Instituto de Estudios sobre Conflictos y Acción Humanitaria

Médicos Sin Fronteras



UKRAINE: THE WAR OF HUMANITARIAN DOUBLE STANDARDS. FIVE EXAMPLES



PHOTO:

A patient with hypertension is treated by the MSF medical team during a mobile clinic in Uzhgorod Ukrainian city.

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September 2022

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While Ukraine deserves massive media attention, there are other crises that also require it and have been ignored This article provides an analysis of some considerations for humanitarian action, through the lens of the response to the war in Ukraine.

The war in Ukraine, ongoing in 2022, has led to intense levels of suffering for the population, including civilians wounded and killed, families trying to flee to safer areas, and highly vulnerable persons staying in areas amongst heavily destroyed infrastructure and little available services. In response to this difficult situation, there are many actors who have put in place humanitarian action to assist them. Amongst the many needs identified, MSF is responding with medical humanitarian programs to support hospitals, doctors, nurses, and volunteer and civil society organizations. The challenges to access the most in need of medical attention are complex, requiring continued commitment and support from all those involved. And while this crucial work continues and is a priority, we in addition take a step back to elicit a reflection on the humanitarian action in Ukraine and consider how this compares to populations in other areas of the world facing armed conflict. With this lens, we see that some actions around the Ukraine armed conflict create double standards in terms of the type and quantity of humanitarian response provided.

The war in Ukraine has produced an immense reaction of solidarity with the population that is suffering. In Europe, this reaction is also explained by the perception of geographical, cultural, and socioeconomic proximity in comparison to further-off populations facing armed conflict. While these are natural emotions, we must in our human solidarity consider all those who are vulnerable and suffering in conflict. In prioritizing the concepts of impartiality and neutrality for humanitarian action, it allows actors to look objectively across the globe so to put in place meaningful assistance that can reach those most in need with the resources that accompany such an international response. In this sense, solidarity, impartiality, and neutrality can be in tension with each other. Looking at the conflict in Ukraine and the responses to it, we see examples of such tensions come into play and hope that in pointing to them we can find solutions to improve.

These lines will focus on five double standards that demonstrate some of the many challenges that exist in providing fair and meaningful humanitarian aid around the world to those most in need. The double standards presented here cover the areas of media attention, due attention to refugees, humanitarian sector response, protection of civilians, and the bombing of hospitals.

1 MEDIA ATTENTION

The media coverage throughout the first months of the war in Ukraine has been overwhelming compared to almost any other topical issue. Many may argue that this war is unparalleled in the reaction of solidarity in Europe and North America; that its impact on foreign policy and security perceptions in many European countries can't compare to other crises; or that the harm to civilians is devastating. The UN has reported the death of 5,827 civilians killed and 8,421 injured between 24 February and 12 September 2022 (55% of the deaths occurred in March)¹, and this is in all cases a devastating loss of life. However, with the air-time dominance for the Ukrainian situation compared to other armed conflicts, the message becomes that this situation is somehow above other tragedies. All in all, we don't dare here to compare misery to misery but to argue that, while Ukraine certainly deserves massive media attention, there are several other crises that deserve it as well but were ignored. The problem being that international attention has somehow forgotten other tragedies ongoing around the world. Some may say that many other crises were already ignored before the Russian tanks entered Ukraine, however we can find examples of recent crises that had the attention just before. Afghanistan has gone from being a focus of attention to a virtual disappearance from the media, even though the humanitarian situation in the country has worsened considerably. And in Ethiopia, according to the University of Ghent, in less than 18 months nearly half a million people have died because of the war². In this last context, humanitarian organisations have faced extraordinary difficulties, which have not been highlighted in the media. These are two among other crises that deserved significant attention and received little, despite information regarding the civilian loss of life and harm being available for the media to report on.

Ukraine case shows that those seeking refuge may not be seen as security problems

2 COMMITMENT TO REFUGEES

Throughout history, including in this past decade, the majority of individuals fleeing violence remain internally displaced in their country or move into a directly neighbouring one. Despite perceptions, Europe only receives a small percentage of the people escaping the many armed conflicts around the world. Yet this small proportion of individuals who managed to seek refuge abroad in the past decade, are not often afforded good conditions to undertake the process of receiving assistance and eventually asylum. The European efficient and positive reaction regarding the Ukrainian refugees raises significantly the bar as to what is possible, demonstrating how much can be done to increase procedural standards and humane treatment of people fleeing war.

The case of Ukrainians demonstrate that refugees may not be seen as security concerns, job takers, disease carriers, or economic "migrants" seeking opportunity; that preventive policies and negative narratives can be put aside; and that those who have faced disastrous conditions to leave their homes can be treated with dignity. In Spain, there has been a procedure to provide, "within 24 hours"³, residence and work permits to Ukrainians who do not have "papers". For refugees from Ukraine, the EU, in just one week, had

¹ OHCHR, "Ukraine: civilian casualty update", 12 September 2022, https://ukraine.un.org/en/198828-ukraine-civilian-casualties-11-september-2022

² Geoffrey York, "Tigray war has seen up to half a million dead from violence and starvation, say researchers", The Globe and Mail, 14 March 2022, https://www.theglobeandmail.com/world/article-tigray-war-has-seen-up-to-half-a-million-dead-from-violence-and/

³ Gabriela Sánchez, "Interior activa el sistema para dar papeles 'en 24 horas' a los refugiados por la guerra en Ucrania", Eldiario.es, 9 March 2022, https://www.eldiario.es/desalambre/interior-activa-sistema-dar-papeles-24-horas-desplazados-guerra-ucrania_1_8817351.html

already activated an emergency plan⁴, and offered free transportation and telephone equipment or free calls⁵. Even protocols for pet arrivals from Ukraine were put in place⁶. All of this demonstrates that these helpful measures can be available to people fleeing wars. However, today we still see insufficient action to provide a safe and fast response for those who face drowning in the Mediterranean, and long waits for their refugee status process with higher chances of being rejected.

To explain these apparent double standards, proximity - historical, social and cultural ties - has been argued to explain the difference in treatment in several European countries. Neighbouring countries to Ukraine provide sandwiches, shelter, hugs and a safe haven⁷, while refugees from other countries are greeted with barbed wire and riot gear. Just months earlier, the Polish government had allocated almost 350 million euros to build a wall on its border with Belarus and prevent the entry of non-Europeans who were also fleeing from armed violence, mostly the Syrian war. In Hungary, Viktor Orbán said that Ukrainians arrived at a "friendly place" and that he would let anyone in, even "without travel documents"8. A few years earlier, Orbán called Syrians "Muslim invaders" and other migrants "poison" - "all terrorists are basically migrants"⁹ and was pushing minimum standards of treatment to an unacceptable low.¹⁰ These higher standards raising the bar for the Ukrainians fleeing have also been seen in non-neighboring countries. For instance, in 2016 Denmark approved the so-called "jewellery law"11, which stated, among other discriminatory measures, that any property or cash belonging to refugees that exceeded 10,000 crowns (then 1,340 euros) could be confiscated by the State to cover the costs of their stay in the country. That same State has rushed to communicate that an exception would be made for Ukrainian refugees, without clarifying the reasoning for what others may

6 Spanish Ministry of Agriculture, Fisheries and Food, "Intervention protocol in the face of the arrival of pets from Ukraine. Ukraine. Version 2," https://www.mdsocialesa2030.gob.es/derechosanimales/docs/protocol_animals_from_ukraine.pdf.

The narratives about migration have abounded xenophobic commentary

⁴ European Commission, "Ukraine: Commission proposes temporary protection for people fleeing war in Ukraine and guidelines for border checks", 2 March 2022, https://ec.europa.eu/commission/presscorner/ detail/en/ip 22 1469

^{5 &}quot;Deutsche Telekom introduces free-of-charge calls to Ukraine", Reuters, 25 February 2022, https://www.reuters.com/business/ media-telecom/deutsche-telekom-introduces-free-of-charge-callsukraine-2022-02-25/

⁷ Eric Schmitt y Monika Pronczuk, "U.S. troops in Poland prepare for the arrival of refugees from Ukraine", The New York Times, 24 February 2022, https://www.nytimes.com/2022/02/24/world/europe/us-troops-poland-ukraine-russia.html

⁸ Viktor Orbán, "Those arriving here from Ukraine are coming to a friendly place", official site of the Prime Minister, 26 February 2022, https:// primeminister.hu/vikstories/those-arriving-here-ukraine-are-coming-friendly-place

⁹ Alexander Pearson, "Viktor Orban's most controversial migration comments", DW, 9 January 2018,

https://www.dw.com/en/viktor-orbans-most-controversial-migrationcomments/g-42086054

^{10 &}quot;The Court dismisses the actions brought by Slovakia and Hungary against the provisional mechanism for the mandatory relocation of asylum seekers", EU Court of Justice, press release No. 91/17, 6 September 2017, https://curia.europa.eu/jcms/upload/docs/application/pdf/2017-09/ cp170091en.pdf

^{11 &}quot;Denmark passes controversial bill to take migrants' valuables", The Local, 26 January 2016, https://www.thelocal.dk/20160127/danishparliament-to-vote-on-controversial-migrant-bill/

consider as a grievance.12

Unfortunately, the political discourse regarding migrants over the past years had focused on security issues that unjustly connected those fleeing from armed conflict with the threat of terrorism¹³ and creating a space for xenophobic comments¹⁴. Instead of staying fixed on this weak side of humanity, the important efforts made for Ukrainian refugees should lead to improving the reception of all those fleeing from war. The UN Secretary-General, Antonio Guterres, has celebrated the new "compassion, generosity and solidarity" in the neighbouring countries of Ukraine, but added that "it is important that this solidarity is extended without any discrimination based on race (sic), religion or ethnicity"¹⁵. This is also what article 3 of the Convention on the Status of Refugees of 1951 says,¹⁶ signed by all the countries mentioned.

3 HUMANITARIAN SECTOR RESPONSE

As an ODI report has noted, "the UN humanitarian flash appeal for Ukraine is one of the largest, fastest and most generously funded ever, and the United Kingdom's public emergency appeal from the Disasters Emergency Committee (only one example of public donation instruments) has attracted more funding for Ukraine than all previous nine appeals [for other emergencies] combined"¹⁷. But one of the problems with the impressive response of aid funds for Ukraine is that it does not come from a proportional increase in humanitarian funding, but despite the fact that this increase has generally not occurred. According to the UN Financial Tracking System (FTS), as of early June 2022 Ukraine had raised more funds (\$2 billion) than any other country. Disasters in Syria, Afghanistan and Yemen had received \$1,577, \$1,401 and \$1,088 million, with the next on the list receiving less than half (\$447 million, South Sudan). Moreover, Ukraine had been, by far, the country among the 28 where more than \$100 million was requested that had raised the most in relation to the amount requested, 49%, by 28% of Afghanistan, 25% of Yemen, 16 % of Syria or 0% of the \$2.75 billion requested for Ethiopia.

The UN flash appeal for Ukraine is one of the world's largest, fastest, and generously funded in history

^{12 &}quot;Danish government likely to exempt Ukrainians from controversial refugee 'jewellery law' ", The Local, 3 March 2022,

https://www.thelocal.dk/20220303/danish-government-likely-to-exempt-ukrainians-from-controversial-refugee-jewellery-law/

¹³ According to the Global Terrorist Database of Harvard University (https://www.start.umd.edu/gtd/), the sum of terrorist attacks somehow identified with Islamism in the last 50 years in Poland, Hungary and Slovakia has been zero.

¹⁴ See examples at "Journalists' racist comments towards Arabs and Afghans spark online uproar", Arab News, 28 February 2022, https:// www.arabnews.com/node/2033121/media and NBC Journalist's Racism in Reporting on Ukraine", Youtube, https://www.youtube.com/ watch?v=CBWuDajHdCo

^{15 28} February 2022, https://twitter.com/antonioguterres/ status/1498369409437425667

^{16 &}quot;Convención sobre el Estatuto de los Refugiados", 28 July 1951, https://eacnur.org/files/convencion_de_ginebra_de_1951_sobre_el_ estatuto_de_los_refugiados.pdf

¹⁷ Patrick Saez, Navigating humanitarian dilemmas in the Ukraine crisis, HPG emerging analysis, London, ODI, 2022, p. 5, https://www.odi.org/en/ publications/navigating-humanitarian-dilemmas-in-the-ukraine-crisis

There also appear to be imbalances at the level of organisations involved Despite this decrease in funding for humanitarian crises, the number of persons in need, according to OCHA at the end of 2021, was high. There were 34.1 million people in humanitarian need in Syria and the related region. They were 30.1 in Afghanistan, 29.4 in DRC and 25.9 in Ethiopia¹⁸. Between February and May, there were 15.7 million people in need in Ukraine, out of a total population of 44 million.¹⁹ The point here is not to compare – there are immense needs in all these countries and beyond -, much less to downplay the concerning humanitarian tragedy in Ukraine, but to affirm that other crises should not be put aside and have humanitarian funding reduced. As noted by a group of authors that included former UN humanitarian coordinator Mark Lowcock, "diverting aid to Ukraine will make that worse" elsewhere with humanitarian needs.²⁰ According to data from the FTS, in recent years, between 60% and 70% of humanitarian funds have come from the US, Germany, the European Commission, and the United Kingdom. All these government actors have been very involved in Ukraine and have been very generous in terms of humanitarian funding. However, Lowcock et al. noted that neither the UK nor the European Commission had increased their global funds; that the US had cut its humanitarian budget for other crises by \$1 billion compared to 2021; or that Germany had reallocated to Ukraine funds that were originally intended elsewhere. Therefore, they concluded that "resources for Ukraine have mostly come at the expense of other humanitarian emergencies".21

The sector response can also be looked at in terms of the number of organizations responding, where looking globally we also see some uneven responses. In Ukraine, a vast majority of the humanitarian action is provided by national NGOs and CSOs.²² The UN cluster system indicates 406 partners, including 254 national NGOs and 76 international NGOs with programs in the country.²³ These figures exceeded the number of organizations present in other crises,²⁴ despite international humanitarian organizations in theory prioritizing their operations according to needs around the world. Probably the high availability of funds for Ukraine has facilitated record numbers of humanitarian presence, but other factors including solidarity and local capacity may also explain the difference. With its ability to manage funding efforts differently (no public institutional funding is accepted to work in any armed conflict settings) and not be constrained by ear-marked funds, MSF has been attentive to maintain its operations across the many humanitarian crises throughout 2022. This is challenging for

¹⁸ https://gho.unocha.org/

¹⁹ Abby Stoddard et al., op. cit., p. 6.

²⁰ Mark Lowcock, Ian Mitchell, Sam Hughes and Samuel Pleeck, "War in Ukraine Is Adding to Humanitarian Needs Elsewhere. Diverting Aid to Ukraine Will Make That Worse", Center for Global Development, 7 April 2022, https://www.cgdev.org/blog/war-ukraine-adding-humanitarianneeds-elsewhere-diverting-aid-ukraine-will-make-worse 21 Ibidem.

²² Abby Stoddard, Paul Harvey, Nigel Timmins, Varvara Pakhomenko, Meriah-Jo Breckenridge, Monica Czwarno, and Eta Pastreich, "Enabling the local response: Emerging humanitarian priorities in Ukraine March-May 2022", UK Humanitarian Innovation Hub and Humanitarian Outcomes, June 2022, p. 11, ukraine_review_2022.pdf (humanitarianoutcomes.org)

²³ https://www.humanitarianresponse.info/en/operations/ukraine 24 Compare the 254 national NGOs with the 180 in February in Somalia, the 108 in 2021 in Syria, the 79 in December in Yemen, the 70 between January and March in South Sudan or the 69 in the Central African Republic in the same period. In the case of international NGOs, compare the 76 international NGOs in Ukraine with the 55 in CAR, 54 in South Sudan, 48 in Somalia, 45 in Yemen and just 27 in Syria, in the same periods mentioned above. Please see the respective "dashboard" at https://www.humanitarianresponse.info/en/operations/

humanitarian organisations that have a dependence on state donor funds that are currently concentrated on one specific emergency.

4 THE PROTECTION OF CIVILIANS

Amidst this brutal war with intense consequences for the population, one cannot ignore questions on the protection of civilians. As the dimensions of international law play out differently in each context, we will not speak of double-standards, but rather look at a specific feature of the protection of civilians in Ukraine: civilian movement (such as the interplay between the right to not be displaced, the right to flee, forced displacement, and evacuations) in a country with heavy fighting and changing frontlines.

Even in times of armed conflict, populations have a right and should be supported to stay as close as possible to their homes, they also have the right to flee. In Ukraine, the difficult choice of whether to stay or to flee has been prominent for many families. This is at times guided by the processes put into place by the fighting parties, such as evacuations. A possible concern in regards to evacuations is that those who propose evacuations may be doing so for less than humanitarian reasons; there might be interests to gain territorial control, or a belief that one is clearing themselves of the responsibility to take precautions and distinguish civilians from the combatants, as if an individual's decision to stay in their home put them into the enemy camp. In some recent conflicts these issues were also a feature and discussed in the media²⁵. For Ukraine, there have been reports of such actions, such as Human Rights Watch indicating "Russian and Russian-affiliated officials have forcibly transferred Ukrainian civilians, including those fleeing hostilities, to areas of Ukraine occupied by Russia or to the Russian Federation", and that some of the forced displacement happened "under the guise of evacuations".²⁶ In parallel, the Ukrainian government has put in place evacuations - "humanitarian corridors" - for example, in July for the Donetsk region, where it was reported that not all of the population was in agreement to leave.²⁷ In addition to the question of will and adequate safety measures for the civilians during such movements, one should consider if these populations were initially provided sufficient access to humanitarian aid in those areas. As Françoise Duroch and Maelle L'Homme have pointed out, "the right of people to flee an area of armed conflict only makes sense if unhindered access for humanitarian organisations is guaranteed to

Those proposing the evacuations of population may do so for reasons that are hardly humanitarian

²⁵ Bashar al-Assad gave some time for the civilians of East Aleppo to leave their homes, warning that, after the deadline, he would destroy everything. The UN special envoy, Staffan de Mistura, said that history would judge Syria and the Russian Federation if they used the presence of some 900 ex-combatants of the then-called Nusra Front as an "easy alibi" to destroy an area where 275,000 people lived, including 100,000 children. "U.N. envoy offers to escort rebels out of Aleppo", Reuters, 6 October 2016. Saudi Arabia did something similar in Yemen, declaring the entire Sa'ada protectorate, in which more than a million people lived, as a military objective as a whole. "Arab coalition warns Yemenis to leave Saada province", Al Jazeera, 9 May 2015.

²⁶ Human Rights Watch, 'We had no choice'. 'Filtration' and the Crime of Forcibly Transferring Ukrainian Civilians to Russia, 1 September 2022, https://www.hrw.org/report/2022/09/01/we-had-no-choice/filtration-and-crime-forcibly-transferring-ukrainian-civilians

^{27 &}quot;Zelenski ordena la evacuación obligatoria de la región de Donetsk", eldiario.es, 31 July 2022, https://www.eldiario.es/internacional/ultimahora-invasion-rusa-ucrania-directo_6_9213346_1092709.html

assist those who were unable or unwilling to flee".²⁸ In Ukraine, there are many challenges in getting the humanitarian assistance to the right places so to reach the most vulnerable populations whether they stay or flee, and this will likely remain an important factor in the overall response.

5 BOMBING HOSPITALS

Attacks on health facilities is a major concern in many contexts of armed conflict, despite international law specifying protections for medical infrastructure, vehicles, staff, and patients. Any such violations of the laws of war implies huge problems for the population including jeopardising their access to health services. Unfortunately, Ukraine is another place where health facilities are under fire. A context in which medical needs, to treat both the injuries resulting from warfare and chronic disease (such as diabetes and heart disease), are extremely high. In only six months of war, the WHO has reported 503 attacks on health care, with 100 deaths and 127 injured.²⁹ These attacks have deservedly been the subject of priority media attention and are comparable in quantity and tragedy to attacks in other contexts, including Syria,³⁰ the Ethiopian Tigray region³¹ and Yemen³². But attacks in these other contexts have rarely made the news.

However, the double standard is not only in the proportionately high media coverage mentioned above, but also in how, depending on the perpetrator, the bombings are portrayed as a violation or not under IHL. "Russian hits in Ukraine have often been depicted in the media as deliberate, deemed as war crimes". In other armed conflicts there are situations where these attacks are not strongly condemned, especially if the perpetrators are aligned with the West. In such cases, the attacks are not immediately denounced, with rhetoric normalizing a possible error in the targeting capacity, or even hospital management being held responsible because of

In Ukraine, there are enormous challenges in bringing humanitarian assistance to the most vulnerable people

²⁸ Françoise Duroch and Maelle L'Homme, "Humanitarian corridors in Ukraine: the illusion of an ideal solution", MSF, 10 March 2022, Humanitarian corridors in Ukraine: the illusion of an ideal solution - MSF-UREPH

²⁹ Out of the 503 total attacks on health care, 425 impacted facilities, 72 impacted transports, 60 impacted health personnel and 24 impacted patients. "500 Reported Attacks on Health Care in Ukraine a 'Colossal Tragedy that Calls for Accountability': PHR", Physicians for Human Rights, 2 September 2022, https://phr.org/news/500-reported-attacks-onhealth-care-in-ukraine-a-colossal-tragedy-that-calls-for-accountabilityphr/

³⁰ Physicians for Human Rights has counted up to 601 attacks on 400 different health centres in a decade of war, which killed many people, including 942 health professionals. Of these, 244 could be Russian (or Syrian) attacks and up to 4 are attributed to US-led international coalition forces. "Illegal Attacks on Health Care in Syria", Physicians for Human Rights, https://syriamap.phr.org/#/en

³¹ In only five months of war, barely one in ten health centres was still in operation. "People left with few healthcare options in Tigray as facilities looted, destroyed", MSF, 15 March 2021, https://www.msf.org/health-facilities-targeted-tigray-region-ethiopia

³² Yemen has been one of the places where most health centres have been attacked. Five MSF-supported hospitals, and also vehicles and personnel have been hit, causing more than thirty deaths and fifty wounded.

possible enemy presence in the facilities.³³ There should be a more common understanding and action on the rules of war: Healthcare facilities, and healthcare workers must be able to carry out their work without fear of attack.

In the end, the sad similarity in all these contexts is no real guarantees for the non-repetition of these destructive attacks that harm civilians and interrupt medical services for the population.

6 CONCLUSION

Needs in Ukraine are immense, as they are in several other countries for populations that are faced with the impact of armed conflict daily. Furthermore, many of these populations are in the midst of facing one crisis after another, "conflict and climate shocks compounded by COVID and rising costs drive millions of people closer to starvation – threatening to increase migration and instability globally"³⁴. Humanitarian response and other efforts to alleviate unnecessary suffering should continue to adapt so to meet these needs. Here we have some opportunities to look at the types and quantity of response currently available and consider how to improve for all those in need.

Humanitarian needs in Ukraine are immense, as they are in other conflict-affected countries

33 In Yemen, Saudi Arabia has openly acknowledged all attacks on MSF-supported facilities (with one exception) and has used all kinds of arguments to justify them, from error to reaffirming their legitimacy due to the proximity of the enemy. It has also pointed out MSF as responsible – and not as a victim – for an alleged malpractice that the organization categorically denies. See, for instance, "Unacceptable investigation findings into Abs health centre bombing", MSF, 6 February 2019, https://www.msf.org/report-bombing-msf-facility-unacceptable-andcontradictory-abs-yemen

34 "World Food Programme set to assist people affected by conflict in Ukraine", WFP, 28 February 2022, https://www.wfp.org/stories/world-food-programme-set-assist-people-affected-conflict-ukraine