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Challenging the Shrinking Humanitarian Space in the European Union

By

Karla PRIMC

Supervised by Dr. Trond Ove TØLLEFSEN

Uppsala University

May 2022

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ABSTRACT

The humanitarian space in the European Union is shrinking, causing unnecessary suffering and preventable deaths, or is it? Humanitarian organisations are calling on the respect of principled humanitarian aid, protection of humanitarian workers and unhindered access to the affected population namely, undocumented asylum seekers. They are blaming the prioritisation of national security interests over humanitarian concerns as well as the politicisation of aid for the shrinking humanitarian space. In doing so, humanitarian organisations are becoming the primary obstacle in their appeal for a greater humanitarian space by misinterpreting it as a borderless, apolitical arena governed by supra-national laws. Through a single case study of the humanitarian border in the EU, this study seeks to analyse to what extent the humanitarian space in the EU is really shrinking. The three-fold enclosed humanitarian pyramid theoretically guides the critical analysis of the qualities and virtues that make up the humanitarian space as constructed in the humanitarian arena. Furthermore, acts of humanity are clearly defined as either belonging to the humanitarian or civic space, thereby further enforcing the borders of the humanitarian space. This study finds that the humanitarian space as the humanitarian pyramid is unable to shrink, it is built to overcome obstacles and external pressures. As it cannot shrink, so it cannot grow; it is either complete or absent. Originally, the humanitarian space debate was employed to promote safe and accessible humanitarian assistance and protection for affected populations. Today, the discourse is employed by humanitarian organisations to promote the agency space while the needs of rights-based individuals seeking assistance and protection has become secondary. The affected population is rendered invisible through a crisis narrative, only to be made visible through a greater humanitarian space. Humanitarian organisations need to abandon false narratives of apolitical and borderless ideals, especially when working within violent borders, and train on political literacy to improve cooperation with states.

KEYWORDS

Humanitarian space, humanitarian pyramid, humanitarian border, humanitarian borderwork, civic space, asylum paradox, securitisation

FOREWORD

The following paper serves as a reminder to today's humanitarian workers, human rights defenders and volunteers outraged by the violations and injustices happening at the European Union's borders that they are not alone. Your battles are not unrivalled, but rather illimitable and inherited from the successes and failures that come from generations of humanitarian workers before, all equally consumed and impelled by their humanity.

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LIST OF ACRONYMS

EU – European Union

ECHO – European Civil Protection and Humanitarian Aid Operations

ECHA – European Consensus on Humanitarian Aid

UN – United Nations

OCHA – United Nations Office for the Coordination of Humanitarian Affairs

UNHCR – United Nations High Commissioner for Refugees

IOM – International Organisation for Migration

ICRC – International Committee of the Red Cross

IHL – International Humanitarian Law

MSF – Médecins sans Frontières

MOAS – Migrant Offshore Aid Station

NGO – Non-governmental organisation

Chapter 1: INTRODUCTION

In the European Union¹, the humanitarian space is shrinking, and principled humanitarian action is under threat; there is restricted access to the affected population and limited room for agency. (Roepstorff, 2019) At least, this is what countless reports and studies claim is happening. (Atger, 2019; Beerli, 2018; Carrera, et al., 2018; Centre for Humanitarian Action, 2020; Fekete, 2018); Fekete, et al., 2019; Maccanico, et al., 2018; Starke, 2019; Stierl, 2018)

A shrinking humanitarian space is cause for concern; the affected population is not able to claim humanitarian assistance and humanitarian workers are not able to reach the affected population. This is even more alarming in a context such as the humanitarian border where violent border policies increase humanitarian need while simultaneously restricting access to undocumented asylum-seekers². (Pallister-Wilkins, 2017; Walters, 2010) Humanitarian search and rescue vessels are unable to reach people fleeing persecution aboard flimsy, unseaworthy vessels in the Mediterranean Sea while humanitarian workers in Calais are criminalised for providing food to them. (Fekete, 2018; Starke, 2019) In this context, a shrinking humanitarian space is “a fatal reality”, the equivalent of lives lost due to preventable dehydration, drownings, or starvation. (Starke, 2019) Some authors have observed the increasing regulation of humanitarian work, namely the wish to alleviate suffering, in the EU as the “closing of the humanitarian space” developing new terms to designate the assistance of undocumented asylum-seekers, such as “humanitarian service points” along migratory routes. (Red Cross EU, 2021; Starke, 2019) Others have written about the “shrinking

¹ This study focuses on the humanitarian space in the European Union, a political and economic union of 27 Member States founded on the following values: human dignity, freedom, democracy, equality, the rule of law and human rights. (Citizens Information, 2021; Official Journal of the EU, 2016). In order to avoid confusion, the terms EU and Europe are used interchangeably with a note “that EUrope is not reducible to the institutions of the EU”. (Stierl, 2018)

² Official EU national security interests refer to the fight against illegal migration marked by the asylum paradox as people are forced to cross border irregularly in the absence of safe and legal routes. This study denounces the use of inaccurate and harmful labelling and will therefore refer to the population affected by forced displacement as undocumented migrants or undocumented asylum seekers, as recommended by the UNHCR. (PICUM, 2018) Undocumented migrants or asylum-seekers may also be referred to as the target or affected population.

humanitarian civic space” without adequately distinguishing the humanitarian from the civic space. (Carrera, et al., 2018; Roepstorff, 2020)

A safe humanitarian space is a core concept of humanitarian assistance and crucial for the efficient provision of aid. (Bińczyk-Missala & Grzebyk, 2015) Essentially, the humanitarian space is an operational environment that allows aid workers the freedom to work in accordance with the humanitarian principles of neutrality, impartiality, humanity and independence. (Grombach Wagner, 2016; Hilhorst & Jansen, 2010) It is both a metaphorical space, and one that can take physical forms such as a hospital, school, or a ship. (Grombach Wagner, 2016) The original definition as conceived by the International Committee of the Red Cross (ICRC) also emphasises the ethical element of a space for humane interaction and free dialogue between the aid worker and the person receiving aid, without an imposed presence from a state agent. (Thürer, 2007) As such, the humanitarian space is an encounter sought after by both the aid provider and the aid recipient, who instead of being deprived of agency instead assumes a key role in the humanitarian space. (Hilhorst & Jansen, 2010) Modern definitions as adopted by agencies of the United Nations (UN) emphasise the separation of political and military actors from humanitarians in creating a conducive “humanitarian operating environment”. (OCHA, 2008) For the purposes of this thesis, the humanitarian space is defined in accordance with the theory of the humanitarian pyramid as presented by Thürer (2007). It is an enclosed space created by the motivation of humanity, namely, to alleviate suffering, guided by the humanitarian principles of impartiality, independence and neutrality and grounded in “the rules of behaviour” whether those refer to international humanitarian law, or domestic legal regulations.

From the perspective of humanitarian organisations, there is undeniably a correlation between the increasing politicization of humanitarian aid and a shrinking humanitarian space. Beauchamp (2012) argues local and grassroots NGOs need protection from international politics and have the right to be free from political interference. Likewise, the insecurity of aid workers whether in the form of increased violence or intimidation and harassment is linked to the restricted humanitarian space. (Fekete, et al., 2019)

However, in critically researching the shrinking humanitarian space this thesis will focus on the effect the politicisation of aid has on the humanitarian space.

The following thesis is a study of the struggle of the humanitarian identity within the humanitarian border, confronting apolitical, borderless and transcendent ideals with true realities. Through a thorough and intense study in the origins, definitions and meaning of the humanitarian space, the theoretical framework of the humanitarian pyramid will be illustrated. The humanitarian space as the humanitarian pyramid cannot shrink, it is built to overcome external pressures and if it cannot, then it ceases to exist. As such, the humanitarian space is never shrinking or expanding, it is either integral and complete, or incomplete and absent. An understanding of the humanitarian space as the humanitarian pyramid will help explain why the politicisation of aid does not cause the humanitarian space to shrink. Moreover, through a formal distinction between acts of humanity that seek to operate within the humanitarian space and acts of humanity that operate within the civic space³, this study will present why a non-conformist and activist approach towards negotiations with the state are not in line with the humanitarian principles or the humanitarian arena.

1.1 RESEARCH PROBLEM

The discourse on the shrinking humanitarian space in the EU fails to consider the role and responsibility of humanitarian organisations in interacting with state institutions and authorities. Another key limitation of the dominant discourse is in calling for the respect of international humanitarian law in the protection of the humanitarian space while IHL was designed to address humanitarian assistance in armed conflict, not in its absence. Therefore, this study aims to counter the understanding of the humanitarian space as a borderless, apolitical, and transcendent term in clearly defining the

³ Several definitions of the civic space exist. Some argue the civic space is the result of the foundations of a democracy namely the freedom of association, expression and assembly while others present it as a physical and virtual space in which members of a society participate meaningfully and freely in political, social, cultural and economic matters of society. (AEDH, 2018; United Nations, 2020) For the purposes of this essay both of those definitions apply as well as an emphasis on the civic space as one that is not created, but rather occupied freely and inherently by citizens of EU Member States.

humanitarian border within which humanitarians consciously construct and enter the humanitarian space.

The dominant discourse and study of the narrowing humanitarian space in the EU fails to study the origins and foundational theories of the humanitarian space as constructed in the humanitarian arena, shaped by the humanitarian pyramid, and governed by international humanitarian law and rules of behaviour. As such, it sustains the assertion that principled humanitarian assistance is under attack due to the politicisation of aid in the EU without effectively addressing the problem or generating suitable solutions. (Atger, 2019; Brassard-Boudreau & Hubert, 2010; Collinson & Elhawary, 2012; Roepstorff, 2019)

Reports, studies, and academic articles addressing a shrinking humanitarian space spend very little time and resources on defining the term and often only offer an explanation of what the humanitarian space is not namely, it is a space separate from political and military influence. Therefore, the theoretical framework of this thesis offers a comprehensive study into the origin, meaning and definitions of the humanitarian space as well as how international organisations employ different definitions. Once this is achieved, it will serve as the foundations for the research objective namely, critically reviewing the shrinking humanitarian space in the EU.

While historically the promotion of the humanitarian space was concerned with maximising the affected population's access to humanitarian assistance and protection, today the term is employed for a variety of purposes. (Brassard-Boudreau & Hubert, 2010; Collinson & Elhawary, 2012) It mainly refers to the preservation of agency space and promotion of the legitimisation of humanitarian actions.

1.2 RESEARCH AIMS AND OBJECTIVES

The aim of this research is to find out to what extent the humanitarian space in the EU is really shrinking. The research problem identified is the shrinking humanitarian space in the EU with devastating and deadly consequences on the lives of undocumented asylum-seekers in need of humanitarian aid and protection. However, the shrinking

humanitarian space discourse does not offer solutions or recommendations on how to operate in a shrinking humanitarian space or overcome the obstacles that are causing restrictions in the provision of humanitarian relief.

A secondary objective is to contribute to the discourse of the shrinking humanitarian space in the EU in a meaningful way that can inform humanitarian action. Therefore, if the humanitarian space is shrinking, is there a way of preventing the impact of restrictions on the provision of humanitarian aid? More importantly, is there a way of expanding the humanitarian space?

This thesis does not aim, however, to provide guidelines or recommendations for humanitarian organisations to continue their work only in as far as clearly defining the humanitarian space and distinguishing the humanitarian from the civic space. This is an important distinction as the guiding principles, operational environment and rules of behaviour are not the same for both spaces and therefore, infringements on one of the spaces does not inherently equal to an infringement on the other.

1.3 RESEARCH QUESTION AND SUB-QUESTIONS

Therefore, based on the research aim, the primary research question is as follows;

- Is the humanitarian space in the EU really shrinking?

The primary research question invites a study of firstly the humanitarian space, and secondly, the humanitarian space in the EU to determine if it is indeed shrinking. In order to answer the primary research question, it is necessary to thoroughly study what a humanitarian space is to then critically review the reported cause of its shrinking, namely the politicisation of aid. By critically reviewing the principles and qualities that characterise the humanitarian space as illustrated through the humanitarian pyramid, the following sub-question is identified;

- Is it possible to measure the humanitarian space?

The politicisation of aid, namely the involvement of politics in humanitarian aid, is reported as the primary cause of the shrinking humanitarian space. (Atger, 2019; Fekete,

2018; Roepstorff, 2019; Stierl, 2018) This claim is critically reviewed through a study of the humanitarian border. Therefore, the following sub question further underpins and guides the study:

- To what extent is the politicisation of aid causing the humanitarian space in the EU to shrink?

1.4 JUSTIFICATION OF RESEARCH AND RELEVANCE TO THE FIELD OF HUMANITARIAN ACTION

There are several reasons behind the decision to study the humanitarian space in the EU. Firstly, the author has worked in humanitarian action in the EU and experienced the working environment first-hand. Working in a so-called shrinking humanitarian space without the proper tools or knowledge on how to navigate the humanitarian border is inherently restrictive. The lived experience inspired further study, not only for educational purposes but in order to evolve as a self-reflective humanitarian aid practitioner.

A perpetuated discourse of a shrinking humanitarian space that fails to offer solutions or options for navigating obstacles is neither sufficient nor beneficial for the field. Therefore, this research contributes to the discourse of the shrinking humanitarian space in the EU by countering it and rejecting the premise that the humanitarian space is able to shrink. This study offers a critical review of the violent humanitarian border in the EU within which humanitarian organisations are willingly entering in order to assist undocumented asylum-seekers. This study aims to go beyond the discourse of appeal and alarm for a shrinking humanitarian space by identifying the hidden consequences of the emergency discourse of a shrinking humanitarian space that hides and renders invisible the affected population.

An important contribution of this study is in researching the humanitarian space in the absence of conflict, namely an understudied field that is severely lacking in formal and universal regulations. This will inform debate as to why international humanitarian law is not fit for the promotion of the humanitarian space in the EU.

The European Union was chosen as the geographical area of study due to the founding principles of the union namely, human dignity, freedom, democracy, equality, the rule of law and human rights. (Citizens Information, 2021; Official Journal of the EU, 2016) Such principles should, theoretically, work in unison with humanitarian principles and the humanitarian imperative to alleviate suffering. In reality however, as reported by academics and practitioners, humanitarian organisations encounter institutional obstacles. (Atger, 2019; Fekete, et al., 2019) Finally, not only does the EU promote the before-mentioned values within its borders, but it also seeks to do so beyond its own borders, promoting peace and the respect of human rights within the wider world. (Official Journal of the EU, 2016) As such, a critical review of the humanitarian space within the borders of the EU serves an illustrative purpose for the global promotion of the humanitarian space. (ibid.)

Finally, in the absence of safe and legal routes and, undocumented asylum-seekers continue to embark on perilous journeys to find safety in the European Union and are in need of humanitarian aid and protection. It is of particular relevance to all humanitarian workers supporting undocumented asylum-seekers in the EU to critically reflect on the demands of the humanitarian space and become active in overcoming imposed obstacles.

1.5 PREVIOUS ACADEMIC RESEARCH

Brassard-Boudreau & Hubert (2010) studied “sweeping” claims of a limited humanitarian space and found there was no conclusive evidence to support the claims. They argued that access to vulnerable populations has improved in comparison to previous periods as well as referencing macro-trends suggesting there are fewer violations of international humanitarian law than in the past. Moreover, the authors warned against an understanding of the provision of humanitarian aid as the primary objective as this can lead to humanitarian action substituting political solutions. The focus should remain on the protection of civilians and populations at risk rather than the humanitarian space, which Brassard-Boudreau & Hubert (2010) argue should be abandoned as a term altogether and instead challenges should be addressed as

separate, context-specific issues. Collison & Elhawary (2012) likewise advise against using the term unless discussing it broadly and then being specific about the issue affecting organisations the most such as agency access or civilian protection. In “Humanitarian space: a review of trends and issues” Collinson & Elhawary (2012) outline the challenges of relief provision from a historical and security management perspective. The management and mitigation of risks in hostile environments focuses on the protection of international humanitarian personnel as opposed to the protection of beneficiaries and local staff. Therefore, Collison & Elhawary (2012) find humanitarian organisations are more concerned with retaining agency space rather than humanitarian space. Collison & Elhawary (2012) further argue that in order to argue the humanitarian space is shrinking, there needs to be a baseline to use as comparison, and humanitarian organisations have always operated in hostile, dangerous and volatile contexts with evidence of historical precedent for all the main challenges facing humanitarian actors today.

These studies, while incredibly valuable and beneficial for the study of the humanitarian space, are in need of updating to reflect current geopolitical trends as well as the regulations of the humanitarian space in the absence of conflict or rather, in the context of peace.

1.6 METHODOLOGY

This thesis is based on a single case study research using qualitative methods. Having firstly defined the main research questions, objectives and sub-questions, the main unit of study identified is the humanitarian space in the EU and to what extent the politicisation of aid is causing it to shrink. Based on the research problem, the needs of the thesis were identified. Firstly, this meant a thorough review of the humanitarian space in order to have a concrete definition. A comprehensive literature review on the humanitarian space was conducted through careful selection of resources accessed through the institutional login of Uppsala University library. This mainly consisted of academic journal articles and book sections from experienced scholars in the field of humanitarian action. It also included legal articles and commentary on existing international legal instruments such as “The International Review of the Red Cross” and

the Overseas Development Institute. A study is grounded in its conceptual framework, therefore the elements of the conceptual framework were carefully chosen and selected. Sources such as the before-mentioned ensured peer-review and credibility in establishing the core theoretical ideas guiding the research. As the humanitarian space is originally created by the ICRC, so it was important for the theoretical framework to reflect this.

Key search words identified were “humanitarian space” and “shrinking humanitarian space” with the focus being on the European Union, therefore case studies outside of those geographic borders were not applicable. This ensured that the following thesis contributes directly to the discourse of the shrinking humanitarian space in the EU as well as precisely identifying the elements and parameters that characterise the humanitarian space in the EU. This part of the research included both academic articles as well as organisational reports that represented humanitarian organisations operating in the humanitarian border in the EU. A few opinion pieces are also included in order to illustrate the appeal for the shrinking humanitarian space. Organisational reports and opinion pieces were analysed critically and do not lead argumentation, but rather highlight it.

As the term of the humanitarian space is relatively new, there was no limitation in the publication date of the sources used. This allowed for a truly comprehensive overview of the theoretical term as well as threats and obstacles that have always existed.

1.7 LIMITATIONS

The main limitation in studying and analysing the humanitarian space is that it was created and intended for times of war and armed conflict. To date, there is no equivalent of the Geneva Convention and Additional Protocols to guide and inform the rules of behaviour of the humanitarian space in times of peace, or rather, in the absence of conflict. Along the same line, there is no universally agreed upon definition of the humanitarian space which, in contrast, informs a rich debate.

This research studies the humanitarian space in which organisations working to support undocumented asylum-seekers or people on the move operate within the European Union. It does not encompass humanitarian organisations working on different humanitarian projects in the EU just as it does not encompass organisations mentioned in this research that also run separate humanitarian projects from assisting undocumented asylum-seekers.

Finally, this thesis is limited in its breadth of study. The European Union is a significant geographical area of study, and this thesis does not seek to generate knowledge for the humanitarian space in all areas of intervention. The research problem is identified in the assistance of undocumented asylum-seekers confronted with violent border practices and the prioritisation of securitisation over humanitarian needs. Therefore, this thesis contributes to the debate surrounding the humanitarian space as enclosed within the humanitarian border in the EU in critically analysing it as a whole.

1.8 ETHICAL CONSIDERATIONS

The following thesis, while based on a case study, is not in danger of harming a group or individual because it is based primarily on published sources, and it gathers no personally identifiable information. Sources were gathered using precise and clear methodology further ensuring no harm.

1.9 BACKGROUND

1.9.1 ORIGINS OF THE HUMANITARIAN SPACE

The humanitarian space as a term has not always been as popular as it is today. Reported origins of the term stem from the United Nations High Commissioner for Refugees (UNHCR) description of a space for humanitarian dialogue between conflicting or warring parties in Central America during the Cold War. (Collinson & Elhawary, 2012) Other authors maintain that the idea of a humanitarian space is rooted in the founding principles and beliefs of the Red Cross. (Hilhorst & Jansen, 2010) The origin of the term is most famously attributed to Rony Brauman of Médecins sans frontières (MSF) in coining the phrase “espace humanitaire” in the mid-1990s. (Grombach Wagner, 2016) However, despite the arguments that today’s protracted conflicts and emergencies are

not applicable to the founding principles of the Red Cross, the origins of the modern humanitarian space are found in the creation of the Red Cross movement. (Thürer, 2007) The scenes of human loss and suffering in the aftermath of one of the bloodiest battles of the 19th century, the battle of Solferino, were pierced by hope, humanity and kindness of citizens tending to the injured. (ibid.) For the first time, the 1864 Geneva Convention for the Amelioration of the Condition of the Wounded in Armies in the Field, placed at the centre of importance the victims of war, not state leaders or army generals, but the wounded and the sick. (Grombach Wagner, 2016) It was also one of the first legal texts striving to promote universally applicable rights and principles for all people, opening the structure of international law and its practices to include citizens and civil society. (ibid.) Since then, leading, and prominent international non-governmental organisations have adopted their own definition, understanding and implementation of a humanitarian space.

1.9.2 THE SHRINKING HUMANITARIAN SPACE DISCOURSE IN THE EUROPEAN UNION

In 2015, the EU witnessed the largest arrival of people affected by forced displacement since the Second World War with over one million mostly undocumented asylum-seekers making their way to safety within the European Union's borders. (Fekete, 2018) It is often argued that EU Member States failed to coordinate an adequate and dignified humanitarian response that was instead met by a proliferation of humanitarian civil volunteers. (Atger, 2019; Fekete, 2018; Roepstorff, 2019) The gaps in the state-led humanitarian response were filled by local citizens, volunteers and civil society organisations who provided essential services and met the basic needs for newly arrived refugees and asylum-seekers. Instead of upholding the human rights system and building sustainable reception centres for the thousands of people seeking international protection, the EU imposed policies of deterrence and criminalised acts of solidarity, arguing that the presence of humanitarians at borders created a "pull" factor for forced migration. (Roepstorff, 2019)

The defence of EU national security interests, the protection of European borders and the fight against human trafficking and human smuggling have resulted in a precedence of security over humanitarian action. (Roepstorff, 2019) Acts of compassion and

solidarity are being criminally threatened with accusations of human smuggling and trafficking facilitation, equating civil society organisations with criminal organisations, and allowing for policies of anti-smuggling and anti-trafficking to continuously be prioritised in EU policy. (Atger, 2019) Carrera, et al., (2018) study the policing of humanitarianism in the EU as an interference in civil society's free space through suspicion, intimidation, and harassment, equating humanitarians with criminals through smear campaigns. Laws designed to prosecute criminal associations and human smuggling networks are being employed against organisations and individuals acting in solidarity with asylum-seekers and people on the move. (Fekete, et al., 2019)

As Roepstorff (2019) writes, focusing solely on the strict migration policies and anti-trafficking laws conceals the real problem, the shrinking of the humanitarian space in the EU. EU migration policies have been systematically narrowing the humanitarian space and making it harder for humanitarian workers to act in accordance with humanitarian principles. (Atger, 2019) Researchers, academics, prominent human rights organisations, and civil society organisations have written extensive reports on the impact criminalising acts of solidarity has on the humanitarian space. (Atger, 2019; Fekete, 2018; Fekete, et al., 2019; Maccanico, et al., 2018; Roepstorff, 2019; Shack, 2020)

The shrinking humanitarian space impacts the security of humanitarian workers as well as endangering the protection of civilians. (Lohne & Bergtora Sandvik, 2017) Examples can be found in almost every Member State, however the following list is an illustrative example. In Hungary, changes in the Hungarian Criminal Code allowed for the criminalisation of civil society organisations sharing information with migrants or helping them claim asylum. (Carrera, et al., 2018) In Greece, search and rescue activists were imprisoned for assisting arrivals on the beaches of Lesbos under the charge of aiding people smuggling and belonging to a criminal organisation. (Reidy, 2019) In Croatia, a volunteer was charged and found guilty of assisting the illegal crossing of irregular migrants after helping the police find an Afghan family lost in the woods. (ibid.) In Italy, the crew of the rescue ship *Iuventa* currently face up to twenty years of jail time after rescuing over 14,000 lives under the accusation of facilitating the illegal entry of

irregular migrants. The mayor of Calais even went as far as making unauthorised distribution of food in the town “unlawful.” (Fekete, 2018)

However, while the existing research and study on the shrinking humanitarian space in Europe is presented in a historical and political vacuum, these events are not separate from external influences. In reality, laws designed to combat human traffickers and smugglers have been deployed against activists and civil society organisations since the 2002 EU Directive and Framework Decision on “The strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence”. (The Council of the European Union, 2002) Member States were required to design and implement legal measures such as penalties and sanctions against persons who assist the illegal migration of undocumented migrants. (Fekete, 2009) As such, providing assistance in the form of housing for an undocumented migrant, supporting a hunger strike or exposing human rights violations in detention centres are all acts that can and do result in criminal prosecution. (ibid.)

Despite concerted efforts by the EU to discourage and stem migration flows and arrivals to the European Union’s external borders in the form of investment and amplification of border control as well as third country agreements with Turkey and Libya, refugees and migrants continue to need humanitarian assistance. (Roepstorff, 2019) Activists, volunteers, and civil society organisations continue to provide essential services to the affected population therefore, there is intrinsic value in studying and recalling the foundations of the humanitarian space, the principles that guide it, the context in which it was created and the obstacles it has overcome since.

1.10 THESIS OUTLINE AND STRUCTURE

The introductory chapter has introduced the research problem, research process as well as providing background on the research problem. The second chapter will serve a foundational purpose for the rest of the ideas presented in this study by introducing the theoretical framework the study will be based on. This section begins with the illustration of the humanitarian pyramid, a crucial pillar of the entire study as well as the humanitarian identity. Following on, the politicisation of aid is outlined as a threat to

the humanitarian space subsequently inviting the outline of the shrinking humanitarian space discourse. Finally, the humanitarian and civic space are differentiated in quality of acts of humanity in order to formally distinguish between the two spaces.

The third chapter offers a critical review of the humanitarian space, namely the varying definitions and qualities attributed to the term as well as a study of the construction of the humanitarian space in the humanitarian arena. In particular, the chapter analyses the existing debate of the humanitarian space as borderless, apolitical, and transcendent; qualities this research does not attribute to the humanitarian space. Rather, the principles of the humanitarian pyramid are identified as the three essential elements of the bordered humanitarian space. Finally, the third chapter addresses the various applications of the term by prominent international humanitarian organisations, UN agencies and the European Union.

The fourth chapter critically reviews the humanitarian space in the European Union in illustrating the parameters humanitarian organisations are working in, namely the humanitarian border. Furthermore, the issue of the asylum paradox is introduced thereby leading to the nexus of the humanitarian and civic space before leading to the problem of political illiteracy. The chapter concludes by illustrating the humanitarian space within the humanitarian border as a tool to be used to promote political literacy. The fifth and final chapter discusses the findings of the research of the humanitarian space in the EU, recounting crucial arguments as well as revealing the consequences of the shrinking humanitarian space discourse. More specifically, the chapter proposes the building of political literacy and analyses the limitations of the crisis narrative in rendering the affected population invisible. Finally, the chapter concludes by offering alternative discourses to the appeal for the shrinking humanitarian space.

Chapter 2: THEORETICAL FRAMEWORK

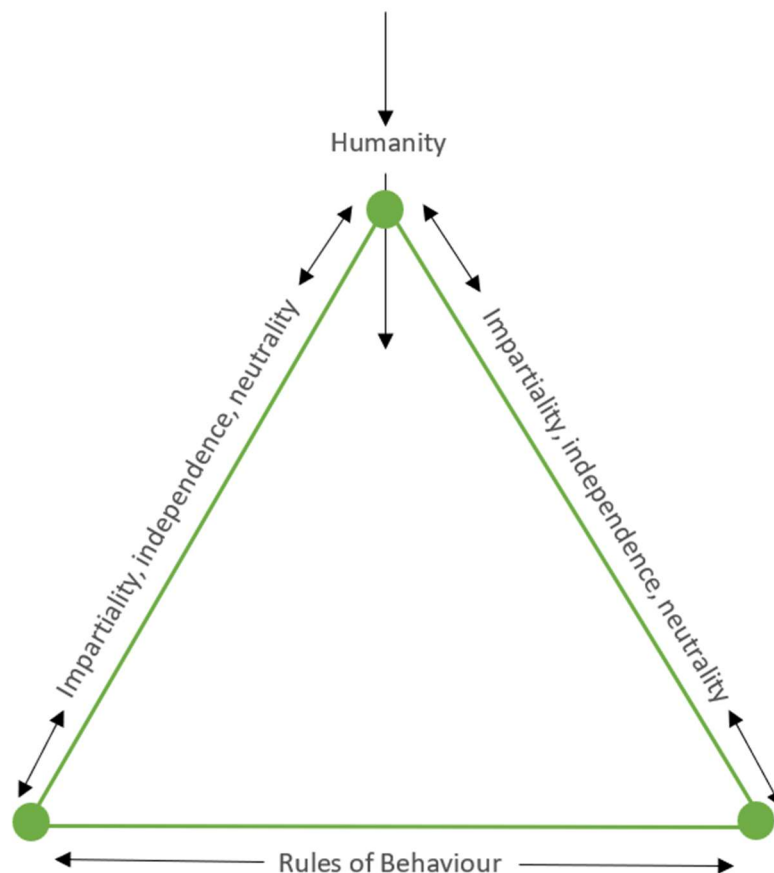
The theoretical framework clearly describes the concepts and theories that underpin a study. As the foundational blueprint for the rest of this thesis, the theoretical framework carefully builds the theoretical reasoning behind the research objective. The aim of the following chapter is to illustrate the humanitarian space as a three-form object namely, the humanitarian pyramid. This not only encompasses the foundational principles of the humanitarian space, but also formally encloses the ethical and metaphorical idea in a structured format. Moreover, the virtues and qualities of the identity of the humanitarian space are also presented in order to illustrate what it signifies for an individual in need of humanitarian assistance and protection to enter the humanitarian space. Next, the politicisation of aid is carefully outlined as the biggest threat to the humanitarian space, causing it to shrink which inevitably leads us to the section on the shrinking humanitarian space discourse. The three theoretical themes are brought together to determine whether the humanitarian space can indeed, be measured as this will contribute to the research sub-question. Finally, acts of humanity are formally distinguished from in the humanitarian and the civic space to guide the discussion of the fourth chapter that measures the humanitarian space in the EU.

2.1 THE HUMANITARIAN SPACE AS THE HUMANITARIAN PYRAMID

Thürer, a member of the ICRC, creates what he refers to as “concept become space,” a synopsis of the principles and methods of international humanitarian law and humanitarian action within the geometrical metaphor of a pyramid. (Thürer, 2007) He argues that while IHL is intended to guide and influence the decisions over the lives of civilians in armed conflict, this branch of law is not widely accessible or understood by the public. For this reason, Thürer encapsulates the main elements of IHL and humanitarian action that form the pyramid of the humanitarian space.

The tip of the pyramid is the aim of humanity in ameliorating or reducing the suffering of victims of war, it is “the light that shines into the space.” Furthermore, the two sides of the pyramid serve to make the aim of humanity possible and are operational and instrumental in their purpose. Namely, these are the principles of impartiality, neutrality, and independence. Here, Thürer highlights the hierarchy of behavioural

norms within the humanitarian space; while the *raison d'être* and the identity of the humanitarian space is in the tip of the pyramid, the principle of humanity, the operational and instrumental principles are essential in forming the coherent whole. Finally, the base is comprised of the rules of international humanitarian law. More specifically, it consists of the rules of behaviour of the humanitarian space, the norms, and principles of IHL and how these legal practices are to be interpreted with respect to the overarching goal of humanity. Thürer (2007) adds that the humanitarian pyramid is strong in that its complex, three-dimensional form fits much better with the modern aim of international law dominated by human rights. Despite distinctions and hierarchies, each point of the pyramid is connected with the other, thereby enclosing the humanitarian space.



*Figure 1: The Humanitarian Pyramid*⁴

Attention must be paid to the direction of the arrow flow. The principle of humanity is propelled into existence with the will to alleviate suffering, forcing itself both on and into the humanitarian space as the guiding point. The operational principles of impartiality, independence, and neutrality flow to and from humanity and the rules of behaviour, informing both and sustaining the functionality of the humanitarian pyramid. The rules of behaviour ground the humanitarian space as the foundation, both dictating and informing the humanitarian principles but never yielding or surrendering to them. Each point of the pyramid is connected with the other, as demonstrated by the three exaggerated dots, thereby enclosing and binding the humanitarian space. However, one of the weaknesses in attempting to illustrate the humanitarian space is that it falsely models the space as static. Instead, humanitarian action is dynamic with a spirit that is in action, moving, changing and progressing over time. (Thürer, 2007) It is the dynamic nature of the humanitarian pyramid that allows for it to overcome external pressures and challenges, as the rest of this study will show.

Slim (2003) illustrates the perimeters of the humanitarian space in a similar, three-fold fashion. Namely, the space materialises through the moral belief that victims of war must be protected; a belief rooted in international humanitarian law. Second, there is a responsibility to respect those laws and a requirement of those in power to act to protect the victims. Thirdly, and finally, there is the availability, presence and willingness

⁴ The decision to capture the humanitarian pyramid visually was not taken lightly. In essence, the humanitarian space is an intangible metaphorical and ethical space that is only sometimes contained within a physical structure such as a building (a hospital or a school), a ship or a camp. Most of the time, humanitarian workers are not afforded the luxury of hitting a wall or locking a door in order to feel the confines of the humanitarian space. Neither they nor the affected population often cross a threshold in order to physically benefit from the protection or safety of the humanitarian space. Rather, the humanitarian space moulds and camouflages itself to the natural environment and instead of considering a crisis or a war to move around the humanitarian space, consider that it moves *through* the transparent borders of the humanitarian space.

of humanitarian actors to protect the victims of war through humanitarian assistance thereby enabling those in power to respect international humanitarian law. (Slim, 2003)

2.2 THE HUMANITARIAN SPACE IDENTITY

Following the illustration of the humanitarian pyramid, the consideration of the nature of the enclosed, bordered space arises. Namely, what virtues characterise the humanitarian space? What identities does someone entering the humanitarian space take on; what rights are they afforded? Walters (2010) strongly argues that the humanitarian border must not be configured solely around the identity of the victim it is seeking to help. Instead, the dynamic space is characterised by the depth and volume of knowledge that spreads across the humanitarian space wherein those subjected to the humanitarian border are treated as rights-bearing individuals. (ibid.) To enter into the humanitarian space signifies more than claiming the right to humanitarian assistance, it respects the rights of each individual and seeks to respond to their needs beyond the identity of a victim. The topic of the virtues of the humanitarian space could take up an entire thesis, debating the identities granted in the bordered space. Therefore, for the purposes of this study, an individual entering the humanitarian space is above all, given an identity beyond that of a victim and essentially treated in accordance with human rights and human dignity.

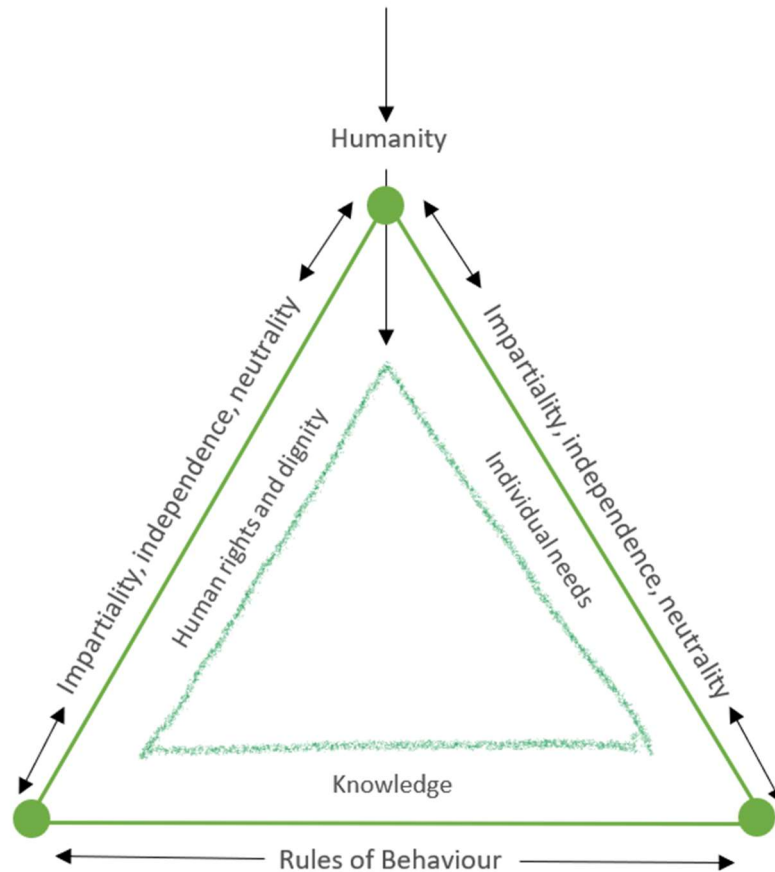


Figure 02: Virtues of the Humanitarian Space Identity

The virtues of the humanitarian space identity are driven by the principle of humanity, the wish to alleviate suffering. Alleviating suffering is a personal process therefore, upon entering the humanitarian space in order to claim humanitarian assistance or protection, the person is recognised for more than their identity as a victim of conflict, disaster or persecution. The affected individual benefits from the vast knowledge that spreads across the humanitarian space, recognising their individual needs and assisting them with respect to human rights and human dignity.

2.3 POLITICISATION OF AID

To date, there is not a universally accepted definition of the term “humanitarian space.” (Collinson & Elhawary, 2012; Roepstorff, 2019; Spieker, 2015) As Collinson & Elhawary (2012) report, the separation and independence of humanitarian action from politics is

central to the establishment of the term. The politicisation of aid is seen as detrimental to principled humanitarian aid and is attributed as the cause of failed projects. (Lohne & Bergtora Sandvik, 2017) Bińczyk-Missala & Grzebyk (2015) argue that it is one of the main factors affecting the increasingly insecure security conditions for humanitarian workers because the principles of neutrality, impartiality and independence are predicated on the separation from politics. (Warner, 1999) This is a crucial issue as the operational principles of neutrality, impartiality and independence not only bind the tip of the pyramid, humanity, to the rules of behaviour and IHL, but they also create and sustain a safe humanitarian space for both the aid provider and recipient.

Warner (1999) argues that the origins of the separation of the humanitarian from politics stems from the Realist tradition that political action is tainted, “the problem of dirty hands”. While some of the worst tragedies are attributed to political decisions, humanitarianism is seen as separate from messy political affairs such as wars and genocides. (ibid.) Humanitarianism is without interest in national affairs or power and so in contrast to the state, is seen as almost divine. Writing in 1999, Warner is challenging the belief that humanitarianism must be separate from politics as a political idea in itself:

“The separation of the humanitarian from the political is part of a world in which both have specific places through a very particular relationship. Reducing the divide between the two opens up a whole host of new possibilities.” (Warner, 1999, p. 117)

Warner appeals for a positioning of the humanitarian space within the political to offer greater possibilities for victims of war, conflict, and poverty, but to also ultimately reduce the number of people in need of humanitarian aid. On a different note, in 1998, former United Nations diplomat Sergio Vieira de Mello argued that the presumed apolitical nature of humanitarianism was predicated on the non-political nature of the victim it was protecting. This is a fictitious belief; victims are not passive or neutral, “they are involved and part of the struggle.” (Vieira de Mello, 1998)

Slim (2002) has taken the argument even further writing that “it is essential that humanitarian action is rooted in a considered and explicit political philosophy” and the simple ethics of charity is no longer sufficient. Humanitarian organisations make strategic choices about which experiences of suffering to respond to; humanitarianism was never a pacifist movement, it is an active project challenging those in power to minimise suffering and protect those affected by war, conflict, and human rights abuses. (Leebaw, 2007; Walters, 2010) Slim (2002) also comments on the dichotomy of humanitarianism as either humanitarian or political as too simplistic and inconsiderate of the humanitarian goal. In addressing the humanitarian need that arises due to famine, humanitarianism is not only treating the consequences but also challenging the policies that allowed for the famine to occur. In the same sense, the humanitarian response to increased arrivals of asylum-seekers in Europe is not only basic need provision but access to legal rights, documents, and citizenships.

Finally, “political motivations inspire humanitarian action,” a desire beyond wanting to alleviate suffering but the desire to remain operational, retain staff or legitimise the actions of the organisations as benevolent. (Hilhorst & Jansen, 2010) As Walters (2010) wrote, “to suppose that the humanitarian border is configured only around the identity of the victim ... is perhaps too simple.” Competing agendas, different mandates, and priorities as well as multiple actors responding to the same crisis create tensions and bring the political power to greater visibility. (Lohne & Bergtora Sandvik, 2017)

2.4 THE SHRINKING HUMANITARIAN SPACE

Despite the arguments put forth in the previous section, the essence of the humanitarian space as an operational environment conducive to principled humanitarian aid remains widely understood as independent from the political field. (Roepstorff, 2019) The involvement of politics in humanitarian assistance is identified as the main cause of a shrinking humanitarian cause.

Roepstorff (2019) writes about “limited room for agency and restricted access to the affected population” caused by hostile migration policies, the securitisation of migration and formal and informal criminalisation of humanitarian action. Securitisation has been

defined as the prioritisation of security measures over humanitarian need, however Walters (2010) defined it as a social construct of threat in which exceptional administrative measures (such as border security) are legitimised. Fekete, et al. (2019) likewise attribute a shrinking humanitarian space to the tension and conflict between humanitarian values on one hand, and securitisation principles on the other. The following is a non-exhaustive list of examples of a shrinking humanitarian space in Europe; restricted access to the affected population, criminalisation of search and rescue activities in the Mediterranean Sea, reduction of EU financial support to migration related activities, bureaucratic and administrative hurdles in the requirements for the provision of aid, policing of humanitarianism, intimidation and harassment of humanitarian workers, punitive tax measures, increased ID checks and parking fines etc. (Atger, 2019; Carrera, et al., 2018; Fekete, et al., 2019; Roepstorff, 2019)

2.5 MEASURING THE HUMANITARIAN SPACE

Borrowing Collison & Elhawary's appeal for a baseline to be used in identifying a shrinking humanitarian space, the theoretical elements are summoned together in order to theorise if it is indeed possible to measure the humanitarian space. In concluding the foundational chapter, the humanitarian pyramid is tested against the imposing forces of politics on the three-sided figure.

Theoretically speaking, the three-sided humanitarian pyramid will shrink if there is an external pressure or influence on either of the sides, causing it to retract and suppress. (Thürer, 2007) However, the integral shape and connection of the humanitarian space binds and protects each side of the pyramid allowing the suppressed side to rebound and overcome external pressures. If the principle of humanity is being questioned or suspected, then the operational principles grounded in international humanitarian law justify the action of protection of life and alleviation of suffering. The elimination or exclusion of one of the binding principles of the humanitarian space does not result in the shrinking of humanitarian space, but rather the dissolution of the humanitarian space. (Warner, 1999) Therefore, in incorporating the dynamic nature of the humanitarian space which shifts and grows over time, the humanitarian space founded

in the humanitarian pyramid is innately unable to shrink. The humanitarian pyramid is built with the intention to last, overcome, and adapt to humanitarian crises.

Furthermore, the issue with the dominant discourse of the perceived shrinking of the humanitarian space is in its categorical nature; it is either shrinking or not. Organisational reports and academic research do not provide a measure or calculation to quantify or estimate the degree to which the humanitarian space is shrinking. If they did, they would also be able to offer clear guidelines on which steps to take in order to expand the humanitarian space. While the dynamic nature of the humanitarian space will be explored in greater detail further on in the study, it is a crucial element of the theoretical basis.

2.6 THE CIVIC SPACE

The humanitarian space is not the same as the civic space, and yet the terms are used interchangeably, particularly in the shrinking discourse. A key researcher in the study of a shrinking humanitarian space in Europe, Roepstorff (2020) writes of a shrinking “humanitarian civic space” but does not provide a definition of the term. The following sub-section will formally distinguish the humanitarian from the civic space addressing why not every humanitarian act belongs in the humanitarian space and why not every humanitarian act in the humanitarian space. As such, it will guide the rest of the paper illustrating the qualities of humanitarian acts that belong in the bordered humanitarian space, or the open civic space.

A civic space is understood as the “political, legislative, social and economic environment which enables citizens to come together, share their interests and concerns and act individually and collectively to influence and shape their societies.” (Civic Space Watch, 2022) It is a physical, legal, and virtual space where citizens are able to express competing points of view without hindrance and with state support of the freedom of assembly, association and expression. (CIVICUS, 2022; Civic Space Watch, 2022) A humanitarian civic space can, therefore, be understood as an action, motivated by the principle of humanity, exercised within the political, legislative, social, and

economic space that enables citizens to act individually and collectively with state support for the freedom of assembly, association and expression. In looking for the link between the humanitarian and civic space, Cunningham and Tibbett (2018) found that a humanitarian crisis will complicate the pre-existing civic space. Ensuing restrictions or regulations will disproportionately affect local civil society groups and organisations which make essential contributions towards the respect for democracy and the upholding of human rights. (Buyse, 2018; Cunningham & Tibbett, 2018) Examples include human rights defenders, trade unions, victims and women’s rights associations as well as individual citizens. (ibid.) However, the civic space is not guided by the principle of humanity, it does not seek to prevent human suffering but rather “facilitate exchanges among citizens, enable communication channels between citizens and the state, promote civic actions and advance common interests based on civility.” (Jenkins, 2012)

The following graphic illustrates the argument presented by Schwiertz & Schwenken (2020) in separating humanitarian acts in the humanitarian space from humanitarian acts in the civic space. The separation, as illustrated below, will inform the research as to the nature of acts that are either negotiated in the humanitarian arena and subsequently informed and protected by the humanitarian space borders or expressions of citizen concern that aim to influence policy and society.

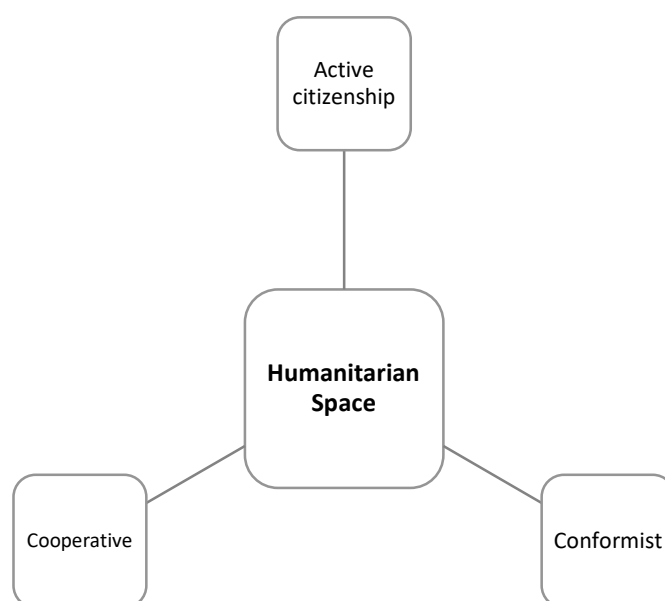


Figure 03: Acts of Humanity that Belong in the Humanitarian Space (Schwiertz & Schwenken, 2020)

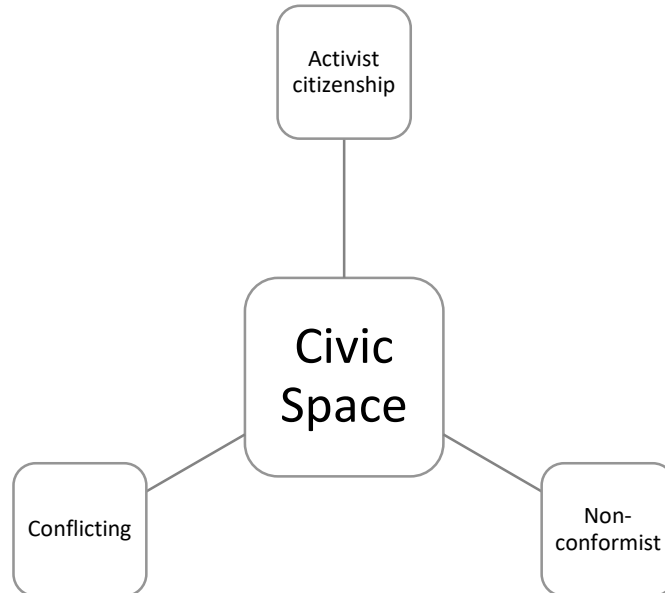


Figure 04: Acts of Humanity that Belong in the Civic Space (Schwiertz & Schwenken, 2020)

As Schwiertz & Schwenken (2020) explain, an act of humanity within the humanitarian space is an expression of active citizenship seeking to alleviate suffering that is cooperative with state actors and conforms to the negotiations agreed-upon in the humanitarian arena. On the other hand, an act of humanity within the civic space is an expression of activist citizenship that is in conflict with state policy or exercise of authority and is therefore non-conformist with the political agenda. (Schwiertz & Schwenken, 2020) In order to occupy the civic space, an individual is expressing a fundamental right and freedom, however in order to occupy the humanitarian space, the humanitarian must complete an additional step in negotiating the humanitarian arena with all other relevant actors. This will be explored further in the next chapter.

Chapter 3: CRITICALLY REVIEWING THE HUMANITARIAN SPACE

The notion of the humanitarian space has been appealed for, criticised, questioned, threatened, and defended but rarely defined, illustrated, explained or justified. Therefore, the following chapter will provide an in-depth and comprehensive study on the definitions and applications of the humanitarian space ethically, metaphorically and (sometimes) physically. The following chapter delves deeply into a critical review of the virtues of the humanitarian space. Having defined and illustrated the origins, foundations and principles that form the bordered humanitarian space in the previous section, we now closely examine how the term has evolved over time. There is no universally agreed-upon definition of the humanitarian space, however common themes emerge namely that the humanitarian space is borderless, apolitical, and transcendent. Therefore, this chapter will study definitions from several prominent international non-governmental organisations, and how these definitions are practically applied.

3.1 CONSTRUCTING THE HUMANITARIAN SPACE

Firstly, it is important to deconstruct the humanitarian pyramid and study the creation of the humanitarian space; how the theoretical and metaphorical concept come about in real situations of crises, and which actors are involved in the process of its creation. An example of the normative, metaphorical and ethical humanitarian space is to work in accordance with humanitarian principles and IHL without fear of threat, attack or manipulation. (Hilhorst & Jansen, 2010; Mardini, 2021) Examples of a physical humanitarian space include a refugee camp, a humanitarian corridor, a hospital or prison. However, a humanitarian space, whether in an armed conflict, natural disaster or emergency, is not granted implicitly. (Slim, 2003) In order for the normative, metaphorical humanitarian space to be physically constructed, organisations must gain access to the space by legitimising their actions. This process involves negotiation, persuasion and arrangement and the following subsection carefully outlines the process of creating the humanitarian space.

In presenting the argument of the humanitarian space as an arena, “where actors negotiate the outcomes of aid,” Hilhorst & Jansen (2010) introduce the action of

constructing the humanitarian space. This is the process of negotiation; written and verbal statements, interactions, strategizing and influencing between all actors involved in the provision of aid. (ibid.) Many authors highlight that in the humanitarian arena, a diverse range of actors negotiate service delivery including state and traditional humanitarian actors such as the ICRC, however also UN agencies, the international and local private sector, military representatives and non-governmental organisations with various mandates. (Grombach Wagner, 2016; Hilhorst & Jansen, 2010) Today, this space is occupied by even more diverse humanitarian actors including human rights defenders, networks of solidarity and mobilised citizens. (Roepstorff, 2019) Most importantly, the humanitarian space as an arena presents the conditions of service delivery present in the humanitarian crisis situation. (Hilhorst & Jansen, 2010) This forces humanitarian organisations to negotiate their humanitarian principles in order to shape provision of aid in practice. (ibid.)

Moreover, the construction and negotiation of the humanitarian space is at times the competition for humanitarian space, the competition for resources or allocation of resources, competition for territory, access and legitimacy. (Hilhorst & Jansen, 2010) It is “a site for the circulation of power relations” and winning the competition involves inclusion into the humanitarian space, while losing the competition results in exclusion. (DeChaine, 2002) The concentration of power is further separated between the headquarters and the field with competing visions of humanitarianism. (Beerli, 2018) Studying the humanitarian space through an analytical lens of power-struggles, Beerli (2018) defines it as; “a social space constituted by growing socioprofessional differentiation and multiple struggles to define the most legitimate means of thinking and doing humanitarian action”. (p. 74)

Hilhorst & Jansen (2010) offer a critical analysis of how the language of the humanitarian space is instrumentalised by agencies and humanitarian actors to gain access to populations in need but also to legitimise themselves and their activities. They argue that in employing the image of an ethical space, humanitarian agencies conceal the socio-political dynamics of crises and consequently, conceal their own interests and role in them. There is a separation between the responsibilities of actors in constructing the

humanitarian space, and the responsibilities to be undertaken by the same actors within the constructed humanitarian space. (Oosterveld, 2012) The humanitarian space is a result of the respect and promotion of humanitarian and IHL principles by all actors concerned, and enduring respect for those principles requires active participation from all actors. (Spieker, 2015)

3.2 THE APOLITICAL, BORDERLESS AND TRANSCENDENT HUMANITARIAN SPACE

While there is no universally accepted definition of the humanitarian space, the following are key themes present in all definitions of the term as reviewed in this study. Firstly, the humanitarian space is always presented as the alternative to state assistance and protection; the apolitical. Secondly, due to the principle of humanity being viewed as a virtue, the ethical dimension of the humanitarian space presents the latter as a borderless, intangible space. Thirdly, and finally, the combination of the apolitical and borderless elements collectively conceive a transcendent space, above and beyond politics or cultural differences.

3.2.1 THE APOLITICAL

Clouette & Wise (2017) study the humanitarian space as borderless in opposition to the borders of the state, describing the humanitarian space as “the antimatter of sovereignty ... a kind of antisovereignty”. Their analysis is important in identifying the assumed, guaranteed universal and inherent ethical space that is asserted by the humanitarian space. An understanding of the humanitarian space as the antithesis to the constitution of the state is ineffective and harmful to the demands and requirements of the humanitarian space. This vision of the humanitarian space is as a gap in the absence of state provision and state protection and in the presence of state abandonment of civilian protection. Therefore, this cements the concept of the humanitarian space as fundamentally apolitical, guided by a moral reason theoretically independent to the reason of the state. These are moral absolutes governed by the preservation of the universal human that is above politics. This belief lends itself to the justification that humanitarian action is subject to a different time of accountability insofar as preserving humanity that was abandoned by the state. Furthermore, Clouette & Wise (2017) argue that the physical construction of the humanitarian space is innately

brought into existence by the ideological and metaphorical values of humanity at the centre creating an intangible space. As this chapter has already illustrated, the humanitarian space is thoughtfully and carefully constructed and negotiated into existence. Merely possessing the want to alleviate suffering does not conceive the necessary parameters the humanitarian space demands (see figure 01).

3.2.2 THE BORDERLESS

In contrast to the academic theories of the humanitarian space as an enclosed pyramid (Thürer, 2007) or a space with perimeters (Slim, 2003), DeChaine (2002) found that MSF presents and promotes the humanitarian space as “borderless”, in line with its identity of being ideologically and geographically without borders. DeChaine (2002) observes three principal themes in MSF’s formulation of the humanitarian space, as one that “transcends cultural difference, implies an unequivocal freedom to act, and entails social responsibility”. The first theme observed is that the humanitarian space is an ethical space “underwritten by the language of universal human rights.” The second principal theme is the freedom to act; meaning in gaining access to populations, assessing needs, and protecting the victims of war. The third and final theme is an operational responsibility of the organisation not only morally, but in the quality and accountability of the humanitarian space. DeChaine struggles to clearly define the implications of the operational responsibility of MSF, but settles on a combination of interpersonal reflection, public feedback and organisational conduct.

3.2.3 THE TRANSCENDENT

DeChaine (2002) concludes his findings of MSF’s transcendent and borderless humanitarian space to be problematic, a “discursive reterritorialization” and reproduction of power hierarchies found in the traditional definition. This analysis could lend itself to Clouette & Wise (2017) in dismantling the idea of the humanitarian space as a moral absolute above politics. In fact, the ethical imperative to reduce suffering is what gives the humanitarian space its boundaries. (Calhoun, 2008) DeChaine (2002) argues that in attempting to gain distance from the original understanding of the humanitarian space, organisations like MSF fail to develop a new understanding. An example can be found in the MSF formulation of the humanitarian space as one that aims to “transcend cultural difference.” This is in fact invoking the right and principle to

act without discrimination as is cemented in the original Dunant definition. (Thürer, 2007) However, a most valuable contribution of Clouette & Wise (2017) is in identifying the humanitarian space as a “mobile and shifting field that shrinks and grows with the activities of aid workers”. The dynamic element of the humanitarian space is missing from the traditional definition and could be applied to MSF’s theme of operational responsibility; the progress and development brought about by the act of reflecting and being accountable for personal and organisational conduct.

3.2.4 THE PYRAMID

As has been argued by several academics, seeing the humanitarian space as the antithesis to state interests, military operations or physical barriers is superficial and ineffective. For example, Warner (1999) argues that removing the parameters that make up the humanitarian space does not directly result in an expansion of the space, but rather a diffusion or even disappearance. As outlined in the conceptual framework, that argument is supported by this study. In response to the apolitical, borderless, and transcendent humanitarian space, this thesis proposes a similar three-sided illustration of the main themes that are necessary to create and sustain the humanitarian space.

First and foremost is the tip of the pyramid, “the light that shines into the space”, the principle of humanity. (Thürer, 2007) The motivation to alleviate suffering and protect victims of conflict, emergencies or disasters is present in each and every definition of the humanitarian space. The second universal element is operational in nature, the freedom to operate with respect to the humanitarian principles without, the fear of or, threat of attack or manipulation. Humanitarian organisations seek to provide relief in accordance with impartiality, neutrality and independence while assuring physical safety and protection for both staff and the affected population. The third element of the humanitarian space is that it is grounded in rules of behaviour that allow for humanitarian operations to operate in accordance with humanitarian principles with assured physical safety. These rules of behaviour may be formally acknowledged as international humanitarian law or referred to as accountability, social responsibility, or the need to abide by appointed

mandates. The humanitarian space calls for guidance and procedure in the initial construction of the space and furthermore in the execution of provision of aid and protection of the affected population. The following chapter delves deeper into the rules of behaviour, specifically in the absence of armed conflict.

Finally, what is interesting to note in the context of the shrinking humanitarian space discourse is in questioning how a borderless, intangible space can shrink. In addition, a borderless space cannot be measured to determine to what extent it is indeed shrinking. It seems as though the shrinking humanitarian space discourse predicates borders and fixed parameters to use as a comparison when declaring a loss in the space for principled humanitarian aid.

3.3 THE HUMANITARIAN SPACE IN THE ABSENCE OF ARMED CONFLICT

In appealing for the preservation of the humanitarian space, humanitarian organisations advocate for the respect of international humanitarian law. The following section will address why IHL is unable to provide the support humanitarian organisations in the EU rely upon. Even if calling upon the respect of IHL in the preservation of the humanitarian space was applicable, Biencyk-Missala & Grzebyk (2015) argue that international humanitarian and human rights law is subject to disrespect and violations like no other branch of international public law.

Humanitarian space is created and upheld by respecting the law to which States have already agreed, by consensus. (Mardini, 2021) Collinson & Elhawary (2012) argue that the humanitarian space is synonymous with international humanitarian law, as rooted in the Red Cross definition, in demanding respect for IHL, requiring states to uphold their responsibilities in meeting humanitarian needs and facilitating the provision of relief aid by humanitarian organisations. However, a study of the humanitarian space in the EU is one in the absence of armed conflict and there are authors who go as far as arguing that without war, there is no humanitarian space as war is what created IHL. (Warner, 1999) Dinstein (2000) likewise draws a firm line in the sand arguing that there is not even an

explicit right to humanitarian assistance under existing international law. There is no legal framework for humanitarian crises or emergencies in the absence of armed conflict comparable or equivalent to the provisions of the Geneva Conventions and Additional Protocols. Spieker (2015) argues that the international community has not yet considered an equivalent legal framework for humanitarian action in non-conflict contexts to be neither necessary nor desirable. Therefore, there is a significant lack of legal understanding and practical regulation of the humanitarian space in a context of peace, or rather, in the absence of armed conflict.

The 1991 General Assembly of the United Nations Resolution 46/182 on Strengthening of the Coordination of Humanitarian Emergency Assistance implemented guiding principles for the provision of humanitarian assistance to victims of emergencies. (UNGA, 1991) Spieker (2011) identifies this as a useful international instrument in providing guidelines for aid provision in the absence of armed conflict. In addition to requiring humanitarian assistance to be provided in accordance with the humanitarian principles, the resolution states that “humanitarian assistance should be provided with the consent of the affected country and in principle on the basis of an appeal by the affected country” (para. 3). This is due to each State having the principal responsibility of responding to the needs of victims of emergencies occurring on state territory. (Spieker, 2011) Access and provision of humanitarian aid to the populations in need is deemed essential and the responsible State is required to facilitate the work of organisations in implementing humanitarian programmes. (ibid.) In reality, not only is the operationality of a humanitarian organisation conditional upon state support, but the work is also largely regulated by domestic legal frameworks. (Spieker, 2015) Humanitarian organisations working in the EU are obliged to follow domestic regulations as determined by host states until a common framework guiding the humanitarian space in the absence of conflict is established.

3.4 THE HUMANITARIAN SPACE IN PRACTICE

Having discussed and analysed at length the theoretical underpinnings of the humanitarian space, the attention of this chapter now turns to the practical use of the metaphorical space. As has been mentioned, there is no universally agreed upon

definition of the term however, this does not necessarily translate into each organisation forming individual guidelines. While the respect for international humanitarian law and the humanitarian principles rests firmly in place in most definitions, there are variations in the application of the definition.

3.4.1 THE ICRC AND IHL

The International Committee of the Red Cross (ICRC) understands the term of a humanitarian space to be rooted in international humanitarian law. (Tennant, et al., 2010) IHL, and specifically the 1949 Geneva Conventions and their Additional Protocols provide the rules and regulations for an impartial humanitarian space. (Grombach Wagner, 2016) Firstly, the Conventions state that if the responsible authorities (i.e., State, or occupying powers) are unable to meet the needs of the affected population, they are required to allow for relief assistance. (ibid.) Relief assistance hereby is specified as humanitarian and impartial in nature “without any adverse distinction” on the basis of race, religion, sex or wealth. (ICRC, 1949) Furthermore, customary international IHL states that the responsible authorities must also allow for the freedom of movement of humanitarian personnel providing the humanitarian and impartial relief. (Grombach Wagner, 2016) Moreover, a key article in the Convention is Common Article 3 invoking the elementary considerations of humanity. It states the requirement of a minimum humane treatment and protection of all civilians and persons hors de combat (prisoners, wounded or sick). (Grombach Wagner, 2016; ICRC, 1949; ICRC, 2010) Therefore, the 1949 Conventions cited IHL and international norms thereby creating a humanitarian space based on impartiality, humanity, neutrality and independence.

Customary law as well as international legal instruments for emergencies and disasters further designate the ICRC as in charge of the promotion and encouragement of the respect for international humanitarian law. (Spieker, 2011) As such, stances taken by the ICRC inform the numerous actors in the humanitarian arena. For example, the Red Cross EU has developed a new term in response to restrictions imposed on organisations assisting undocumented asylum-seekers on the move. They refer to Humanitarian Service Points as “neutral spaces along migratory routes that provide a welcoming and

safe environment for all migrants to access essential services, without fear of arrest or of being reported to the authorities.” (Red Cross EU, 2021)

3.4.2 INTERNATIONAL HUMANITARIAN ORGANISATIONS

The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) has coined the term “humanitarian operating environment” as the equivalent of the humanitarian space stressing the key to effective and safe humanitarian assistance is the distinction between humanitarian actors and the military. (OCHA, 2008) OCHA’s definition further clarifies that sustained humanitarian assistance to the affected population must remain independent of military or political allegiance or support. (ibid.) OCHA’s definition of the humanitarian space is very popular and widespread in specifying an operational environment, however it fails to define the humanitarian space beyond a negative definition, namely only highlighting what the humanitarian space is not; military or political. (Roepstorff, 2019)

Another UN agency developed a much more promising definition based on positive virtues and qualities. Following an internal review of humanitarian space challenges, the United Nations High Commissioner for Refugees (UNHCR) released a 2010 report titled “Safeguarding Humanitarian Space”. The result is a two-fold definition which on the one hand incorporates “a social, political and security environment which allows access to protection (and assistance) for populations of concern,” while on the other hand, facilitates the UNHCR to carry out non-political and humanitarian protection mandate. (Tennant, et al., 2010) The internal review also found UNHCR staff warning against an understanding and illustration of the humanitarian space as one focused on the access and security of humanitarian staff. (ibid.) A definition as such fails to recognise that in the absence of a safe humanitarian space, the affected population is placed at risk in order to access assistance. (Tennant, et al., 2010) The secondary findings of the internal review are essential in informing the shrinking humanitarian space debate. A focus on the access and security of humanitarian staff is not interested in the humanitarian space, but rather agency space, a significant distinction.

Returning to the organisation that inspired the popular use of the term, Médecins sans Frontières define an “espace humanitaire” as primarily access to victims of war which involves a space to interact with the affected population in order to identify the needs. (Brauman, 2005) Leebaw (2007) highlights that this was the first time a rights-based approach was incorporated into humanitarian assistance as a “self-conscious effort to locate an alternative to pity as the basis of humanitarian action.” The conception of a humanitarian space with a rights-based approach focuses on transforming the humanitarian agenda from a philanthropic model to a transformative one with accountability that promotes social change instead of only charity. (Sandvik, 2016) Oxfam likewise places the needs of the affected population at the centre of their definition, invoking the right of the populations to receive protection and assistance in an independent and impartial way. (Oxfam International, 2008) Moreover, Oxfam highlights the need for humanitarian agencies to have the freedom to make choices based solely on the needs of the affected population, free of political or physical barriers. (ibid.) A rights-based humanitarian space can be taken even further, arguing that this is an ideational and strategic environment in which the affected population share in the role and responsibility of creating their own humanitarian space. (Mills, 2013)

3.4.3 THE EUROPEAN UNION

Finally, this subsection turns towards the application of the humanitarian space in the European Union. A useful international instrument in conceptualising the humanitarian space in the EU is the “European Consensus on Humanitarian Aid” (ECHA), signed on behalf of the 27 Member States of the European Union by the Presidents of the European Commission, the European Parliament, and the Council of the European Union on the 18th of December 2007. (Joint Statement by the European Parliament, European Commission and the Council of Europe, 2008) Paragraph three states the following:

“The ‘humanitarian space’ that is needed to ensure access to vulnerable populations and the safety and security of humanitarian workers must be preserved as essential preconditions for the delivery of humanitarian aid.” (Joint Statement by the European Parliament, European Commission and the Council of Europe, 2008)

Furthermore, in paragraph ten, the ECHA reaffirms their commitment to the respect and upholding of the humanitarian principles of humanity, neutrality, impartiality, and independence. (ibid.) The commitment of the European Commission and Member States to the ECHA has been reaffirmed twice since the original signing, most recently in March 2021 as “a reference framework for the EU’s humanitarian action”. (European Commission, 2021) While the EU remains fervent in its support and preservation of the humanitarian space internationally through external action, outreach diplomacy and the promotion of humanitarian principles and compliance with IHL, domestic priorities differ. (ECHO, 2010) The same commitment to the preservation of the humanitarian space needs to be declared within the EU borders in the absence of armed conflict.

3.5 CONCLUSION OF CHAPTER 3

In the absence of a universally agreed-upon definition of the humanitarian space, various interpretations arise. This subsection has highlighted the need for positive definitions of the term, not simply relying on negative definitions that primarily identify what the humanitarian space is not. The most valuable definitions include not only explanations of the operational agency space but place the needs of the affected population as rights-bearing individuals at the centre. A humanitarian space is not created solely in order for the staff to be able to provide humanitarian assistance, it is created to meet and satisfy the right of the affected population in order to receive protection and assistance. Moreover, the safety of the affected population, not the agency space, should be central to the term of a safe humanitarian space.

In concluding this intensive study on the constructs and definitions of the humanitarian space, a key reminder is that the humanitarian space is not absolute, but rather “constantly negotiated over time and through the everyday practices of the individuals within that space.” (Beerli, 2018, p. 82) A significant limitation in the understanding of the humanitarian space identified by this study is in viewing the space as “borderless,” apolitical and transcendent in legal and conceptual opposition to state sovereignty and finally, as brought into existence through ethical and metaphorical values. Researchers

and academics are still dismantling the traditional imagery of the humanitarian space as the rush of nurses and volunteers to wounded soldiers abandoned on the field in the aftermath of the battle of Solferino, racing to prevent the loss of human life. Humanitarian organisations demand a lot from the humanitarian space, and in doing so fail to realise that it is the humanitarian space that is demanding, requiring constant work, negotiation, and re-negotiation. Furthermore, an understanding of the space as inherently guaranteed due to its ethical nature is wrong. The humanitarian space is not spontaneously brought into existence, it is constructed in the humanitarian arena with winners and losers; organisations granted access and legitimacy, and those denied. It is a site of competing power relations between all actors involved, even between international headquarters and field staff competing for access and legitimacy.

While this chapter has identified and reviewed definitions of the humanitarian space from main international relief providers and academics, it is clear that a universally accepted and applied definition is needed. Such a definition would reduce misunderstandings and prepare organisations for the requirements and challenges of constructing the humanitarian space. However, the lesson to take away is the following; if the oldest, most prominent, and most resourceful humanitarian organisations and practitioners cannot agree on a definition, it is because the humanitarian space demands study, consideration and attention.

Chapter 4: CRITICALLY ANALYSING THE SHRINKING HUMANITARIAN SPACE IN THE EU

The previous chapters delved deeply into the foundational principles and qualities of the humanitarian space. This chapter will now explore the characteristics and qualities that make up the humanitarian space in the EU for organisations working with undocumented asylum-seekers. The current discourse surrounding the shrinking of the humanitarian space in the EU is attributed to politics; the securitisation of migration and the employment of counter-terrorism laws against humanitarian workers facilitated by populist governments in Member States. However, violent border policies create lifesaving, emergency humanitarian need that is met by humanitarian and civic society organisations. This chapter critically analyses to what extent the politicisation of aid is causing the humanitarian space to shrink in answering the research sub-question: to what extent is the politicisation of aid causing the humanitarian space in the EU to shrink? In order to answer this question, this chapter studies the borders that confine the humanitarian space in the EU, namely the humanitarian border characterised by violent border policies and the asylum paradox and presents the nexus of humanitarianism and civic solidarity.

4.1 WHAT IS A SHRINKING HUMANITARIAN SPACE?

Much like the humanitarian space does not have a universal, agreed-upon definition, so the shrinking humanitarian space is difficult to define or measure. However, research attributes the politicisation of aid as the primary cause of a shrinking humanitarian space. (Brassard-Boudreau & Hubert, 2010; Collinson & Elhawary, 2012; Fekete, 2018; Gionco, 2022) All authors further attribute the shrinking of the humanitarian space to the polarisation of the political stage in the EU. (Atger, 2019; Fekete, et al., 2019; Maccanico, et al., 2018; Roepstorff, 2019) A growth of populist governments hostile to the arrivals of people seeking international protection in the EU have facilitated a discourse of stigma surrounding the assistance of undocumented asylum-seekers further tainted by prosecuted acts of solidarity. (ibid.) The principle of humanity is questioned thereby creating suspicion from the general public surrounding the provision of relief aid to people seeking international protection in Europe. (Atger, 2019)

Reporting on the issues faced by the Red Cross in Europe, Atger (2019) notes a decline in donations to European-based migration projects as well as a difficulty in recruiting volunteers. The following sub-section aims to synthesise and critically analyse the main arguments in academic research contending that the humanitarian space in the EU is shrinking.

Following the argument presented by Warner (1999) that the humanitarian space cannot expand or broaden, so it cannot shrink or narrow. I argue that in line with the theoretical humanitarian pyramid, the humanitarian space is either entered or left, created, or dismantled, integral or incomplete. While the study of humanitarianism, namely acts motivated by the will to save lives and alleviate suffering, may not seem appropriate or fitting to align with mathematical or physical laws, it is very useful in stimulating debate. The humanitarian space is not static, it is dynamic and built to overcome, accommodate, and adapt to challenges and external pressures. Humanitarian organisations are responding to humanitarian borderwork and working in an asylum paradox. This is an “ideologically-charged environment”, and it forces organisations to engage with the political agenda but does not result in the shrinking of the humanitarian space.

4.2 THE HUMANITARIAN BORDER AND THE HUMANITARIAN BORDERWORK

While the core concept of the humanitarian space is the moral imperative to alleviate suffering and protect civilians, this is seen as in opposition to the military and political concerns of conflict. (Clouette & Wise, 2017) Professor Loescher wrote the following in 1988 on the subject of the separation of humanitarian action from politics; “Refugees are, in fact, an intensely political issue and their existence affects both foreign and domestic policy, exacerbates interstate conflicts, and influences international attitudes.” (Loescher, 1988, p. 295) The European Union’s decision to prioritise national security interests over humanitarian needs in response to increased arrivals at external borders is well documented. Fortified border surveillance and policing as well as restrictions in safe and legal migration routes have made it harder and more dangerous for people displaced by conflict or fleeing abusive human rights regimes to seek safety. Walters (2010) argues that once a border crossing becomes a matter of life and death,

the humanitarian border emerges. He identifies the opening of the International Organisation for Migration (IOM) Lampedusa office in April 2006 as the birth of the humanitarian border. Increased arrivals in overcrowded and make-shift boats had turned the once touristic island into the frontline in the EU's fight against illegal migration. However, the practices of expulsion by the Italian government, abhorrent living conditions and barriers in registering for asylum were widely condemned by NGOs, human rights groups and concerned citizens. IOM's intervention was presented as an act of charity and protection in providing humanitarian assistance for "exhausted migrants arriving after a perilous journey on unseaworthy vessels." (Walters, 2010) Walters suggests two more politically conscious⁵ readings of IOM's intervention; one as a response to the negative publicity generated by NGOs and the second as the operationalisation of humanitarian action in order to manage a political crisis. Finally, Walters argues that IOM's intervention on the island of Lampedusa in 2006 was the beginning of the normalisation of this border practice, and therefore the birth of the humanitarian border.

Writing in 1988 on "Humanitarianism and Politics in Central America", Loescher observes that "in this kind of ideologically-charged environment many voluntary agencies find it extremely difficult to carry out humanitarian programmes of assistance". (p. 318) Violent border spaces create a humanitarian need that is met by humanitarian actors. Humanitarian actors are responding to "foreseeable consequences of harmful policy changes" and are finding their concerns and warnings regarding humanitarian consequences fall on deaf ears. (Atger, 2019) Nevertheless, emergency humanitarian relief interventions are necessary in order to prevent loss of human life and minimise suffering. Pallister-Wilkins (2017) identifies this as "humanitarian borderwork", humanitarian organisations respond to dangerous and violent European border regimes through relief operations that prevent loss of life and relieve human suffering.

⁵ Note the appeal for a politically conscious reading of humanitarian intervention in order to understand the borders within which humanitarian organisations position themselves. Political consciousness and awareness are what build political literacy.

Pallister-Wilkins (2017) makes a very valuable contribution in a separate article titled “Humanitarian Rescue/Sovereign Capture and the Policing of Possible Responses to Violent Borders”. She presents the practice of rescue at sea based on humanitarian concerns for life as responding to a tragedy in direct opposition to the sovereign concern with border control and policing of migratory flows. This is one of the main problems Belloni (2007) identifies as plaguing humanitarianism namely that it has “slowly affirmed itself as a political and normative alternative to the still predominant Westphalian system”. This is seen primarily in the way humanitarian organisations responding to violent borders “challenge sovereign claims to life and death” and assert their position of a universal ideal of humanity transcending border practices and policies. (Pallister-Wilkins, 2017) In reality, politics is central to the humanitarian border in that it is both generative and immanent to it. (Walters, 2010)

For example, humanitarian sea rescue in the Mediterranean positions the actors carrying out the rescue in an elevated ethical stance making it very difficult to publicly debate or criticise those interventions. Pallister-Wilkins (2017) uses the example of the humanitarian organisation Migrant Offshore Aid Station (MOAS) who in launching a search and rescue operation in the Mediterranean declared “saving lives comes first and politics is for the politicians”. This statement is problematic in many ways because firstly, search and rescue actors working in the humanitarian borderwork rely on sovereign permission to operate and all activities are coordinated and managed by the Maritime Rescue Coordination Centre in Rome. (Pallister-Wilkins, 2017) Moreover, the statement positions the principle of humanity as the guiding and grounding foundation of the humanitarian space. The principle of humanity is motivational, but it is not the determination of aid provision, it cannot influence or control humanitarian activity the way international humanitarian law or domestic legal framework do. Moreover, Slim (2002) comments on the consequences of employing the ideology of charity namely that it demands pity and care instead of justice and responsible policies. Finally, it does not respond to the needs of the affected population beyond the identity of the victim.

Interestingly, even though MOAS vehemently distanced itself from politics, Cusumano (2021) found MOAS employed retired members of the Maltese Navy as onboard security

personnel effectively complimenting the work of the Italian coastguard. Moreover, MOAS was the first organisation to sign the controversial 2017 code of conduct imposed by the Italian authorities on all search and rescue organisations. In contrast, MSF refused to sign the code of conduct arguing that having police or military officers on board violated the principle of independence as well as the MSF policy prohibiting the carrying of arms. The 2017 code of conduct was a deciding moment in reconstructing the humanitarian space in the Mediterranean Sea; certain organisations signed it immediately, others refused to and denounced its obligations while others such as SOS Méditerranée initially refused but eventually signed it after several conditions were altered such as the mandatory presence of an Italian authority onboard. Cusumano (2021) identifies this moment as a significant failure of the maritime humanitarian cause due to the lack of cohesion and solidarity preventing the search and rescue organisations from reaching a common position in negotiating with the Italian government. This argument will later feed into the challenge of political illiteracy identified by Cunningham & Tibbett (2018).

4.3 THE ASYLUM PARADOX

Addressing a heavily politicised humanitarian crisis such as irregular migration, search and rescue organisations are combining rescue work with open border activism in order to address the root causes of the crisis namely, EU border policies. (Cusumano, 2021) Schwiertz & Schwenken (2020) identify the “asylum paradox” as a crucial feature of refugee politics in Member States. In the absence of safe and legal migration routes, asylum-seekers and people seeking international protection are forced to cross borders illegally. Asylum-seekers have to break the law in order to request their rights thereby creating the “asylum paradox” as well as spawning controversy around civil society support of undocumented asylum-seekers. Schwiertz & Schwenken (2020) study support and assistance given in the asylum paradox as escape aid namely, “acts of solidarity that support reclaiming the right to escape”. In an attempt to theorise escape aid, they analyse escape aid in relation to three different concepts: humanitarianism, solidarity and citizenship.

The humanitarian border characterised by the asylum paradox generates both “active and passive forms of resistance to its construction.” (Walters, 2010) Solidarity, while it has inherited humanitarian traditions, is an act of care that results from social and political practices in promoting egalitarianism and idealised horizontal power relations. Humanitarianism, on the other hand, emphasises vital aid and is built on vertical power relations. Schwiertz & Schwenken (2020) argue that “refugee assistance is a practice of active citizenship” and therefore propose the following ideals in offering a better understanding of the difference between solidarity and humanitarianism; where humanitarianism cooperates and conforms in its active citizenship, solidarity is in conflict due to its non-conformist, activist citizenship. (see figure 03 and 04) This is also a useful theory in understanding the difference between humanitarian acts in the humanitarian space, which cooperate and conform, and humanitarian acts in the civic space which are a form of activism that confront and are in conflict with state policies. (ibid.)

Further studies into the nexus of contentious politics and humanitarian aid have identified the term “strategic humanitarianism.” (Schwiertz & Steinhilper, 2020) They have found that acts of solidarity sacrifice the fundamental critique of EU migration policies in order to “plant the seed” for social movements towards progressive, inclusive political change. (ibid.) Through the study of two pro-migrant activist campaigns led by the organisations Seebrucke and Save Me, Schwiertz & Steinhilper found they strategically used and scandalised undeniable human rights abuses that were a result of violent border policies in order to mobilise public support and pressure for progressive political change. However, what use comes of the proliferation of terms designed to name acts of humanity, compassion and solidarity? As illustrated by the conceptual framework, humanitarian acts in the humanitarian space seek to alleviate suffering through cooperative and conforming acts. (see figure 03) It is rather humanitarian acts in the civic space that seek to promote social change through conflicting and non-cooperative expressions. (see figure 04) To attempt to attribute further characteristics to the humanitarian space is a misunderstanding of the humanitarian arena. Humanitarian organisations should focus on “planting the seed” of empowerment for

the individuals they seek to assist, while civic society organisations actively promote social change.

4.4 POLITICAL ILLITERACY

The International Council of Voluntary Agencies commissioned a study to identify civil society needs in humanitarian contexts. (Cunningham & Tibbett, 2018) The challenges identified were mainly political in nature with participants recording a lack of understanding of the government and between the government and civil society actors, a problem coined as “political illiteracy”. The study presents meaningful and valuable findings that contribute to the research of a shrinking humanitarian and civic space in Europe.

“NGOs do not always know when they should be supportive of the government and work with it, or when they should resist, or even how to resist. NGOs also do not always know at what level to talk with governments, or when to communicate a political message and when to stick with technical issues.” (Cunningham & Tibbett, 2018)

Finally, Cunningham & Tibbett (2018) ask a very relevant and insightful question on the basis of their findings namely, why do humanitarian organisations advocate for an increased humanitarian space? Calhoun (2008) reminds us that humanitarian interventions are not solutions to the problem; humanitarian crises are symptoms of underlying problems. Is the aim to protect, restore dignity and provide assistance to the affected population based on the principle of humanity or are there other reasons and motivations? Are organisations interested in greater legitimacy for their actions or have they grown tired of bureaucratic hurdles that impede financial donations? Why don't organisations, instead, call for a greater humanitarian arena, where the conditions for provision of aid are presented by the state and negotiated by the humanitarian representatives?

For example, after the implementation of the EU-Turkey Statement in 2016 which was met with alarming concerns from human rights groups, MSF made the decision to cease accepting funding from the European Union. (Atger, 2019) The prominent humanitarian

organisation decided it could not accept institutional donations while at the same time treating the victims of policies put in place by the same donors. (MSF, 2017) Atger (2019) argued the implementation of a harmful policy such as the EU-Turkey Statement jeopardised the operational principles of humanitarian actors by forcing them to engage or disengage with the EU political agenda. However, with reference to the above-mentioned excerpt from Cunningham & Tibbett, it seems as though humanitarian organisations need to be forced to engage or disengage with the political context, they are both responding and working in.

Ultimately, MSF refusing EU funding has not caused its operations to close or reduced the impact of the humanitarian organisation. (MSF, 2017) Moreover, having closed all operations within the EU-funded refugee camp Moria on the island of Lesbos, MSF handed over the medical projects it ran to other humanitarian organisations. (ibid.) The humanitarian space was not impacted, and the needs of the affected population continued to be met. On the other hand, the Red Cross EU office recommended the protection of the humanitarian space primarily through safe and effective access to humanitarian assistance for all migrants irrespective of their legal status. (Red Cross EU, 2021) This is a clear recommendation for the promotion of the humanitarian space in order to allow safe and effective access to humanitarian assistance. It recognises the asylum paradox and seeks to negotiate access in order to accommodate the target population regardless of legal status.

4.5 TO WHAT EXTENT IS THE POLITICISATION OF AID CAUSING THE HUMANITARIAN SPACE TO SHRINK?

In the EU, the politicisation of aid is not causing the humanitarian space to shrink. Humanitarian organisations are responding not only to a highly politicised issue, but they are working within a politically constructed humanitarian border characterised by the asylum paradox. Moreover, this is not a newly emerged humanitarian border, it dates back to 2006 and the humanitarian space in the EU dates back even further; “The humanitarian space is, and has always been, threatened by multiple factors”. (von Pilar, 1999) It should, therefore, be considered to what extent organisations themselves threaten the humanitarian space. In place of a rigid division and separation of one from

the other, could there instead, be varying degrees of politicisation that accommodate the architecture of today's world? Politicisation may not be causing the humanitarian space to shrink, but it borders it and it sets the terms for the humanitarian response in the humanitarian arena. Most importantly, the humanitarian border forces humanitarian organisations to confront political agendas actively and consciously. Only then do humanitarian organisations have the tools to defend the humanitarian space and political obstacles and external pressures cease becoming a threat to humanitarian assistance.

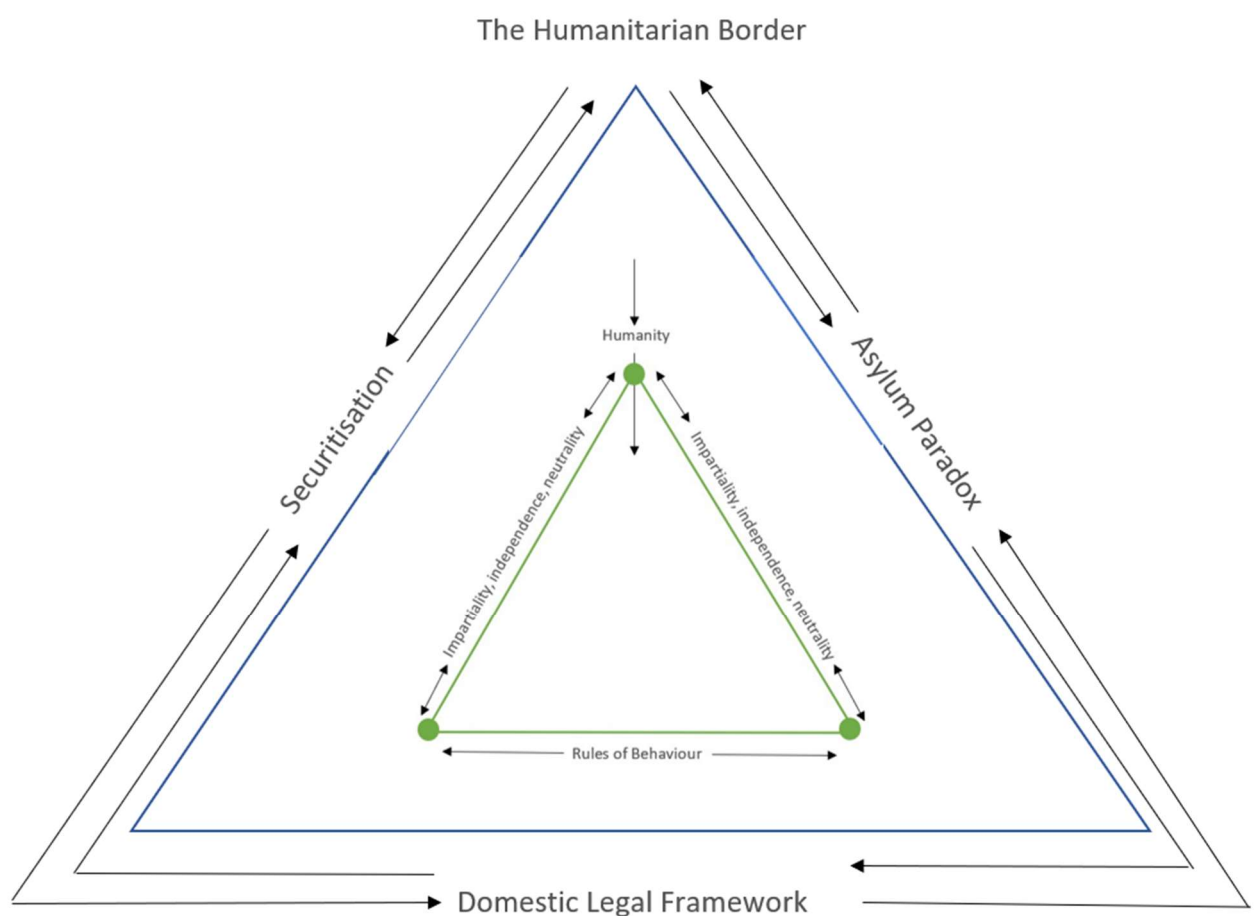


Figure 05: The Humanitarian Space in the EU

What this chapter has found, is that the humanitarian space in the EU is itself enclosed within the humanitarian border that is sustained by securitisation, the asylum paradox and domestic legal framework. It is a self-sustained system, whereby each part feeds and impels the other so the humanitarian border is able to function. Nevertheless, the wish to alleviate suffering is still able to break through the humanitarian border and “the actual borders of states become themselves zones of humanitarian government.”

(Walters, 2010) There is space for the humanitarian pyramid within the humanitarian border, however the humanitarian border dominates, and humanitarian organisations must learn to work within these confines.

4.6 CONCLUSION OF CHAPTER 4

Chapter four has critically analysed a shrinking humanitarian space as a consequence of the politicisation of aid. It has attempted to measure the humanitarian space in the EU and identify the features of the space humanitarian workers in the EU are subjected to. Moreover, this chapter has further defined acts of humanity that fall into the humanitarian space, and those that belong to the civic space. This chapter has raised critical questions regarding a shrinking humanitarian space that the discussion chapter will seek to compliment in attempting to find the answer. Does the humanitarian space shrink if lives are lost as a result of EU migration policies? Does the humanitarian space shrink if organisations refuse state funds? Furthermore, does the humanitarian space shrink if organisations withdraw and cease activities? As the MSF example has shown us, other humanitarian organisations inherit activities that are destined to close. Being forced to confront the political agenda of the host state does not inherently result in an impact on the humanitarian space at large.

Chapter three outlined the issues that arise with viewing the humanitarian space as the antithesis to the state and chapter four has added an additional element to this common error. Acts of humanitarianism are not the counterpart to state sovereignty, they are not the alternative choice to the normative state. Humanitarian organisations are founded in response to politics, they meet needs that arise as a consequence of politics and humanitarians play a political role, consciously or not. Collinson & Elhawary (2012) confront and challenge the humanitarian community for buying into the idea of an idealised space between humanitarianism and politics. The belief in an apolitical narrative diverts attention from the fundamental political nature of the contexts in which humanitarians work and moreover, the challenges they face doing their work. Humanitarian action, the provision of aid or humanitarian search and rescue organisations operate within the humanitarian space that is essentially reliant on

sovereign permission for access and legitimacy in addition to relying on sovereign respect for IHL and rules of behaviour.

Moreover, securitisation is not the antithesis to humanitarian action. It is the responsibility of the humanitarian organisations to implement and guarantee the operational humanitarian principles of independence, impartiality, and neutrality. Finally, this study has identified that the principle of humanity is being employed as the bottom line in the justification of humanitarian activities. This is a harmful practice as it demands an urgent response of care and pity and does not invite justice, responsible policies, or debate.

Chapter 5: DISCUSSION

The following chapter will discuss the outcomes of the main research question as well as its sub questions. This chapter offers a critical review of the shrinking humanitarian space discourse and the main themes that have emerged through the study of the humanitarian space in the EU. This thesis has critically analysed to what extent the humanitarian space in the EU is shrinking and moreover, to what extent it is shrinking due to the politicisation of aid by attempting to measuring it. This study has uncovered what is behind the shrinking humanitarian space discourse, namely the misunderstanding of the ethical and metaphorical term as well the concealed humanitarian border within which the same organisations raising the alarm consensually work. The following section will critically discuss the findings of the research as well as present the consequences of the shrinking humanitarian space discourse.

5.1 IS THE HUMANITARIAN SPACE IN THE EU REALLY SHRINKING?

In response to the question to what extent is the humanitarian space in the EU really shrinking, this study found that the humanitarian space is unable to shrink. Rather, the humanitarian space is either complete or absent, integral, or incomplete. Many acts of humanity within the civic space, however, are facing restraints and consequences due to the non-conformist, activist nature of the acts that are in conflict with state practices and policies. (Roepstorff, 2020; Stierl, 2018) The humanitarian space, however, is not facing obstacles it is unable to overcome when confronted with the violent humanitarian border. Furthermore, this study found that humanitarian organisations falsely understand the humanitarian space to be borderless. Humanitarian organisations are operating within very clearly defined, implemented, and protected humanitarian borders of the EU. Moreover, in the discourse of a shrinking humanitarian space, how can a borderless space be measured? It would follow logically that only a bordered, enclosed space would be capable of shrinking or narrowing.

5.2 THE PERPETUATED DISCOURSE OF OPPOSITES

Originally, the humanitarian space debate was employed to promote safe and accessible humanitarian assistance and protection for affected populations. Today, the discourse is employed by humanitarian organisations to protect the agency space, advocating against the involvement of politics in the provision of humanitarian aid. There is an unwillingness, motivated by ignorance, of humanitarian workers in the EU to acknowledge that the humanitarian space they occupy and advocate for is within the violent humanitarian border. This is in part due to the perpetuated understanding of the humanitarian space as borderless and transcendent over political motivations. The humanitarian space continues to be viewed as the antithesis to state actions and priorities, more specifically as the antithesis to securitisation and politics. Besides being a false understanding, the limitations of such a view have already been addressed in this study.

In perpetuating a discourse of opposites, the language employed is one of absolutes; the moral and ethical supremacy of saving lives over the evil and deadly migration policies; the shrinking space for humanitarians to save lives and the purposeful state action to prevent the saving of lives. This discourse continues to view the humanitarian space as the direct opposite to the sovereign state, the moral superior to the tainted and messy affairs of politics. As previous chapters have analysed, this interpretation of the humanitarian space is problematic for several reasons. First and foremost, it does not allow for criticism of humanitarian organisations. (Pallister-Wilkins, 2017) If the state is the one with the dirty hands, then the humanitarian actor is of pure intentions and can therefore commit no fault granting the humanitarian side full permission to criticise its state counterpart. (Warner, 1999) This feeds into the activist, non-conforming, conflicting marks of civic action that inherently exists to counter political decisions and practices. (Schwartz & Schwenken, 2020) Contrarily, it is the direct opposition to the cooperative and conforming identity of the active humanitarian. (ibid.) As such, there are many acts of humanity that do not fall within the humanitarian space but rather within the civic space.

Secondly, viewing the humanitarian space as the apolitical alternate of the state creates an illusion of state collaboration as evil and unacceptable. (Warner, 1999) This stance fails to account for the dynamic nature of both the humanitarian space and the state. (Thürer, 2007) Just as the humanitarian space is constantly evolving to account for changing needs and shifting landscapes, so the state changes regimes, mandates and policies. (Cunningham & Tibbett, 2018) The humanitarian and the state complement each other in the humanitarian arena, creating a humanitarian space that is negotiated by both. The incorrect understanding of the humanitarian space as apolitical fails to capitalise on the real capacity of the cooperative and conforming identity of the humanitarian space.

Finally, the principle of humanity is misunderstood and misused. The principle of humanity guides the humanitarian space, it is the starting point of the construction and negotiation of the humanitarian arena. The wish to save lives and alleviate suffering, while a virtuous principle, is only one of the four necessary principles that bind the humanitarian space. Most importantly, the principle of humanity is not an exception to all rules and it cannot be used as the justification for humanitarian action.

5.3 BUILDING POLITICAL LITERACY

Negotiated access to the affected population as well as a minimum degree of support from the state is an essential, necessary requirement for humanitarian action. (Calhoun, 2008) This study has found that there is a significant misunderstanding of the definition and meaning of the humanitarian space and therefore consequently, a misunderstanding of the required negotiation with state authorities. The involvement of politics in humanitarian assistance has been denounced and rejected to such an extreme that it is negatively affecting humanitarian work. Cunningham & Tibbett (2018) have identified this as political illiteracy which can be understood by the following excerpt;

“The experience of European INGOs in the refugee response in Europe, which has thrown many European-based INGOs off guard and into existential crises, is illustrative. European humanitarian NGOs are not used to confronting their own governments and

their own home societies about a humanitarian crisis in their own countries and regions.” (Cunningham & Tibbett, 2018, p. 11)

Cunningham & Tibbett (2018) propose the rebuilding of humanitarian organisations and NGOs in a positive narrative with states, a representation of NGOs as useful rather than threatening to authority and governments. There is a need for increased knowledge on how humanitarian organisations interact, negotiate and engage with state political systems and this will require not only will from both interlocuters but significant time and resources. Training is needed on how to make agreements with the government with respect to humanitarian principles, organisational mandates and the do no harm approach. An immediate risk associated with partnering with state authorities on humanitarianism is the threat of corruption, but this too can be prevented with increased capacity-building and training.

The issue of political illiteracy is not a new one, von Pilar wrote in 1999 that much of the confusion surrounding the humanitarian space stems in part from the lack of understanding of how humanitarian action can be undertaken within the humanitarian space. von Pilar argues that humanitarian organisations fail to realise or fulfil their responsibility to defend the humanitarian space. As such, they become part of the problem of the shrinking humanitarian space, lacking the courage to defend and advocate for it. (ibid.) Ultimately, how can humanitarian organisations protect the humanitarian space unless they are not only politically aware, but more importantly, politically active. (Raciti, 2006) The principle of impartiality is not a “supreme and unchangeable moral norm” but rather serves a functional purpose in sustaining the humanitarian space. (Durieux & Dhanapala, 2008) It does not prohibit or forbid collaborative and sustainable interactions and negotiations with state actors.

Atger (2019) calls for the restoration of a “balanced relationship between authorities and humanitarian organisations” with dialogue and collaboration on necessary policy changes and programming interventions. Governments, like the humanitarian space, are not static; political regimes change, different challenges emerge, and allies can be found at different levels of authority.

(Cunningham & Tibbett, 2018) This is a necessary routine, as Calhoun (2008) argued, for organisations to negotiate, demand and advocate for access and minimal support from the state on who's territory they have been invited to. Most importantly, in the same way states and the humanitarian space are dynamic so is the negotiation process that is never-ending and ever demanding. Politically aware and politically active organisations are able to both situate themselves better within the humanitarian space and protect it at the same time. (Raciti, 2006)

Furthermore, this study has outlined why international humanitarian law is inappropriately called upon in the promotion and defence of the humanitarian space in the EU. In the absence of conflict, some authors go as far as to argue that the humanitarian space cannot even exist as it is rooted in the principles of IHL. (Dinstein, 2000; Warner, 1999) Humanitarian action is increasingly regulated by domestic legal frameworks and the discussion is not in debating whether this is a good or bad progression, it is in identifying when states are misusing the domestic legal framework in order to hinder humanitarian assistance. (Spieker, 2015) The Red Cross EU advocates for authorities to work closely with humanitarian workers, stressing this cooperation must be "without instrumentalising them for migration control". (Red Cross EU, 2021) The problem lies in the misuse of the domestic legal framework in order to complicate or hinder humanitarian assistance, however this further enforces the importance of organisations building political literacy. Humanitarian organisations cannot survive without access and (at least) minimal support from the states on who's territory they operate on. (Calhoun, 2008) It is the host State of the affected country's responsibility to initiate, coordinate and implement humanitarian action on its territory. (Spieker, 2015)

5.4 THE CRISIS NARRATIVE

The nature of the categorial shrinking humanitarian space has already been discussed at length, as has the dynamic nature of the humanitarian pyramid built to overcome

external pressures and challenges. However, this study has also uncovered an additional element to the shrinking humanitarian discourse which lies in its narrative of crisis and emergency. An emergency or crisis “implies sudden, unpredictable events that require immediate attention”. (Calhoun, 2008) However, many of the events that we view as emergencies develop over a prolonged period of time, they are predictable and may be happening for months or years before becoming relevant for policy makers. (ibid.) The humanitarian border is such an event. Its perilous nature predicts unnecessary deaths, and it has evolved to becoming a prolonged event as thousands of people every year risk their lives in the search for the safety of the European Union.

The building of the narrative of urgency and appeal for the shrinking humanitarian space is characterised by the categorial nature of it. Namely, if the humanitarian space is shrinking then it is disappearing, creating a discourse of urgency and alarm. The following excerpt from the director of a search and rescue organisation operating in the Mediterranean Sea illustrates the urgency surrounding the crisis narrative; “What is at stake here are the lives of those trying to flee torture, sexual exploitation, forced labour and other human rights violations in Libya.” (Starke, 2019) A non-shrinking humanitarian space can save lives, but the shrinking humanitarian space is equivalent to drownings and deaths, building upon the falsified and simplified narrative of the humanitarian space as the apolitical antithesis to the state. However, there are further consequences to the crisis narrative that are barely visible and yet very damaging. Hannah Arendt wrote “it is a minimal sense of life to count lives lost or lives saved,” it erases the space for political speech and portrays the human experience as a senseless state of existence. (Calhoun, 2008) The crisis narrative deters healthy debate and criticism over humanitarian operations in the humanitarian border as all activities are justified in the name of humanity, or more specifically saving lives. This builds on to what Calhoun (2008) describes as the “emergency imaginary” namely that “usually things work well, but sometimes they go wrong”. This is clearly no longer the case in the humanitarian border, as violent border policies have been resulting in suffering and loss of innocent lives for a very long time. (Fekete, 2009)

Humanitarian organisations in Europe are plagued by infantile diseases. Arguing that the humanitarian space is shrinking is reproducing the structural inequalities of humanitarianism and affirming power dynamics. (Belloni, 2007) The current discourse is hegemonically focused on agency space and not the humanitarian space, appealing for the impact on organisations and targeted humanitarian workers with a subtle secondary focus on the impact of the vulnerable and affected population.

“The fatal consequences were not only borne by the organisations themselves but primarily by vulnerable men, women and children trying to flee war, poverty and abuse in Libya and their countries of origin.” (Starke, 2019)

This quote not only places humanitarian organisations foremost in the shrinking humanitarian space discourse, but it yet again strips the identities of undocumented asylum-seekers to nothing more than victims of war, poverty and abuse. Indeed, when the focus does shift towards the affected population, namely undocumented asylum-seekers, it is uniquely with the aim to argue innocent lives will be lost as a result of the shrinking humanitarian space. The identity of the rights-bearing individuals European humanitarian organisations are trying to help is stripped away and they are rendered invisible, only able to be made visible through a greater humanitarian space. Returning to Hannah Arendt’s quote, “it is a minimal sense of life to count lives lost or lives saved”, and that cannot be the sole aim of the humanitarian project. Instead, thought must be given to the internal review conducted by the UNHCR, the understanding of the humanitarian space must encompass the protection of the affected population as they are the ones who must not be placed at risk in order to access assistance. (Tennant, et al., 2010) Moreover, not only should the humanitarian space focus around the protection of the target population, but it should also recognise those within the humanitarian space, are subjected to it. (Walters, 2010) The fight for the humanitarian space must primarily fight for the safe space of the affected population to seek and acquire the right to humanitarian assistance and protection.

5.5 ALTERNATIVE DISCOURSES

Brassard-Boudreau & Hubert (2010) and Collinson & Elhawary (2012) argue that the term humanitarian space should no longer be used as it has evolved to be associated with a negative outlook on effective humanitarian action. Beauchamp (2012) even suggests the employment of the term has grown to become weaponised for organisational self-serving purposes. Moreover, the term embodies assumptions that should not be studied as a whole as they are entirely context specific ranging from internal challenges to external pressures. (ibid.) However, abandoning the term is a futile suggestion as the continued lack of understanding of the meaning and definition of the humanitarian space will yield the same ineffective solutions. As such, the existing study of a shrinking humanitarian space does not serve neither the humanitarian actors nor the affected populations in need of protection and assistance.

Is there a different way to think of what is called the shrinking humanitarian space; could it instead be a failure of the humanitarian project as proposed by Sandvik (2016)? This study has already argued that the humanitarian space is unable to shrink in the same way it is unable to expand, it is either complete or incomplete. Therefore, if the humanitarian pyramid is not correctly constructed and negotiated in the humanitarian arena, this will inevitably lead to the failure of the humanitarian project. Spieker (2015), for example, speaks of a fragile humanitarian space which is much more fitting as a description of the humanitarian space in Europe. An example of its fragility is the criminalisation of humanitarian work because, as Cusumano (2021) found in his research of search and rescue organisations, “criminalisation undermines any possibility at dialogue”. It seems von Pilar’s (1999) statement is valid more than twenty years later and organisations still lack the courage to advocate for and defend humanitarian principles effectively generating a fragile humanitarian space.

Above all, the humanitarian space discourse must re-centre on the identity of the people it is aiming to assist and protect with an increased focus on their right to receive suitable and dignified aid. As Beauchamp (2012) openly declares, the humanitarian space belongs to the recipients of aid, not governmental or non-governmental actors. Therefore, could the shrinking humanitarian space discourse be, instead, a question of

belonging? Perhaps the discussions surrounding measuring the humanitarian space were in fact a question of whether the humanitarian pyramid fits in the humanitarian border? It is therefore no longer a question of expanding or shrinking, encroaching and overcoming but an awareness that the humanitarian space and the humanitarian border struggle, and rarely succeed, to align in principle and motivation.

5.6 CONCLUSION OF DISCUSSION

The discussion synthesised the main findings of this thesis as well as identifying the unintended findings that were not implicitly referred to in the research aim and objective. The discourse of the shrinking humanitarian space has consequences for the lives of the people it is aiming to protect and assist. It is perpetuating the discourse of opposites as well as reproducing the structural inequalities of humanitarian action and prioritising agency space over the protection of the affected population. Moreover, cooperation and negotiation with states is a necessary part of the procedure that is the construction of the humanitarian pyramid. It should not be vilified, and humanitarian workers should be trained in political literacy in order to understand their responsibility in cooperating and conforming with state authorities. In making an appeal for a shrinking humanitarian space, organisations need to understand the borders they are working within, in this case the humanitarian border, and their own responsibility in having entered the violent border space. Most importantly, organisations should prioritise the protection of the affected population and not the preservation of the agency space.

Chapter 6: CONCLUSION

This study set out to measure the humanitarian space in the European Union. It did so by critically reviewing the primary cause of a shrinking humanitarian space namely, the politicisation of aid. This study concluded that the humanitarian space as the humanitarian pyramid is unable to shrink, its dynamic nature is built to overcome external pressures and challenges or else, disappear. In the same way the humanitarian space is unable to shrink, so it cannot expand; it is either integral or absent. Though believed to be a borderless, apolitical, and transcendent space, the humanitarian space relies on borders to facilitate the operational environment that offers humanitarian aid and assistance to affected populations. Motivated by the wish to alleviate suffering, the humanitarian space is grounded in the rules of behaviour that either take the form of IHL in the presence of conflict, or domestic regulation in the absence of conflict. The humanitarian principles of neutrality, impartiality and independence sustain the working environment and respond to obstacles. Lastly, the humanitarian space is not transcendent in being morally above politics or regulations, it follows strictly agreed-upon mandates and guidelines negotiated in the humanitarian arena.

Moreover, the politicisation of aid does not cause the humanitarian space to shrink as the humanitarian space is not an apolitical one nor is it the antithesis to securitisation. External political pressures are obstacles humanitarian organisations overcome and accept or fail to reach a negotiation and therefore cease operating. More importantly, to argue that the politicisation of aid within the humanitarian border responding to an asylum paradox is the impediment to principled aid is a false and simplified narrative as humanitarian organisations consciously enter the humanitarian border, as has been illustrated in chapter four.

This study discovered more about the humanitarian space than it initially intended to in identifying the consequences of the perpetuated discourse of

alarm and crisis that is inherent in the appeal for a shrinking humanitarian space. A discourse characterised by political illiteracy, it strips the affected population of their identity as rights-bearing individuals and renders them invisible behind figures of lives lost due to preventable deaths at the EU borders. It positions humanitarian organisations as the moral superiors discouraging debate or criticism of their operations as well vilifying the idea of cooperation with states when this is indeed a necessary routine for humanitarian action. Humanitarian acts are not justified in the name of humanity, they follow agreed-upon rules, guidelines and mandates to which they must be held accountable.

Organisations are overwhelmed by challenges they are unprepared to face, and this culminates in a trend of crying wolf, or in this case, a shrinking humanitarian space. Along the same line the European refugee crisis was renamed “Europe’s identity crisis” so the humanitarian response is not a crisis of the shrinking humanitarian space, but the humanitarian identity crisis. (Nougayrede, 2016) It is a crisis of identity of the humanitarian contained within the violent humanitarian border struggling to uphold the humanitarian principles while in deep conflict with the political agenda. An increased amalgamation of terms attempting to identify acts of humanity that meet in the nexus of the civic and humanitarian space unnecessarily convolute what is in reality, a simple distinction. Activist, non-conformist acts of solidarity and humanity in conflict with state policies and procedures operate in the civic space while active acts of humanity that cooperate and conform to the requirements and demands of the host state operate within the humanitarian space.

Additionally, while the humanitarian space is guided and framed by humanitarian principles that are written into the Geneva Conventions and Additional Protocols, it cannot rely upon international humanitarian law in the absence of conflict. Humanitarian organisations rely upon the support of the host state in the territory they work on and must obey domestic legal frameworks.

Every generation of humanitarian workers believes the challenges they face are unprecedented and incomparable to those of before however, challenges are meant to be overcome. It is the reason the humanitarian space has survived for over a century of unprecedented wars and crises. The need for humanitarian aid will remain present for as long as people search for safety and protection at the EU's borders therefore humanitarian organisations must learn to work within the humanitarian space as a pyramid guided by the wish to alleviate suffering and protect civilian lives, framed by the humanitarian principles and grounded in the rules of behaviour determined by governing states and authorities.

BIBLIOGRAPHY

AEDH, 2018. *Association Européenne pour la Défense des Droits de l'Homme*. [Online]

Available at: <http://www.aedh.eu/en/civic-space-in-europe/>

[Accessed 26 March 2022].

Atger, A., 2019. EU migration strategy: compromising principled humanitarian action.

Forced Migration Review, Volume 61, pp. 30-32.

Atger, A., 2021. *European Council on Refugees and Exiles*. [Online]

Available at: <https://ecre.org/op-ed-a-european-paradox-humanitarian-actors-with-increased-responsibilities-and-shrinking-space-to-exercise-their-mandate/>

[Accessed 22 March 2022].

Beauchamp, S., 2012. "Humanitarian Space" in Search of a New Home. In: B. Perrin, ed.

Modern Warfare : Armed Groups, Private Militaries, Humanitarian Organizations, and the Law. Vancouver: UBC Press, pp. 199-235.

Beerli, M., 2018. Saving the Savors: Security Practices and Professional Struggles in the Humanitarian Space. *International Political Sociology*, Volume 12, pp. 70-87.

Belloni, R., 2007. The trouble with humanitarianism. *Review of International Studies*, Volume 33, p. 451-474.

Bińczyk-Missala, A. & Grzebyk, P., 2015. Safety and Protection of Humanitarian Workers. In: P. Gibbons & H. Heintze, eds. *The Humanitarian Challenge*. Geneva: Springer International Publishing, pp. 221-252.

Brassard-Boudreau, C. & Hubert, D., 2010. Shrinking Humanitarian Space? Trends and Prospects on Security and Access. *The Journal of Humanitarian Assistance*.

Brauman, R., 2005. *MSF-Crash*. [Online]

Available at: <https://msf-crash.org/fr/publications/acteurs-et-pratiques-humanitaires/msf-et-les-limites-de-laction-humanitaire>

[Accessed 22 February 2022].

Buyse, A., 2018. Squeezing civic space: restrictions on civil society organizations and the linkages with human rights. *International Journal of Human Rights*, 22(8), pp. 966-988.

Calhoun, C., 2008. The Imperative to Reduce Suffering: Charity, Progress, and Emergencies. In: M. Barnett & T. Weiss, eds. *Humanitarianism in Question*. New York: Cornell University Press, pp. 73-97.

Carrera, S. et al., 2018. *Fit for Purpose? The Facilitation Directive and the criminalisation of humanitarian assistance to irregular migrants: 2018 Update*, Brussels: European Parliament.

Centre for Humanitarian Action, 2020. “Especially local helpers are affected”. *Interview with Kristina Roepstorff on the Shrinking Humanitarian Space..* [Online]
Available at: <https://www.chaberlin.org/en/topics/shrinking-humanitarian-space-en/>
[Accessed 15 March 2022].

Citizens Information, 2021. *Citizens Information*. [Online]
Available at:
https://www.citizensinformation.ie/en/government_in_ireland/european_government/european_union/european_union.html
[Accessed 18 March 2022].

Civic Space Watch, 2022. *Civic Space Watch*. [Online]
Available at: <https://civicspacewatch.eu/what-is-civic-space/>
[Accessed 1 March 2022].

CIVICUS, 2022. *Monitor Tracking Civic Space*. [Online]
Available at: <https://monitor.civicus.org/whatis-civicspace/>
[Accessed 1 March 2022].

Clouette, B. & Wise, M., 2017. *Forms of Aid : Architectures of Humanitarian Space*. Basel: Walter de Gruyter GmbH.

Collinson, S. & Elhawary, S., 2012. *Humanitarian Space: A review of trends and issues*, London: Overseas Development Institute.

Cunningham, A. & Tibbett, S., 2018. *Scoping Study: Civil Society Space in Humanitarian Action*,
https://reliefweb.int/sites/reliefweb.int/files/resources/Executive%20Summary_Scoping%20Study_Final.pdf: International Council of Voluntary Agencies.

Cusumano, E., 2018. The sea as humanitarian space: Non-governmental Search and Rescue dilemmas on the Central Mediterranean migratory route. *Mediterranean Politics*, 23(3), pp. 387-394.

Cusumano, E., 2021. United to rescue? Humanitarian role conceptions and NGO–NGO interactions in the Mediterranean Sea. *European Security*, 30(4), pp. 547-568.

DeChaine, R., 2002. Humanitarian space and the social imaginary: Médecins Sans Frontières/Doctors Without Borders and the rhetoric of global community. *Journal of Communication Inquiry*, 26(4), pp. 354-369.

del Valle, H., 2016. Search and Rescue in the Mediterranean Sea: Negotiating Political Differences. *Refugee Survey Quarterly*, Volume 35, p. 22–40.

Dinstein, Y., 2000. The right to humanitarian assistance. *Naval War College Review*, 53(4), pp. 77-91.

Durieux, J.-F. & Dhanapala, S., 2008. Carving out humanitarian space. *Forced Migration Review*, 30(1), pp. 13-15.

ECHO, 2010. *European Commission*. [Online]

Available at:

https://ec.europa.eu/echo/files/media/publications/humanitarian_space_en.pdf

[Accessed 21 March 2022].

European Commission, 2021. *European Commission*. [Online]

Available at: https://ec.europa.eu/echo/who/european-consensus_en#:~:text=The%20European%20Consensus%20on%20Humanitarian,in%20response%20to%20humanitarian%20crises.&text=Signed%20by%20the%20Council%2C%20European,of%20the%20EU's%20humanitarian%20response.

[Accessed 18 February 2022].

Fekete, L., 2009. Europe: Crimes of Solidarity. *Race & Class*, 50(4), pp. 83-97.

Fekete, L., 2018. Migrants, borders and the criminalisation of solidarity in the EU. *Race & Class*, 59(4), pp. 65-83.

Fekete, L., Webber, F. & Edmond-Pettitt, A., 2019. *When Witnesses Won't be Silenced: citizens' solidarity and criminalisation*, London: The Institute of Race Relations.

Gionco, M., 2022. Criminalisation of Solidarity is a Political Act. *Activizanship*, Volume 6, pp. 32-37.

Grombach Wagner, J., 2016. *Humanitarian Practice Network*. [Online]

Available at: <https://odihpn.org/magazine/an-ihlicrc-perspective-on-%C2%91humanitarian-space%C2%92/#:~:text=Defining%20humanitarian%20space&text=The%20Glossary%20goes%20on%20to,is%20found%2C%20can%20be%20achieved>.

[Accessed 22 February 2022].

- Haveaux, D., 2017. *The Parliament Magazine*. [Online]
Available at: <https://www.theparliamentmagazine.eu/news/article/international-migrants-day-a-shrinking-humanitarian-space-for-migration-work>
[Accessed 15 March 2022].
- Hilhorst, D. & Jansen, B., 2010. Humanitarian Space as Arena: A Perspective on the Everyday Politics of Aid. *Development and Change*, 41(6), pp. 1117-1139.
- ICRC, 1949. *International Committee of the Red Cross*. [Online]
Available at: <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/WebART/365-570006?OpenDocument>
[Accessed 25 February 2022].
- ICRC, 2010. *International Committee of the Red Cross*. [Online]
Available at: <https://www.icrc.org/en/doc/war-and-law/treaties-customary-law/geneva-conventions/overview-geneva-conventions.htm>
[Accessed 25 February 2022].
- Inter-Agency Standing Committee, 2008. *Preserving Humanitarian Space, Protection and Security*, <https://www.refworld.org/pdfid/48da506c2.pdf>: IASC.
- Jenkins, G., 2012. Nongovernmental Organisations and the Forces Against Them: Lessons on the Anti-NGO Movement. *Brooklyn Journal of International Law*, 37(2), pp. 459-526.
- Joint Statement by the European Parliament, European Commission and the Council of Europe, 2008. *The European Consensus on Humanitarian Aid*, Brussels: Official Journal of the European Union.
- Leebaw, B., 2007. The politics of impartial activism: humanitarianism and human rights. *Perspectives on Politics*, 5(2), pp. 223-239.
- Loescher, G., 1988. Humanitarianism and Politics in Central America. *Political Science Quarterly*, 103(2), pp. 295-32.
- Lohne, K. & Bergtora Sandvik, K., 2017. Bringing Law into the Political Sociology of Humanitarianism. *Oslo Law Review*, 4(1), pp. 4-27.
- Maccanico, Y., Hayes, B., Kenny, S. & Barat, F., 2018. *The shrinking space for solidarity with migrants and refugees: how the European Union and Member States target and criminalize defenders of the rights of people on the move*, Amsterdam: Transnational Institute.

Mardini, R., 2021. *International Committee of the Red Cross*. [Online]
 Available at: <https://www.icrc.org/en/document/humanitarian-space-must-be-protected-without-exception>
 [Accessed 2 March 2022].

Mills, K., 2013. Constructing humanitarian space in Darfur. *The International Journal of Human Rights*, 17(5-6), pp. 605-618.

MSF, 2017. *MSF Activity Report 2016*,
https://www.msf.org/sites/default/files/msf_activity_report_2016_web.pdf: Medecins sans frontieres.

Nougayrede, N., 2016. *The Guardian*. [Online]
 Available at: <https://www.theguardian.com/commentisfree/2016/oct/31/refugees-problem-europe-identity-crisis-migration>
 [Accessed 28 March 2022].

OCHA, 2008. *Glossary of Humanitarian Terms*,
https://reliefweb.int/sites/reliefweb.int/files/resources/4F99A3C28EC37D0EC12574A4002E89B4-reliefweb_aug2008.pdf: ReliefWeb.

Official Journal of the EU, 2016. *European Union*. [Online]
 Available at: https://european-union.europa.eu/principles-countries-history/principles-and-values/aims-and-values_en
 [Accessed 18 March 2022].

Oosterveld, V., 2012. The Implications for Women of a Shrinking Humanitarian Space. In: B. Perrin, ed. *Modern Warfare : Armed Groups, Private Militaries, Humanitarian Organizations, and the Law*. Vancouver: UBC Press, pp. 246-267.

Oxfam International, 2008. *OI Policy Compendium Note on United Nations Integrated Missions and Humanitarian Assistance*,
https://interagencystandingcommittee.org/system/files/legacy_files/A.THISONEoi_hum_policy_intergrated_missions.pdf: Oxfam.

Pallister-Wilkins, P., 2017. Humanitarian Borderwork. In: G. C & N. Witjes, eds. *Border Politics*.:Springer, pp. 85-103.

Pallister-Wilkins, P., 2017. Humanitarian Rescue/Sovereign Capture and the Policing of Possible Responses to Violent Borders. *Global Policy*, 8(1), pp. 19-24.

PICUM, 2018. *Why "undocumented" or "irregular"?*, https://www.unhcr.org/cy/wp-content/uploads/sites/41/2018/09/TerminologyLeaflet_EN_PICUM.pdf: UNHCR.

Raciti, I., 2006. The political dimension of humanitarian action: Rethinking the humanitarian space. *Yearbook on Humanitarian Action and Human Rights*, 3(1), pp. 37-56.

Red Cross EU, 2021. *Protecting the humanitarian space to access and support migrants*, <https://redcross.eu/positions-publications/protecting-the-humanitarian-space-to-access-and-support-migrants.pdf>: Red Cross EU.

Reidy, E., 2019. *The New Humanitarian*. [Online] Available at: <https://www.thenewhumanitarian.org/feature/2019/05/02/refugee-volunteer-prisoner-sarah-mardini-and-europe-s-hardening-line-migration> [Accessed 12 February 2021].

Roepstorff, K., 2019. *Migration and the Shrinking Humanitarian Space in Europe: From maritime search and rescue operations to contested humanitarian action in EU countries*, <https://www.alnap.org/system/files/content/resource/files/main/2019-10-migration-shrinking-humanitarian-space-roepstorff-en-online-1.pdf>: Centre for Humanitarian Action.

Roepstorff, K., 2020. *Localisation and Shrinking Civic Space: Tying up the loose ends*, Berlin: Centre for Humanitarian Action.

Sandvik, K. B., 2016. The humanitarian cyberspace: shrinking space or an expanding frontier?. *Third World Quarterly*, 37(1), pp. 17-32.

Schwartz, H. & Schwenken, H., 2020. Mobilizing for safe passages and escape aid: challenging the 'asylum paradox' between active and activist citizenship, humanitarianism and solidarity. *Citizenship Studies*, Volume <https://doi.org/10.1080/13621025.2020.1755174>, pp. 1-19.

Schwartz, H. & Steinhilper, E., 2020. Countering the Asylum Paradox Through Strategic Humanitarianism:. *Critical Sociology*, 00(0), pp. 1-15.

Shack, L., 2020. *Humanitarian Smugglers? The EU Facilitation Directive and the Criminalisation of Civil Society*, <https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2020/07/humanitarian>: Border Criminologies.

Slim, H., 2002. Not Philanthropy But Rights: The Proper Politicisation of Humanitarian Philosophy. *The International Journal of Human Rights*, 6(2), pp. 1-22.

Slim, H., 2003. *Marketing humanitarian space: argument and method in humanitarian persuasion.*, Geneva: Centre for Humanitarian Dialogue.

Spieker, H., 2011. The Right to Give and Receive Humanitarian Assistance. In: H. Heintze & A. Zwitter, eds. *International Law and Humanitarian Assistance*. Berlin: Springer, pp. 7-31.

Spieker, H., 2015. The Legal Framework of Humanitarian Action. In: P. Gibbons & H. Heintze, eds. *The Humanitarian Challenge*. Switzerland: Springer International Publishing, pp. 135-163.

Starke, D., 2019. *Friends of Europe*. [Online]
Available at: <https://www.friendsofeurope.org/insights/shrinking-humanitarian-space-a-fatal-reality-for-search-and-rescue-ngos-in-the-central-mediterranean-sea>
[Accessed 15 March 2022].

Stierl, M., 2018. A Fleet of Mediterranean Border Humanitarians. *Antipode*, 50(3), pp. 704-724.

Tennant, V., Doyle, B. & Mazou, R., 2010. *Safeguarding humanitarian space: a review of key challenges for UNHCR*, Geneva: United Nations High Commissioner for Refugees Policy Development and Evaluation Services.

The Council of the European Union, 2002. *Council Framework Decision on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence*, Brussels: Official Journal of the European Communities.

Thürer, D., 2007. Dunant's Pyramid: thoughts on the "humanitarian space". *International Review of the Red Cross*, 89(865), pp. 47-61.

UNGA, 1991. *A/RES/46/182*, New York: United Nations General Assembly.

United Nations, 2020. *United Nations Guidance Note on the Protection and Promotion of Civic Space*, New York: OHCHR.

Vieira de Mello, S., 1998. *Politics and Humanitarian Action*, Lisbon: Final Report of the Seminar on Humanitarian Action.

von Pilar, U., 1999. *Humanitarian Space Under Siege: Some Remarks from an Aid Agency's Perspective*, Bad Neuenahr: Europe and Humanitarian Aid - What future? Learning from Crisis.

Walters, W., 2010. Foucault and Frontiers. In: U. Bröckling, S. Krasmann & T. Lemke, eds. *Governmentality: Current Issues and Future Challenges*. New York, London: Taylor & Francis Group, pp. 138-164.

Warner, D., 1999. The politics of the political/humanitarian divide. *Review of the International Red Cross*, 81(833), pp. 109-118.

Wilton, P., 2017. *Goldsmiths*. [Online]

Available at: <https://www.gold.ac.uk/news/blaming-the-rescuers/>

[Accessed 22 March 2022].