



# Economic and Social Council

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## Substantive session of 2009

### Provisional summary record of the 29th meeting

Held at the Palais des Nations, Geneva, on Monday 20 July 2009, at 3 p.m.

*Chairperson:* Mrs. Intelmann (Vice-Chair)..... (Estonia)

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Humanitarian affairs segment (*continued*)

Special economic, humanitarian and disaster relief assistance (*continued*)

*Panel discussion: "Respecting and implementing guiding principles of humanitarian assistance at the operational level: assisting affected populations"*

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*In the absence of the Chairperson, Mrs. Intelmann (Estonia), Vice Chairperson, assumed the chair.*

*The meeting was called to order at 3.15 p.m.*

**Humanitarian affairs segment** *(continued)*

**Special economic, humanitarian and disaster relief assistance** (item 5 of the agenda) *(continued)*  
(A/64/84-E/2009/87)

*Panel discussion: "Respecting and implementing guiding principles of humanitarian assistance at the operational level: assisting affected populations"*

**Mr. Holmes** (Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, moderator of the panel discussion) said the selection of this topic was an affirmation of the importance that Member States of the Council attached to the guiding principles of humanitarian assistance. Those principles had a very pragmatic objective, making it possible to distinguish humanitarian workers, who responded solely to humanitarian needs, from persons pursuing military or political goals. Respect for those principles was therefore essential for ensuring that humanitarian assistance would not be viewed as interference in domestic affairs but would be accepted by all and would allow access to populations in need. Not only were they constantly being called into question, but humanitarian workers and structures were frequently attacked for political or criminal reasons. The situation of staff posted in Afghanistan, in Darfur, in Pakistan, in the Democratic Republic of Congo, in Somalia and in Chad was of particular concern. Member States, other parties to conflicts, and humanitarian agencies themselves must take concerted steps to remedy these violations and to create better understanding and acceptance of the goals of independent, neutral and impartial humanitarian work. Humanitarian workers, for their part, should observe the greatest discipline and respect for local laws and traditions. In conclusion, Mr. Holmes stressed that the discussion about to begin should consider ways of addressing the challenges in this area. He then passed the floor to the first speaker, Mr. Stillhart, who had worked with the International Committee of the Red Cross (ICRC) for more than 20 years and had extensive field experience.

**Mr. Stillhart** (Deputy Director of Operations, International Committee of the Red Cross) reaffirmed the validity of the principles that Henri Dunant, struck by the horrors of the Battle of Solferino, had laid down more than 150 years earlier, and which had then been fleshed out to become international humanitarian law. While humanity and impartiality were values shared by many humanitarian organizations, neutrality and independence were characteristic features of the ICRC as an institution. The neutrality of the ICRC gave it access to victims. It refrained from taking part in political controversies, but this did not prevent it from discussing legal questions with all parties concerned in order to put an end to violations of humanitarian law. In Afghanistan, for example, the ICRC had reminded the armed forces of their obligation to distinguish combatants from civilians and had conveyed to opposition representatives its concern over suicide attacks in the midst of crowds, or the use of weapons without distinguishing between civilian and military targets.

The independence of the ICRC, which worked without any armed escort, also allowed it to gain free access to the victims of armed conflicts and other violent situations. It had been able to come to the aid of hundreds of thousands of displaced persons and isolated civilians, for example in Darfur. It had been able to gain access to detention centres, to meet with prisoners, and to discuss improvements to the conditions of detention with the authorities. In Iraq, for example, it had visited some 27,000 prisoners, helping many of them to communicate with their families. To preserve its independence and its neutrality, the ICRC was not participating in the sector responsibility approach of the United Nations but it was taking an active part in various interagency events and was cooperating with organizations that possessed effective means for helping people.

The principal partners of the ICRC were, of course, the national Red Cross and Red Crescent societies, which were locally established and accepted. To be accepted, they had to avoid any confusion between political, military and humanitarian interventions, and to see in particular that the army became involved for humanitarian purposes only in emergency situations where it alone could do so. When humanitarian work was associated with political or military objectives, all humanitarian organizations were at risk of being treated as interested parties, and

would be rejected by large segments of the population. In order to be effective, it was essential to remain close to the victims, to dialogue with all influential parties, and to mobilize an intervention capacity commensurate with the needs identified. The States involved must help create an understanding of the neutral and impartial approach of humanitarian organizations and avoid using any terminology that would blur the distinction between humanitarian action and other types of activity.

**Mr. Holmes** (moderator) thanked Mr. Stillhart for reviewing the ICRC's principles of intervention, and gave the floor to Mr. Macedo, Director-General for the United Nations System in the Ministry of Foreign Affairs of Mexico and professor of international humanitarian law in the Faculty of Law of Mexico.

**Mr. Macedo** (Director-General for the United Nations System, Ministry of Foreign Affairs, Mexico), addressing certain aspects of humanitarian work from the viewpoint of the State, said that the principles of humanity, neutrality, impartiality and independence, which were the basis of international humanitarian law in armed conflicts, must also guide interventions in cases of natural disasters, in accordance with General Assembly Resolution 46/182 on strengthening the coordination of UN humanitarian emergency assistance. Their objectives included the standards of human rights law and refugee law as the basis of intervention for States and humanitarian workers in cases of natural disaster. However, those principles and standards must be properly understood if they were to be observed: otherwise, the offer of humanitarian assistance might well be rejected. The UN had the necessary expertise for establishing permanent and transparent dialogue with States, ensuring coordination of assistance in favour of victims, and preventing emergency situations from degenerating into humanitarian crises.

According to Resolution 46/182, humanitarian assistance must in principle be provided "on the basis of an appeal by the affected country". In the context of the principles established, and on the basis of available information, humanitarian organizations could however offer assistance even without a request from the State concerned. Mexico, which had received very helpful international assistance during the floods that had hit the states of Tabasco and Chiapas in the fall of 2007, recalled the need to strengthen prevention measures and advanced planning and to improve coordination

among humanitarian workers. Citing the A/H1N1 influenza epidemic that had affected Mexico and the restrictive and even discriminatory measures adopted by certain States against Mexicans, Mr. Macedo stressed that the lack of information could sometimes compromise and even nullify a humanitarian intervention.

Faced with a natural disaster and the need to assist victims, States should show a willingness to respect the established legal framework for facilitating humanitarian aid, which must be supplemented by domestic provisions. They must respect the principles of humanity, impartiality, neutrality and independence when seeking or receiving humanitarian aid, as this would facilitate the task and reinforce their prerogatives for coordinating assistance on their territory. They must see humanitarian assistance as a humanitarian act and in no case as interference in their domestic affairs. Finally, States should keep informed at all times so that ignorance would not become an obstacle to helping people. Mexico reaffirmed its determination to work to have humanitarian principles respected and to support the action of the United Nations system, through the Office for the Coordination of Humanitarian Affairs and other humanitarian agencies such as the ICRC.

**Mr. Holmes** (moderator) thanked Mr. Macedo and gave the floor to Mr. Okoth-Obbo, who had worked for some 25 years in Africa for the United Nations High Commissioner for Refugees (HCR), had served as Director of International Protection at HCR headquarters, and since July 2009 had headed the HCR Africa Bureau.

**Mr. Okoth-Obbo** (Director, HCR Africa Bureau) said that the problems the HCR encountered in carrying out its mandate, which was essentially humanitarian and had no political overtones, were not very different from those faced by other humanitarian organizations. It was important to recognize that the international protection system was still sound. The HCR was still striving to secure decent living conditions and find solutions for the 10.5 million refugees, the 14.4 million internally displaced persons, and some 12 million stateless persons under its mandate. In most cases it had free access to these persons. While the basic principles were sometimes flagrantly breached, there were also some remarkable cases of respect for, or willingness to respect, these principles, sometimes in countries facing extreme

difficulties. Such cases should be recognized, sustained and multiplied by all means.

Unfortunately, there were also asylum-seekers, refugees, stateless persons and displaced persons who were very badly treated. This often reflected a lack of access, extreme forms of insecurity, risks and dangers, conflicts of mandate or mission, etc. But it could also be the result of deliberate State policy. The notion of humanitarian space must be understood in a more global and complex perspective in order to keep that space as open as possible. Lastly, security for humanitarian workers was a serious problem that jeopardized the continuity of programs. In a single year 260 workers had been killed, kidnapped or seriously wounded. States had an essential responsibility in this regard. They must actively combat impunity and do everything to ensure free access to populations and guarantee the safety of humanitarian operations on their territory. In situations of conflict, all parties, including non-State parties, must respect humanitarian principles.

Humanitarian organizations, for their part, must cooperate with governments to ensure the conditions for providing assistance to victims in full respect of the standards of refugee law, human rights law and humanitarian law, something that required international solidarity and burden sharing. The United Nations system must not be manipulated, and humanitarian workers must conduct themselves in an irreproachable manner. Initiatives such as the international meeting of experts organized recently by the World Food Program (WFP) on the way humanitarian workers were perceived should be continued. As well, there was a need for more active efforts to preserve the specific goals of humanitarian action, an objective that must remain at the heart of any attempt to bring coherence to the different activities of the system. The need to ensure respect for humanitarian principles had never been so acute as at the present time, and member States of the Council, in selecting this topic for the panel discussion, were clearly demonstrating their determination to respond to those principles, as the only way to provide effective assistance to those most in need.

**Mr. Jawed** (Chairman, Agency Coordinating Body for Afghan Relief) gave a PowerPoint presentation on the humanitarian situation in Afghanistan in 2009. Having been mired in conflict for 30 years, Afghanistan ranked 174th among 178

countries in terms of chronic poverty and conflict-related humanitarian needs: 77% of its population lacked access to drinking water and 88% had no access to sanitation. One child in five would die before the age of five from preventable and curable diseases, 35% of the population was not receiving the daily caloric minimum, 54% of children were suffering from chronic malnutrition, and 4% of children were severely malnourished, representing 360,000 children across the country. More than 230,000 children had no access to education because of security problems. Of the more than 5 million refugees who had returned to Afghanistan since 2002, more than 70% had no permanent place to live.

The stakeholders in Afghanistan were the Afghan population (33 million, plus 3 million refugees abroad); the Afghan government; international, national and local NGOs; United Nations agencies; embassies and donors; provincial reconstruction teams; international and national military forces; and armed opposition groups. Respect for the principle of humanity presupposed stable access to populations. NGOs must be in a position to dialogue with all parties to the conflict in order to negotiate such access, which was often refused. It must be possible to provide equitable and impartial assistance without political conditions and without discrimination, based solely on needs. Some donors were reserving their assistance to regions where they had provincial reconstruction teams, and as a result development assistance was unevenly distributed. Assistance was also sometimes confined to regions under government control, and this was undermining the credibility of the government and the international community alike. NGOs were facing major difficulties: they were mistrusted by government partisans in areas under government control as well as by opposition groups in areas outside that control, and they were suffering human and material losses.

In conclusion, Mr. Jawed offered some recommendations. More effective assistance was required to respond to needs in Afghanistan. The militarization of humanitarian aid and development aid must cease: currently, private contractors and provincial teams were also engaged in humanitarian and development activities, thereby compromising the position of NGOs. All stakeholders in Afghanistan must respect the fundamental principles of humanity, impartiality, independence and neutrality, and allow

NGOs access to population groups in need of their assistance.

**Mr. Bowden** (United Nations Resident and Humanitarian Coordinator, Somalia) said that Somalia, a country in crisis for 17 years, was one of the most complex international emergency cases. The severe drought that had persisted for three years had come at the same time as a sharpening of the conflict between the centre and the south of the country, sparking large-scale population displacements, and this had created additional humanitarian needs. The virtual collapse of basic services because of the conflict, the breakdown of the rule of law and the absence of governance in many parts of the country added still another dimension to the crisis. At the present time, nearly half the Somali population was in need of humanitarian assistance. Somalia was one of the countries with the greatest number of internally displaced persons (1.3 million) and the source of the greatest number of refugees.

The latest revised appeal, for more than \$850 million in humanitarian assistance, had been financed to the extent of around 45%, despite significant variations by sector: while food needs were relatively well covered, this was not the case with water, sanitation and health. That disparity was prejudicial to application of the fundamental principles of humanity and impartiality. In the case of Somalia, the use of consolidated funds and the Humanitarian Response Fund was evidently a decisive aspect of the application of humanitarian principles. It was becoming increasingly difficult, without such tools, to provide the levels of assistance needed or to serve all the regions where aid was required. In the water, sanitation and public hygiene sector, the amount of drinking water available to the displaced population varied between 2 and 10 litres per person per day, far below recognized international standards. It should be noted that, in many cases, international humanitarian assistance was supplementary to assistance provided by the diaspora, currently estimated at more than \$1 billion per year, more than half of which served as a social safety net for the poorest population groups. The delivery of those funds followed the lines of clan-based, geographic and social divisions in Somalia, and they were not being distributed in accordance with humanitarian principles. Their volume had dropped by 25% during the year as a result of the economic crisis,

and this was placing greater pressure on humanitarian assistance.

Under international humanitarian law, the first responsibility for protecting the population and responding to its needs lay with the parties to the conflict. General Assembly Resolution 46/182 also declared that the territorial integrity and national unity of member States must be respected in the delivery of humanitarian assistance. In Somalia, the question of respect for humanitarian principles by parties to the conflict and that of respecting territorial integrity and national unity presented major problems, for Somalia had been in effect a failed state for some years. The current transitional federal government, recognized by the UN, was exercising limited control. Thus, governance existed in some parts of the country, and the authorities were ready to recognize their responsibilities. It was important, then, that humanitarian organizations should not take humanitarian principles as a pretext for refraining from dialogue with the authorities, but should recognize that such dialogue was important in order to make the authorities accountable.

The peace process in Djibouti had constituted a turning point in the debate over humanitarian assistance and in defining the humanitarian responsibilities of the transitional federal government. The idea had been to bring the parties to the process to recognize their responsibilities for protecting civilians and allowing access for humanitarian organizations, by removing the road barriers and other obstacles. The current government considered that it was gaining legitimacy by facilitating access to areas in need of assistance. Despite continued violations, the transitional federal government appeared better disposed to respond to the concerns expressed.

Respect for humanitarian principles varied among insurgent groups, which had extended their control over the centre and south of the country. In some areas, the insurgents had tried to preserve unrestricted access. In other areas, humanitarian principles were being flouted, as in the recent pillaging of the UNICEF complex at Jowhar, which had destroyed the vaccine reserves for the south of the country. As they extended their control, insurgent groups must also take greater account of local people's views, and humanitarian assistance was increasingly being negotiated case by case locally, with the support and assurances of the local population. The country humanitarian team had

therefore adopted common operating rules to guide humanitarian agencies in their relations with insurgent groups and local populations. Tighter coordination in the field seemed increasingly necessary to guarantee the effective application of these rules, without which humanitarian agencies risked being forced into difficult arrangements with insurgent groups. Those groups were in fact exerting pressure on humanitarian agencies to pay taxes and other direct financial support.

Negotiations with insurgent groups were still a delicate matter, because of the security risk posed by groups allied with international terrorism, whose policies and propaganda were opposed to the UN and often to international assistance as well. One of the biggest obstacles to humanitarian access was the lack of security for humanitarian workers, who were the target of aggression, kidnapping and assassinations. Assurances about the security of humanitarian workers were being requested in advance of negotiations. A communication effort was being made to win popular support for humanitarian action and its principles. The measures for guaranteeing the physical safety of individuals were increasingly costly, and the financing mechanisms for covering security risks appeared inadequate. If those mechanisms were not improved, humanitarian access could well be reduced even further.

**Mr. Lindvall** (Sweden), speaking on behalf of the European Union, said that the EU would continue its resolute defence of international humanitarian law and respect for fundamental humanitarian principles, which were at the heart of humanitarian action and must be respected at all times by all parties. Although it was an encouraging sign, the growing number of humanitarian players also posed difficulties in terms of coordination. It was essential to respect rules and mandates in order to avoid confusing roles, particularly between humanitarian workers and military or political players. The EU underscored the need for all parties to conform to the Oslo Guidelines on the use of foreign military and civil defence assets in disaster relief operations. It strongly condemned all acts of violence and other forms of harassment against humanitarian personnel. The number of incidents had grown alarmingly in recent years and was wholly unacceptable. All players involved must ensure that all possible prevention measures were taken to put a stop to those acts and to guarantee the security of

humanitarian workers. The EU was also deeply concerned at the many restrictions on humanitarian access, which could only prolong and worsen the suffering of victims. It was in the interest of all parties to cooperate so that humanitarian needs could be met promptly and safely.

Mr. Lindvall asked whether the International Disaster Response Laws, Rules and Principles program (IDRL) prepared by the International Federation of Red Cross and Red Crescent Societies was being applied more widely, and how member States could promote its application. He also wanted to know more about adoption by the United Nations of principles concerning the status of humanitarian action in the context of its integrated missions, mentioned in paragraph 33 of the Report of the Secretary-General on Strengthening of the coordination of emergency humanitarian assistance of the United Nations (A/64/84). The EU was ready to cooperate fully with all member States in order to build a global partnership around humanitarian principles and apply them effectively in the field.

**Mr. Ayub** (Pakistan) said that, consistent with General Assembly Resolution 46/182, respect for sovereignty, territorial integrity and national unity was an essential consideration in all humanitarian activities. At the operating level, governments still had the preponderant role in launching, defining, coordinating and delivering humanitarian assistance. Effective assistance could not be delivered to affected populations without the full participation of beneficiary countries in the entire process of planning, coordinating and delivering aid. Mr. Ayub asked the panellists whether they thought that respect for the guiding principles of humanitarian assistance had improved or deteriorated in recent years, whether it could be strengthened at the operating level, and how, and whether they thought it possible to come to the aid of affected populations without an active government role.

**Mr. Mattéi** (France), supporting the statement by the representative of Sweden on behalf of the European Union, raised the question of humanitarian access. France was particularly interested in this question and was asking that guaranteed access during crises should be written into the various humanitarian resolutions of the United Nations. France regretted the absence since 2005 of any mention of this fundamental principle in ECOSOC resolutions on strengthening the coordination

of humanitarian emergency assistance. Access to victims, a principle recognized by international humanitarian law, was an essential precondition for any humanitarian action. The spirit of this principle was well summed up in paragraph 22 of the Secretary-General's report, which recalled that while parties to a conflict had the primary responsibility for protecting persons under their control, insistence on that responsibility should not lead to restrictions on humanitarian assistance. When States were unwilling or unable to provide assistance to populations in need, humanitarian agencies had an important role to play by putting in place impartial relief operations and parties should allow and facilitate timely and unimpeded passage of relief supplies, equipment and personnel.

The French delegation welcomed the efforts of the Under-Secretary-General for Humanitarian Affairs to negotiate guaranteed humanitarian access with the authorities, whether in Sudan, Sri Lanka or Myanmar. It called for the revival of constructive cooperation on the issue of humanitarian access within the framework of the Economic and Social Council, so that this principle might appear in the Council's resolution on strengthening the coordination of humanitarian assistance. Finally, Mr. Mattéi asked panellists for their reaction, from the viewpoint of the United Nations and humanitarian players, to the statement of Mr. Jaweb on Afghanistan, which raised the question of how to reconcile the presence of military forces with the existence of a humanitarian space.

**Mrs. Eckey** (Norway) asked for additional details on the treatment of the issue of gender parity in humanitarian operations, and in particular how the UN was ensuring access to all persons in need of humanitarian assistance, whatever their sex. She also asked for information on the restrictions imposed on the UN for security reasons, and what member States could do to help the Organization obtain the means of access it needed, with due regard to the safety of staff.

**Mr. Dennison** (United Kingdom) fully subscribed to the idea that international humanitarian law and the humanitarian principles of humanity, neutrality, impartiality and independence should be respected and defended by all. He pointed to an alarming tendency over the past year, whereby access to persons affected by disasters in humanitarian emergencies had been reduced and the indispensable space for impartial and independent humanitarian action had shrunk. Like its partners in the European

Union, the United Kingdom was concerned at the increasingly burdensome restrictions imposed on neutral and independent humanitarian workers who were trying to save lives and bring assistance to victims, whether these were administrative restrictions limiting or delaying the entry of personnel or goods, or undue restrictions on freedom of movement. The United Kingdom vigorously condemned attacks on humanitarian personnel and those who committed them, and asked all parties to protect the security of humanitarian personnel and to take the measures necessary to prevent such acts. It was alarming to note that such attacks, as well as the restrictions mentioned earlier, often occurred in a context where humanitarian workers were represented as agents of foreign intervention.

While the responsibility to protect and assist its citizenry fell primarily to the State, its capacities were sometimes inadequate for dealing with the terrible consequences of humanitarian crises. There would still be need for an effective international relief system to help States respond to urgent needs of their people. At a time when the impact of climate change, conflicts and displacement of populations risked increasing the need for humanitarian interventions, a true global consensus on humanitarian action was more necessary than ever. The United Kingdom wanted to hear panellists' views on how the international community could work in concert to bring all member States to commit themselves in this respect, and how to ensure balance between sovereignty and humanitarian access at the operational level.

The United Kingdom shared the view that the growing number of players in humanitarian emergencies threatened to blur the distinction between humanitarian, political and military objectives, to the detriment of the humanitarian space. Humanitarian action must retain a civilian character. Rules and mandates must be clearly defined and coordination must be reinforced. The United Kingdom expressed its gratitude to the persons working to alleviate suffering around the world, often under difficult conditions, and it paid tribute to those who had lost their lives in the course of their work.

**Mr. Stillhart** (Deputy Director of Operations, ICRC), responding to the question as to whether respect for humanitarian principles had improved over time, said that those principles had returned to centre-stage, with respect to access to persons in need. What

was important was that humanitarian agencies should clearly discern the identity and role of each.

**Mr. Macedo** (Director-General for the United Nations System, Ministry of Foreign Affairs, Mexico) said that the question about the balance between assistance needs and sovereignty was a non-issue, for humanitarian assistance did not violate national sovereignty but was in principle the result of a request from the State concerned. That being the case, he thought that the question posed by the representative of Pakistan was justified: it was almost impossible to mount humanitarian assistance without the help of the State concerned. The State concerned, then, must perceive that assistance as normal in an exceptional situation.

**Mr. Okoth-Obbo** (Director, HCR Africa Bureau), responding to the question of the Norwegian representative as to gender parity in emergency situations, said that concern for gender equality had always been at the core of the HCR's humanitarian action. With respect to the advantages of humanitarian operations where humanitarian staff worked side-by-side with the military and the State concerned, the dilemma lay in the fact that it was sometimes impossible to offer humanitarian assistance without the support of the local authorities.

**Mr. Jawed** (Chairman, Agency Coordinating Body for Afghan Relief) said that in Afghanistan at the current time there was no constructive dialogue between the military forces and the NGO community. The international military forces were there to keep the peace and to pave the way to the country's development and reconstruction. Some military forces were providing development assistance, an activity that was the proper field of the NGOs. This kind of propaganda was considered by the population as undermining NGO activities. The international military forces should not expect NGOs to contribute to their strategy for combating insurrection in the country. The NGOs wanted the military forces, the government and the opposition groups to recognize their role, which was to help people in need.

As the presidential elections approached, the military operations sought in particular to allow people to vote, and NGOs had been invited to contribute to that effort. But rather than military action, it was preferable to promote dialogue, to encourage negotiations and, above all, to avoid massive

displacements of population. Combating the insurrection must not override the concern to protect the civilian population and to reduce physical destruction as much as possible. Mr. Jawed recalled that the literacy rate in Afghanistan was only 28.1%, and that people were conservative in cultural and religious matters. It was very difficult to win public support. Moreover, in the absence of good governance and an effective justice system, NGOs were needed to meet people's needs.

**Mr. Holmes** (moderator) asked to what extent the country was accessible to NGO members of the Agency Coordinating Body for Afghan Relief. He also wondered if it was easy for NGOs, individually or collectively through the Coordinating Body, to engage in dialogue with the official military forces and the insurgents.

**Mr. Jawed** (Chairman, Agency Coordinating Body for Afghan Relief) said that NGOs had already been working in rural areas side-by-side with the local population during the Soviet invasion of Afghanistan. Some of those NGOs were still there and were continuing to help people in need. However, some NGOs in the country needed funds and support from the international community to continue their work. They were sometimes attacked by the Taliban, who accused them of spying for the military power. For that reason, the NGOs were asking the international military forces and the Afghan government to help them negotiate with the various groups, including the opposition groups. Currently, the lack of coordination among the military forces was undermining NGO work.

**Mr. Bowden** (United Nations Resident and Humanitarian Coordinator, Somalia) said that in Somalia as well there was sometimes a degree of confusion between military and humanitarian actions. When it came to security questions, Somalia was an interesting case because all the institutions operating in the country had to take security measures and could no longer live up to the image of impartiality and neutrality that outsiders might have of them. To improve security in the country, local information systems would have to be reinforced and personnel evacuation plans drawn up. Mr. Bowden emphasized the need to focus on the risk of manipulation of humanitarian workers for political purposes, in the context of the debate on integrating the actions of the UN system.



**Mr. Holmes** (moderator) said that everyone was in favour of strengthening integration and coherence among the different United Nations institutions and the international community in the countries where they were operating, but he stressed that integration must respect humanitarian principles. Moreover, integration did not necessarily imply structural integration of the entities concerned, but rather coherent strategies and actions. That process had made progress thanks to the creation of the group of experts on coherence of action in the UN system, which brought together all stakeholders and was attempting to associate humanitarian players from beyond the UN in the debate.

**Mrs. Ighil** (Algeria) said that Algeria subscribed to the principles of neutrality, impartiality and independence for humanitarian workers. As well, as the UN Secretary-General had stressed in his report on strengthening the coordination of humanitarian assistance (A/64/84), the sovereignty and national integrity of States must remain essential considerations in all efforts to coordinate humanitarian assistance. On this point, the Algerian delegation wished to highlight the role of the States concerned in implementing, coordinating and organizing humanitarian assistance provided by the international community. Mrs. Ighil asked to what extent the multiplication of players from the public, military and private sectors in humanitarian operations was having repercussions on the application of humanitarian principles. She also asked participants to discuss which were the humanitarian operations where humanitarian principles had been best respected, and what factors had contributed to those positive results.

**Mr. Cardoso** (Brazil) asked for more details on the accountability mechanisms that the UN had instituted to ensure that humanitarian principles were respected by NGOs, in particular those in receipt of funds from the UN financing mechanisms.

**Mr. Menez** (Philippines), recalling that the recent kidnapping of three ICRC members had been resolved and that the last of these humanitarian workers had been freed on 12 July, asked the ICRC representative if there were any particular lessons to be drawn from this experience.

**Mr. Toscano** (observer of Switzerland) said that humanitarian principles were at the very heart of humanitarian action and were essential for the safety of

humanitarian workers. Noting that in some situations humanitarian principles were proclaimed but not applied, he asked whether the UN had a tracking system for evaluating the extent to which those principles were respected by different humanitarian players. He asked what measures should be taken when those principles were not observed and whether, to this end, policies or strategies had been implemented, in coordination with the different organizations. He thought that consideration should be given to breaking off assistance in cases where those principles were not respected.

**Mr. Ustinov** (Russian Federation) observed that the Secretary-General's report on strengthening the coordination of humanitarian assistance indicated, in paragraph 36, that those responsible for deliberately denying access to persons in need of humanitarian assistance should be held accountable. He asked what type of context that statement referred to, and how that provision might be implemented. He also wanted to know what would be the consequences of this accountability obligation and whether it involved a proposal of principle or whether it would be implemented in practice.

**Mr. Chege** (observer of Kenya) said that the conflict in Somalia was still having repercussions on his country. More precisely, a renewal of the conflict had led to a new influx of refugees to Kenya, where facilities and the environment were under heavy pressure. Kenya considered that communities welcoming those refugees needed significant humanitarian assistance, particularly as their environment had been degraded and their means of subsistence were under threat. He asked the HCR representative for further information on the measures that the HCR planned to take to address the consequences of that refugee influx, particularly for the environment.

**Mr. Stillhart** (Deputy Director of Operations, ICRC) said that the appearance of new players, whether military or civilian, in the humanitarian sphere did not pose any particular problems from the viewpoint of respect for humanitarian principles. The humanitarian community considered, on the contrary, that the multiplicity of players and their complementarity were such as to reinforce the efficacy of assistance and protection. That being the case, it was important to ensure that all players understood their function clearly and carried it out strictly, which

presupposed additional efforts at coordination. With respect to the obligation of humanitarian workers to be accountable, it should be noted that this was at the heart of the international community's concerns and that in 1995 the ICRC had adopted a Code of Conduct for the international Red Cross and Red Crescent movement and for NGOs in disaster relief operations. Based on the fundamental principles governing humanitarian assistance, that code could serve as a point of reference for all stakeholders. With respect to the recent kidnapping of three ICRC workers in the southern Philippines, which had been resolved successfully thanks to the active and constant collaboration of the highest Philippine authorities, it testified to the need to prepare humanitarian operations well in advance, particularly if they were to be conducted in sensitive regions. As to the recent celebration of the 150th anniversary of the Battle of Solferino, the ICRC had seized the occasion to publish the results of a survey on the consequences of armed conflicts for civilian populations in Afghanistan, Colombia, Georgia, Haiti, Liberia, Lebanon, the Philippines and the Democratic Republic of Congo. That survey had shown that the loss of a loved one, the dispersal of families, displacement and physical aggression figured among the most common experiences and the greatest fears, hence the importance of ICRC reunification programs.

**Mr. Macedo** (Director-General for the United Nations System, Ministry of Foreign Affairs, Mexico) said that the obligation of accountability posed, more generally, the particularly complex question of respecting the binding rules of international law. It would indeed be very useful to have a code of conduct with provisions that could be enforced, but there was a question as to which body would be responsible for enforcing it. One might imagine that the Security Council, the only UN organ empowered to impose sanctions, could be asked to intervene to enforce these obligations, but that did not seem desirable. While it was legitimate to discuss the responsibilities of humanitarian players, the Economic and Social Council was not perhaps the most appropriate body for settling these questions, which raised thorny theoretical and philosophical problems.

**Mr. Okoth-Obbo** (Director, HCR Africa Bureau) said that HCR teams were occasionally taken for targets and victims of malicious acts. In the hundred or so regions where the HCR was active around the

world, however, it generally enjoyed access under good conditions to refugees, asylum-seekers, stateless persons and displaced persons. With respect to the supervision of humanitarian assistance, it should be noted that the agreements concluded by the HCR with its various partners currently contained provisions on ethics, on the duty of precaution or on the principle of non-discrimination. There was nevertheless a question of how to enforce respect for these provisions by humanitarian workers in the field. The representative of Kenya had quite rightly pointed to the problems caused by the influx of Somali refugees in the northeast of his country. While they numbered 100,000 at the end of 2006, there were currently nearly 300,000, far exceeding the population of Kenyans living in that region. Nevertheless, it should be stressed that the HCR was aware of this imbalance and of the impact that the influx of refugees was having on local capacities to care for them, and it had taken the necessary measures to help the local population through its efforts to guarantee access for refugees to drinking water, to health care and to education. With respect to the current crisis, a rapid response strategy was about to be implemented, embracing three aspects: shelter for new arrivals, resettlement of some of them in the Kakouma camp, and local capacity building.

**Mr. Jawed** (Chairman, Agency Coordinating Body for Afghan Relief) noted, with respect to the obligation of accountability, that the hundred or so NGOs present in Afghanistan had signed the code of conduct of the Agency Coordinating Body for Afghan Relief (ACBAR), and thus there were different mechanisms responsible for enforcing the obligation of accountability by humanitarian workers. It was also true that the exercise of humanitarian functions by the military had been a source of confusion, which was why ACBAR was particularly concerned to ensure that the military kept to their mission, which was to help local authorities maintain security.

**Mr. Bowden** (United Nations Resident and Humanitarian Coordinator, Somalia) said, with respect to the emergence of new humanitarian players, that the diaspora was playing an increasingly important role, as could be seen in Somalia where, within a very short time, it had raised more than \$100,000 to help people cope with the disastrous flooding in the southwest of the country. The time had come, then, to recognize that the diaspora could make a real contribution to humanitarian assistance, in particular because it was

often able to respond more swiftly than the humanitarian organizations themselves. Thought should therefore be given to the means needed to allow the diaspora to play its role fully. With respect to good practices in humanitarian assistance, he pointed to encouraging signs in Somalia, where the authorities, who had once exerted rigorous control over humanitarian activities, were currently striving to facilitate the delivery of humanitarian aid by removing obstacles that blocked access to populations.

**Mr. Shao Changfeng** (China) observed that, in general terms, there was no consensus on the conditions needed to ensure an effective humanitarian operation. While some considered access to be the crucial question, others placed more emphasis on financial resources or on the need for strict respect of humanitarian principles. Some enlightenment on this subject would therefore be welcome.

**Mrs. Finskas** (observer of Finland) regretted that the multiplicity of humanitarian players was sometimes a source of confusion. She wondered if Mr. Jawed and Mr. Bowden might indicate, drawing on their own experience, which entity could be given the task of overseeing the complementarity of actions taken by the different stakeholders in humanitarian assistance.

**Mr. Ustinov** (Russian Federation) noted that there had been no response to his question, and he offered to reformulate it. He wanted to know how the obligation of accountability – incumbent upon those who impeded access to affected populations – might be reconciled with the principle of independence.

**Mr. Stillhart** (Deputy Director of Operations, ICRC) said that access to affected populations was not a sufficient condition for the effectiveness of humanitarian aid. The question of financial resources was just as important for bringing aid to the populations concerned and protecting them. As to the relationship between the obligation of accountability and the principle of independence, he found it hard to see how the two were incompatible. For the ICRC, the principle of independence meant above all that the humanitarian organization must remain in control of its own decision-making process, which did not prevent it from holding its collaborators accountable.

**Mr. Macedo** (Director-General for the United Nations System, Ministry of Foreign Affairs, Mexico) agreed with Mr. Stillhart that none of the factors mentioned by the representative of China would in

itself suffice to ensure the effectiveness of humanitarian assistance, which depended at once on access to affected populations, on sufficient financing, and on respect for humanitarian principles.

**Mr. Okoth-Obbo** (Director, HCR Africa Bureau) said he shared the views expressed by Mr. Stillhart and Mr. Macedo about the conditions for the effectiveness of humanitarian assistance, and he recalled that humanitarian principles were legal principles, enshrined in the international law on refugees or in humanitarian law. He also agreed that two elements were key to respect for these principles: the political will to focus attention on the needs of populations in distress, and a determination to act in good faith.

**Mr. Jawed** (Chairman, Agency Coordinating Body for Afghan Relief) said, with respect to the situation in Afghanistan, that it was particularly important to ensure long-term financing for the activities of international organizations, and of national NGOs in particular, for the effectiveness of humanitarian assistance to that country depended on this. As to the international military forces, they should confine themselves to supporting the Afghan authorities in their efforts to maintain security, and should not intervene in humanitarian or development activities; this was the only way to avoid confusion.

**Mr. Bowden** (United Nations Resident and Humanitarian Coordinator, Somalia) said it was up to all interested parties to do what was necessary to avoid confusion in the field, as was currently the case in Somalia. As to measures for ensuring greater respect for humanitarian principles, he stressed the importance of financing, which was essential for delivering humanitarian assistance. The question of humanitarian assistance concerned not only governments but also society as a whole, and efforts should be made to sensitize the public to this question.

**Mr. Stillhart** (Deputy Director of Operations, ICRC) stressed that humanitarian principles were not an end in themselves, but rather the means to an objective: helping people affected by conflicts. It was important that all stakeholders, governmental and nongovernmental, should spare no effort in respecting these principles, but unfortunately this was not always the case in reality.

**Mr. Macedo** (Director-General for the United Nations System, Ministry of Foreign Affairs, Mexico) said that in order to banish any misunderstanding, in

particular the one that tended to confuse humanitarian assistance with interference in the country's internal affairs, it was important to promote better understanding of humanitarian principles and in particular of General Assembly Resolution 46/182 on strengthening of the coordination of humanitarian emergency assistance of the United Nations

*The meeting rose at 6.05 p.m.*