Europe. Several humanitarian non-governmental organisations (NGOs) have operated rescue ships as a politically committed act to expose and resist European Union (EU) migration policy. Some have been refused anchorage in Italian ports and their crews have been arrested. Caroline Abu Sa'da, the Director of SOS Méditerranée Suisse, sees her organisation as 'a kind of vigilante of the Mediterranean'. It is a citizens' movement which confronts the unjust and illegal policies of EU states and SOS's young volunteers 'see their political engagement as the struggle against ethno-nationalism' in Europe.<sup>12</sup> In a similar but less spectacular and mediated way, resistance humanitarians have been active on the Poland–Belarus border running escape routes for people fleeing the authoritarian government in Minsk.

Further back, the 1980s and early 1990s saw several important humanitarian resistance organisations in action. In South Sudan in the 1980s, Norwegian People's Aid (NPA) became famous for taking sides in the war for an independent South Sudan. NPA refused to join Operation Lifeline Sudan, the neutral international aid response coordinated by the UN, and instead continued to give its political support

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10 Roborgh, S.E. (2018) 'Beyond medical humanitarianism: politics and humanitarianism in the figure of the Midāni physician' *Social Science and Medicine* 211: 321–329 (<https://doi.org/10.1016/j.socscimed.2018.06.037>).

11 'You got the stuff?': humanitarian activist networks in Syria, Dalia Abdelwahid, Humanitarian Exchange 59, November 2013 (<https://odihpn.org/publication/%c2%91you-got-the-stuff%c2%92-humanitarian-activist-networks-in-syria/>).

12 Fiore, J. (2019) 'Rescue and resistance in the Med: an interview with Caroline Abu Sa'da, Director of SOS Méditerranée Suisse' *Journal of Humanitarian Affairs* 1 (1) ([www.manchesteropenhive.com/view/journals/jha/1/1/article-p62.xml](http://www.manchesteropenhive.com/view/journals/jha/1/1/article-p62.xml)).



directly to the independence struggle. NPA refused to join UN-led efforts and only partnered with the relief and development department work of the Sudan People's Liberation Movement, the political wing of the Sudan People's Liberation Army.

In neighbouring Ethiopia, the long civil war produced two much larger humanitarian resistance organisations who were actively, if covertly, supported by Western aid and NGOs. The Eritrean People's Liberation Front set up the Eritrean Relief Association (ERA) to lead humanitarian efforts in the war for independence from Ethiopia. Neighbouring Tigray, fighting for regional autonomy rather than secession, formed the Relief Society of Tigray (REST), the relief wing of the Tigray People's Liberation Front. Both REST and ERA led extraordinarily comprehensive relief programmes for the many years of their revolutionary struggles. In the mid 1980s, their programmes saved people from famine and bombardment, and also guided hundreds of thousands of people to safety in neighbouring Sudan when their operations proved too small to cope with extensive famine. Both groups were originally supported in cash and kind in cross-border operations coordinated by the Emergency Relief Desk (ERD), a consortium of Western NGOs. The ERD was originally a church-based act of resistance against the refusal of the Ethiopian government and Western aid agencies to prioritise life-saving aid in rebel areas. Operating discreetly from Khartoum, the ERD eventually expanded to include major secular NGOs and significant Western funding.<sup>13</sup> ERD moved convoys secretly at night and gave significant operational autonomy to ERA and REST teams, many of whom were veteran resistance fighters and all of whom were politically committed to the liberation struggle. So too were many humanitarians in the ERD network.

## Humanitarian resistance is civil resistance

Civilian resistance to injustice, war, dictatorship and occupation takes many forms. It uses demonstration, disobedience, strikes, boycotts and sit-ins. There is resistance poetry, resistance literature and resistance art. Sabotage, secrecy and spying also play their part. Jokes, graffiti and cartoons are widely deployed to sustain morale and undermine the enemy. The great Gene Sharp famously listed 198 different methods that can constitute non-violent civil resistance in his dictionary of the subject.<sup>14</sup> These activities stretch across a spectrum covering absolute non-violence, disobedience, boycotts, deliberate irritation, coercion and damage of various kinds.<sup>15</sup> Candice Delmas emphasises that many of these activities are legitimately 'uncivil' as insulting, disruptive and inconveniencing of others.<sup>16</sup> Resistance also frequently involves the creation of alternative social institutions and parallel government. This is where humanitarian resistance fits as a key area of resistance. Alongside disruption

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13 Duffield, M. and Prendergast, J. (1994) *Without troops and tanks: the Emergency Relief Desk and the cross-border operation into Eritrea and Tigray*. Lawrenceville, GA: Red Sea Press.

14 Sharp, G. (2012) *Sharp's dictionary of power and struggle – the language of civil resistance in conflicts*. Oxford: Oxford University Press.

15 For case studies and analysis of civil resistance movements in the last hundred years, see: Chenoweth, E. (2021) *Civil resistance: what everyone needs to know*. Oxford: Oxford University Press; Roberts, A. and Garton Ash, T. (eds) (2011) *Civil resistance and power politics: the experience of non-violent action from Gandhi to the present*. Oxford: Oxford University Press; Erickson Nepstad, S. (2011) *Nonviolent revolutions: civil resistance in the late 20th century*. Oxford: Oxford University Press.

16 Delmas, C. (2020) *A duty to resist: when disobedience should be uncivil*. Oxford: Oxford University Press.

of existing order, civil resistance can create new organisations and the ‘production of collective goods’.<sup>17</sup> These collective goods include alternative public services, the creation of new political spaces and the deliberate creation of ‘working utopias’ like cooperatives, language schools or net zero communities which embody the goals of the resistance movement.

Humanitarian resistance epitomises this type of productive civil resistance by creating or surging emergency welfare institutions in times of emergency and in the cause of victory. In Myanmar, people committed to the resistance are boycotting government institutions and have either created new associations for the rescue and relief of people suffering from the dictatorship’s violence and increasing poverty, or they are surging existing social and religious institutions for the same effect. In Ukraine, where an entire nation is fighting for survival against outside aggression, people have come together en masse as volunteer auxiliaries to dramatically expand the provision of food relief, emergency housing and education, social work, civil defence and ambulance and fire services. An estimated 1,700 new local humanitarian groups were set up in the first three months of the war. These include mutual aid networks and small resistance cells actively rescuing people from contested and occupied urban areas.<sup>18</sup>

All these welfare activities combine a humanitarian and a resistance purpose in the same activity. Being a resistance humanitarian in Myanmar or Ukraine means playing your part in the struggle. Working as a medic, a firefighter or an emergency teacher is experienced and understood as a valuable form of civil resistance. Resistance humanitarians have taken sides and embody their political commitments to resistance in their humanitarian work, which enacts the principle of humanity for those suffering injustice. In the old language of the Second World War, they are fighting on the home front.

The impact of humanitarian resistance is significant. Tens of thousands of people have been rescued from Ukrainian cities under Russian attack by informal groups using their own cars and covert routes in a continuous relay of rescue runs. These rescuers see their humanitarian work as part of the political struggle against the Russian invasion. In Myanmar, hundreds of thousands of people are being helped with food, healthcare and emergency education by rescue committees and relief committees formed by people from the CDM who have left their government jobs to work for alternative, resistance institutions. The Tigrayan people have a long tradition of organising relief as an enactment of their struggle against rival Ethiopian regimes. Many important Syrian NGOs have been formed in anti-Assad areas, imbued with humanitarian and resistance goals in equal measure.

Rebel relief, rebel governance and partisan aid may not have been formally described as humanitarian resistance until recently, but the practice is an ancient and consistent one. In the 20th century, it has been clearly elaborated in wider theories of total war or Maoist insurgency, both of which encourage the civilian population to play its part in the political and military struggle by adopting welfare roles.

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17 della Porte, D. and Diani, M. (eds) (2015) *The Oxford handbook of social movements*. Oxford: Oxford University Press, p3.

18 Stoddard, A., Harvey, P., Timmins, N. et al. (2022) *Enabling the local response: emerging humanitarian priorities in Ukraine March–May 2022*. London: Humanitarian Outcomes ([www.humanitarianoutcomes.org/Ukraine\\_review\\_June\\_2022](http://www.humanitarianoutcomes.org/Ukraine_review_June_2022)).

Humanitarian obligations also sit at the heart of patriotism in which welfare professionals routinely heal, feed, educate, shelter and protect their own people and their allies for the cause and in pursuit of victory. In both world wars, most national Red Cross and Red Crescent societies were aligned with their governments. They took sides as patriotic humanitarian organisations.<sup>19</sup>

Interestingly, of course, humanitarian resistance is often born out of resistance to conventional humanitarian organisations, which are seen as excessively domineering or ineffectively cautious. Local humanitarian activists often despair at existing models of aid and reject them to go it alone, unhampered by neutrality or inappropriate levels of bureaucracy and management. This is what the founders of the ERD did in Ethiopia in the 1980s, and in many ways both Save the Children and Oxfam were formed in humanitarian resistance to Britain's blockade of occupied Europe in successive world wars. The American Joint Distribution Committee (JDC) – founded during the First World War – rescued more than 30,000 Jewish people from Nazism in the 1930s and 1940s. The International Rescue Committee (IRC) was also born in politically committed humanitarian resistance. It started in the 1930s covertly and courageously rescuing people from Nazism via its resistance network. Today it is a leading INGO and a bastion of the neutral humanitarian establishment.

Church organisations have a good record of humanitarian resistance. While many mainstream Christian denominations supported or made compromises with European fascism, many individual Christians, priests and members or religious orders actively engaged in resistance to rescue people under threat.<sup>20</sup> Various forms of humanitarian resistance were also an important part of Catholic liberation theology, which resisted dictatorship in many parts of Latin America. Many Catholic organisations caring for their communities in Central and South America in the 1970s and 1980s were politically committed and took sides.<sup>21</sup> Archbishop Oscar Romero stands out as the martyred figurehead of such activist movements. His humanity was grounded in practical solidarity with the poor and outspoken objection to the injustice of the dominant political system of his day. Today, families all over Europe who are flying Ukrainian flags and helping or hosting Ukrainian refugees are doing so as much in a spirit of resistance as a spirit of humanity. These two moral values do not conflict with one another. Indeed, a duty to resist often demands a duty to help.

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19 Hutchinson, J. (1996) *Champions of charity: war and the rise of the Red Cross*. Oxford: Routledge.

20 Butler-Gallie, F. (2019) *Priests de la Resistance!*. London: Oneworld Publications.

21 Linden, I. (2009) *Global Catholicism: diversity and change since Vatican II*. London: Hurst, ch 5–7.

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## Humanitarian resistance and humanitarian ethics

Humanitarian resistance has considerable moral value because it makes two important ethical commitments simultaneously: one in favour of political justice and another responding to the individual suffering caused by injustice. In addition, it is intrinsically more locally led than many international humanitarian efforts. This gives it a third important ethical dimension of being politically self-determined in line with the new humanitarian value of non-colonial ‘localised’ aid.<sup>22</sup> This three-fold purpose is a more ambitious moral commitment than neutral humanitarianism, which is morally myopic in its narrow focus on suffering alone and its blinkered abstention from engagement on wider political ethics. Neutral humanitarianism is deliberately blind to distinctions between tyranny and democracy, aggression and self-defence, just cause and unjust cause, and it refrains from any ‘controversies of a political, racial, religious or ideological nature’.<sup>23</sup> Only suffering bodies count. This is a commendable ethical commitment but a lesser one than resistance humanitarianism, which sees and confronts injustice as well as helping its victims.

The political commitment of resistance humanitarians is ethically founded in a moral duty to counter injustice and challenge tyranny which has always been universally understood. Candice Delmas recognises this as a natural ‘duty to resist’. She adds to this natural duty a specific ‘associative duty’ which obliges us to support those with whom we share a political association as a state, community or identity of some kind. These duties oblige us to help ‘rectify and communicate’ immoral conditions and ‘affirm and act in solidarity’ with people suffering around us.<sup>24</sup> Resistance humanitarians are clearly mobilised by this universal duty and by their specific associative duty as Ukrainians or Syrians or democrats. Their humanitarian work also has an added ethical effect by boosting the morale of people struggling in a just political cause.

If resistance is ethically grounded then a resistance group’s humanitarianism should be too. Humanitarian resistance organisations can only be true to their description as humanitarian if they are driven by the two core values of humanitarianism that are widely agreed in ethics, policy and law: humanity and impartiality.<sup>25</sup> Resistance humanitarians should hold firmly to humanitarian ideology’s first principle of humanity to ‘protect life and health and ensure respect for the human being’. Most such organisations today act on this principle routinely as they rescue people or work in hospitals, schools, feeding programmes and displacement camps, often with great courage as displaced people themselves and sometimes under fire or at risk of assassination, capture and imprisonment.

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22 Slim, H. (2021) ‘Localization is self-determination’ *Frontiers* ([www.frontiersin.org/articles/10.3389/fpos.2021.708584/full#:~:text=The%20of%20fundamental%20moral%20and%20political,the%20right%20to%20self-determination](http://www.frontiersin.org/articles/10.3389/fpos.2021.708584/full#:~:text=The%20of%20fundamental%20moral%20and%20political,the%20right%20to%20self-determination)).

23 See more on the principle of neutrality at [www.ifrc.org/fundamental-principles](http://www.ifrc.org/fundamental-principles).

24 Delmas, C. (2020) *A duty to resist: when disobedience should be uncivil*. Oxford: Oxford University Press, ch 5–6.

25 For an overview of modern humanitarian ethics see Slim, H. (2015) *Humanitarian ethics: a guide to the morality of aid in war and disaster*. London and Oxford: Hurst and Oxford University Press.

Impartiality must also be important to resistance humanitarians. This is the obligation to operate the principle of humanity fairly without discrimination and guided by a person's needs alone. In resistance areas, human need is relatively easy to use as the main criterion in priority setting and distributive decisions because organisations are helping their own resisting communities. But the acid test for resistance humanitarians is to recognise the needs of their enemies. Will Ukrainian humanitarian resistance organisations fairly respond to the needs of wounded Russian soldiers and pro-Russian civilians in Kherson and the Donbas if they move into previously occupied areas after a successful Ukrainian counter-offensive? Will resistance humanitarians in Myanmar feed the families of dictatorship officials and educate their children? The humanitarian ethic requires them to do so.

## **An ethics of secrecy and sacrifice**

Two other ethical commitments stand out in humanitarian resistance: secrecy and sacrifice.

Secrecy is an important ethical commitment in humanitarian resistance. Operating without the consent of their enemies, resistance humanitarians must often rely on covert operations to protect the people they are helping and to protect themselves. They must also deliberately deceive an enemy by hiding and disguising their humanitarian activities, and lying about them too. Such covert operations are not new to humanitarian rescue and relief and are morally justifiable under certain circumstances. Dictatorship and unlawful invasion are two such cases. It is not morally wrong to deceive tyrants and invaders if one is doing so for a good cause.

Secrecy has its place within a resistance humanitarian organisation too. In covert operations, it is essential to safety and success that information is restricted. Covert humanitarian work typically limits ultimate operational oversight to a very few key people. Most members of the organisation are kept deliberately ignorant of how the whole organisation works and who exactly is involved in different activities. The paradigm example of intra-organisational secrecy in humanitarian resistance is the Underground Railroad in the United States, which famously smuggled escaping slaves into northern states and Canada in outright defiance of the Fugitive Slave Act. The Railroad was a network of secret escape routes and safe houses that saved an estimated 100,000 people in the first half of the 19th century. The Railroad was run by a network of Quakers, abolitionists and previously enslaved people. It was coordinated through word of mouth by various 'conductors' who made a point of not knowing each other's identity and having no maps or lists of safe houses. Secret, diffuse and headless networks like the Railroad are often essential to the success of humanitarian resistance, and ethically justified by their good intentions and the justice of their outcomes.

The imperative of secrecy in certain humanitarian resistance operations imposes a distinct duty of care on their funders and supporters to respect and protect this secrecy. Donor discretion is essential to protect people and ensure success. So too is responsible partnering with an emerging resistance network. It would be disastrous to try to grow it too much or force it to conform to conventional

standards so that a resistance operation becomes distorted from its essential nature as diffuse, resilient and locally led. In turn, resistance humanitarians have to find the right balance to be accountable enough to their funding partners without damaging their network.

The readiness for self-sacrifice, or martyrdom, for the cause tends to be more highly developed and accepted in humanitarian resistance than in neutral humanitarianism. Humanitarian resistance, with its overt political commitment, carries more costs because enemies see political side-taking as a direct threat. Covert operations are also typically regarded as criminality and treason. Partisan humanitarians, therefore, often take much greater risks than neutral humanitarians and are ready to die for what they do because it means so much to them. They regard their death as a political death for their cause and for humanitarian values. This gives their activism an ultimate and existential commitment, which does not typically exist among international humanitarian professionals whose career takes them relatively comfortably from one crisis to the next without a direct personal stake.

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## Humanitarian resistance and international law

There is no obvious legal obstacle to the practice of humanitarian resistance. The humanitarian purposes of resistance organisations are firmly grounded in the human rights to life, health, shelter, education, livelihoods and humane treatment, and often in the wider political right to self-determination. The responsibility to resist external oppression and aid your own people is also inferred from the declaratory principle in Article 29 of the Universal Declaration of Human Rights, which affirms that ‘everyone has duties to the community in which alone the free and full development of their personality is possible’.

IHL does not require neutrality in the provision of humanitarian aid and recognises politically committed humanitarian action as well as neutral action. Insisting on neutrality as a component of humanitarian action would make no sense because IHL’s various provisions require humanitarian access, relief and humane treatment to be given and ensured by warring parties themselves, which are by definition not neutral parties. IHL does require relief organisations to be ‘impartial humanitarian bodies’.<sup>26</sup> As seen earlier, humanitarian resistance organisations can operate impartially, even if they are not neutral.

Article 23 of the Fourth Geneva Convention insists that humanitarian aid should not be used to give ‘a definite advantage’ to the ‘military efforts or economy of the enemy’. It would be hard to make this case against resistance organisations because, by their nature, resistance situations typically involve a significant asymmetry of power between strong tyrants, invaders or occupiers and much weaker resistance movements. It is also widely understood that the principle of free passage applies to any relief consignment, whether sent by states, humanitarian organisations or private individuals, or regularly imported.<sup>27</sup> No single source or type of organisation has a monopoly on providing relief.

A case of definite advantage could be made, however, if aid money for resistance organisations were used directly to finance military operations of the armed wing of a resistance movement, or government armed forces in a national resistance struggle. Such aid would then no longer be humanitarian assistance but military assistance.

Discussion of the diversion of funds and indirect support for terrorism has, of course, been at the heart of the ‘war on terror’ and disputes about counter-terrorism legislation’s alignment or not with IHL. In practice, Western policy has tended to be hard on resistance movements it opposes, like Hamas and the Taliban, and easy on ones it supports, like those in Ukraine and Myanmar. Therefore, legal rejection of humanitarian resistance in some cases hinges on political preference and the legal interpretation of particular states, not on core legal requirements in IHL itself, which takes no issue per se with the provision of relief by politically committed parties. Indeed, it requires it.

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26 Four Geneva Conventions (1949), Common Article 3.

27 See commentary on Article 23 of the Fourth Geneva Convention (<https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Comment.xsp?action=openDocument&documentId=660CC3CB70E98F1AC12563CD0042B693>).

Since the 1990s, the principle of neutrality has emerged as law and policy in UN definitions of humanitarian action. UN General Assembly Resolution 46/182, which established the UN humanitarian system in 1991, insists on neutrality as a necessary ingredient of international humanitarian action by UN agencies.<sup>28</sup> It continues to do so in the annual General Assembly resolution on strengthening the coordination of the international humanitarian system. But this resolution and its update resolutions refer to and regulate UN agencies. Its insistence on neutrality in their humanitarian work was deliberately designed to limit international political interference in the sovereignty of aid-receiving states. Resolution 46/182 and its successors do not prescribe neutrality in national government aid efforts or those of local aid organisations and mutual aid networks at community level. In any event, resolutions of the General Assembly are not per se binding on states.

A core principle of IHL is that of moral and legal parity between warring parties. This ensures that all military forces, whatever their political cause, should be treated equally under humanitarian law. The same parity should be applied explicitly to humanitarian organisations on different sides in war. It is legally and ethically wrong to say that humanitarian agencies which are impartially saving lives on the side of your enemy are not as legitimate as agencies impartially saving lives on your side. Recognising moral parity between non-neutral humanitarians gives appropriate ethical and legal respect to partisan humanitarians.

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28 UN General Assembly Resolution 46/182 (1991) (<https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NRO/582/70/IMG/NRO58270.pdf?OpenElement>).



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## Polluting conventional humanitarian action?

Beyond matters of law, there is unease that recognising humanitarian resistance more formally in aid policy and practice risks damaging the perception of conventional humanitarianism. If it is widely acknowledged that some humanitarians can and do take sides, might this make all humanitarians the subject of suspicion and even more prone to obstruction and attack as potential enemies? This anxiety assumes that the recognition of a new category of humanitarian actor will taint neutral humanitarianism by association. A new notion of humanitarian resistance might blur and pollute carefully established international understandings of humanitarianism that emphasise transparency, negotiation, government consent, neutrality and independence, all of which are not necessary principles of action in humanitarian resistance. Two points suggest that a fear of pollution is probably exaggerated.

First, many international humanitarian agencies seem unaware of how they are already perceived as one-sided rather than neutral. In most wars and resistance struggles today, Western-funded liberal-minded agencies are automatically regarded as a stratagem of Western interventionism. Their espoused neutrality is by no means taken at face value by authoritarians, or by governments, societies and warring parties in Asia, Africa and Latin America. This is one reason why their access and ambition are often obstructed, because they are seen to embody a Western worldview and Western interests and are typically led by Westerners.

Second, it is not a given that expanding humanitarianism by explicitly recognising partisan humanitarians will damage conventional humanitarianism. An analogy with partisan fighters is instructive here. Boyd van Dijk has shown how partisan fighters received no legal recognition and protection for decades in international humanitarian law.<sup>29</sup> Instead, they were considered morally beyond the pale because they fought dishonourably as ‘irregulars’ without uniforms and insignia, and were covert in their operations. They were seen as immoral bandits in contrast to honour-bound and principled military professionals. As a result, partisans were routinely executed whenever they were captured. Gradually over time, however, resistance and partisan forces were seen as justified and courageous in their struggles against Nazism, imperialism and communism, and states changed the laws of war to recognise them formally. Partisan resistance fighters (usually known today as armed groups) are now legally recognised and protected as combatants. This has not confused or lessened recognition of conventional government forces.

We need a similar process of moral recognition and legal protection for partisan humanitarians. Their humanitarian work should be acknowledged as valuable and legitimate. Their approach may be different to neutral humanitarians, but their right to be respected and protected is equal to them. Recognising the activities of resistance humanitarians need not pollute or damage the identity of conventional humanitarians, whose T-shirts and trucks are emblazoned with their official insignia, and whose distinctive neutral method is widely understood.

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29 van Dijk, B. (2022) *Preparing for war: the making of the Geneva Conventions*. Oxford: Oxford University Press, ch 4.

## Anti-humanitarian resistance

A greater challenge to the legitimacy of humanitarian resistance arises when it is carried out by groups whose political cause, military action and relief work is profoundly at odds with universal morality, humanity and impartiality. Such groups operate according to distinctly anti-humanitarian values. They are often closely connected with government forces and armed wings that commit mass atrocities and routinely violate IHL, and their humanitarian efforts are inhumane in significant ways. As such, they are more aptly described as embodying profoundly uncivil and anti-humanitarian resistance.

The Taliban make an interesting case in point. When Afghanistan was under Soviet occupation, many Western humanitarians supported the jihadist resistance of the Mujahideen. They worked closely with them because they saw their cause as politically just, and recognised the obvious humanitarian efforts of their resistance. Similar recognition of humanitarian resistance in Afghanistan in the 20 years after 2001 was much more problematic when resistance to the US and North Atlantic Treaty Organization (NATO) invasion was dominated by the Taliban. These resistance efforts of the Taliban focused typically on health, education and livelihood support for people under its control. However, recognising their priorities and method as humanitarian resistance was problematic for two reasons: first, because the Taliban's humanitarian institutions were run under the direct authority of a political leadership that was simultaneously organising and justifying mass atrocities; and second, because the Taliban's humanitarian ideology failed to meet the impartiality test because of its persecution of women and girls. It is obviously wrong to consider aid like this, which is profoundly anti-humanitarian and anti-impartial, as humanitarian resistance, even though it saves and protects some people's lives.

In 20th century humanitarian history, the German Red Cross is the paradigm case of a politically committed anti-humanitarian agency. Part of their work saw them saving German lives and protecting Allied prisoners of war in line with humanitarian values, but their ambulances were also supplying Nazi death camps with Zyklon B gas.<sup>30</sup> The German Red Cross leadership's complicity with the Nazi genocide shows how the relief role of nationalist and resistance organisations must always be judged by the level of its complicity with inhumane political systems. Resistance humanitarians who are genuinely operating according to the principles of humanity and impartiality cannot be automatically deemed inhumane and immoral because they are supporting an unjust cause. Instead, the extent to which they are actively involved in supporting the inhumanity of that cause must be the main measure of their humanitarian legitimacy or disgrace. Like their military counterparts, resistance humanitarians must be judged on their complicity with inhumanity, and not simply on their political loyalty.

This question of complicity with inhumanity is the test for politically committed humanitarians in Russian-occupied Donbas today. Here, there may be pro-Russian organisations engaged in humanitarian relief which are operating impartially in the society around them to save and improve lives. But there may also be pro-Russian welfare groups who are wilfully cooperating with the Russian government's wrongful

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30 Morehead, C. (1998) *Dunant's dream: war, Switzerland and the history of the Red Cross*. London: Harper Collins.

and inhumane policies of filtration, family separation, torture, deportation, disappearance and summary execution of Ukrainians. If this is the case, they cannot claim to be humanitarian but must instead be correctly recognised as being participants in international crimes.

The legitimacy test for resistance humanitarians is extremely important. But it is equally important to note that anti-humanitarian aid organisations are probably a minority. The great majority of resistance organisations are willing and able to operate rescue and relief in the spirit of humanitarianism's core principles of humanity and impartiality.

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## **Humanitarian resistance is humanitarianism**

Resistance humanitarians play a very important role in reducing the human suffering caused by war and military dictatorship, and in other civil resistance to injustice in which people are persecuted because of race or religion, or because of misogyny, homophobia or transphobia. Their politically committed relief organisations arise to alleviate human suffering in a spirit of humanity and impartiality that shows them operating as humanitarians. Their humanitarian action is authentic. It cannot be discounted somehow as not the real thing because people's humanitarian conviction coincides with their political commitments and their confrontation with an enemy. A life saved in resistance is a life saved. Civilians rescued from a besieged city by resistance networks are rescued indeed. Mutual aid organised covertly for one another by lesbian, gay, bisexual, transsexual and queer (LGBTQ) communities is real aid. The work of resistance humanitarians is humanitarianism itself, and not a distorted semblance of a more authentic practice. Resistance life-saving and protection activities are extremely important manifestations of humanity in action for millions of people today, and will remain so.

The world should expect an increase in civil resistance to authoritarianism, climate injustice, interstate war, inequality, phobias of various kinds, and discrimination. This trend will produce new social movements, mutual aid and survivalist movements in which humanitarian life-saving activities will play a central role. It is imperative that conventional humanitarians understand and respect humanitarian resistance, and find ways to support it carefully and discreetly without ruining its locally led and often covert character.