Chapter 3

Law and Humanitarian Actors

A. Role of the UN and Humanitarian Agencies Involved

Besides maintaining world peace and security, and promoting economic, social, and cultural cooperation among nations, the UN has, since its inception, also been entrusted by the international community with the task of carrying out humanitarian relief activities, the need for which has become a growing concern in an interdependent, globalised world, marked by disasters of all kinds, both natural and man-made, ranging from technological accidents and situations of serious political instability and war, to various natural disasters such as droughts, cyclones, earthquakes, floods and the like which, according to estimations, hit the world at the rate of about once a week, affecting the lives of millions of people.\(^1\)

Under these circumstances, the humanitarian aspects of the mandate held by the United Nations and its relevant agencies have greatly enlarged in importance and complexity. Since the 1991 Iraqi refugee crisis, in particular, several far-reaching changes have occurred in the international relief system, both of an organisa-

tional nature aimed at improving the effectiveness of assistance provided to refugees, and of a political character seeking to promote the controversial notion of the “right to humanitarian intervention” thus challenging the principle of sovereignty of states.

The following section explores in greater detail the system of international refugee protection. It describes the funding of the organisations set up to offer refugees protection and assistance, and the behaviour of the central humanitarian UN agencies: UNHCR, UNICEF, WFP and DHA (today known as OCHA) and their inseparable partner IOM, along with their counterparts in the non-governmental sector. An examination of the years of sanctions and the deployment of aid agencies in Iraq comes next, with the remainder of this part outlining conditions in post-conflict Iraq with all the as yet unresolved humanitarian factors contained in the present situation and its potential for further refugee generation.

1. The International Relief System and Refugee Population

In parallel to the refugee crisis in Iraq, the international humanitarian system has undergone an upheaval. New trends were introduced and new concepts developed. Jurists of various persuasions set about modifying the legal framework of international standards to accommodate contemporary notions of limited sovereignty and unbounded powers of armed intervention granted to the world community on humanitarian grounds. But the events in Iraq in the 1990s failed to have a transforming impact on the fundamentals of the system which continued to function more or less as randomly as it had done in the past, with no fixed funding mechanisms, and humanitarian mandates seriously overlapping each other rather than being defined along strictly complementary lines.

Humanitarianism involves a network of actors, donor countries, UN agencies, inter-governmental agencies and non-governmental organisations (NGOs) which come together in a crisis situation to provide assistance to an affected population in a recipient country. The diagram below gives an overall view of the interdependence of the international relief system.