



VOICE Round Table Meeting **“FUTURE CHALLENGES TO EU HUMANITARIAN AID AND NGOS”**

Date: 29th June 2006

*Venue: Organizacion de Estados Iberoamericanos, Sala Andres Bello,
Calle Bravo Murillo 38 (Metro: Canal, Linea 7)*

VOICE Minutes of Meeting

1 - Background

This Round Table aimed at engaging the VOICE Board (SCHA), senior management level of VOICE member organizations and other relevant humanitarian actors in a dialogue on relevant EC policy issues related to EU humanitarian aid, with a special emphasis on the Spanish NGO environment.

VOICE has organised similar events with the French NGO community (Paris, October 2005) and the UK NGO community (London, February 2006). A closed session between the VOICE Board and the Spanish VOICE member organisations was held before the open session.

This Roundtable has been organised in cooperation with Coordinadora, the Spanish platform of aid NGOs, with the financial support of EC DG Humanitarian Aid. Some 35 representatives of Spanish NGOs participated to this event.

2 - Introduction

Mr. Ricardo Angora (Board Member, Coordinadora) welcomed the participants (for details - see participation list) and the speakers. Mr. Angora presented the CONGDE, the platform of the Spanish international cooperation NGOs. CONGDE has 94 NGO members dealing mostly with development, but also with humanitarian aid (15%), international cooperation, and advocacy. Since 1991, the public funding of these NGOs has been decreasing (48 % of the total funding in 2005), while the private funding is increasing. For more information, please click on CONGDE website http://www.congde.org/home_dos.htm.

Mrs. Schick, VOICE Director, thanked Coordinadora for their cooperation in co-organising the event and presented the general objective of the meeting (see above).

3 - Round Table A: “New actors in the humanitarian field”

The chairman of this Round-table was **Mr. Francisco Rey Marcos**, Co-Director of the Institute of Studies on Conflicts and Humanitarian action (Instituto de Estudios sobre conflictos y Accion Humanitaria (IECAH). Mr. Rey gave some key elements on the general context of humanitarian aid in Spain:

- the low level of awareness about the ongoing UN reform;
- the ongoing drafting of a humanitarian aid strategy which will be inserted into the International Cooperation Masterplan designed by the Spanish Government;
- the four pillars (ethical, legal, institutional and project frameworks) which need to be addressed when examining humanitarian aid;
- and finally, the risk of blurring lines between actors, which may lead ultimately to the erosion of the humanitarian principles.

Mr. Johannes Luchner (Head of Unit, EC DG ECHO) focused his presentation on two questions which strongly influence the capacity to get aid to victims: first, how much money is available for the purpose? And second, which organizations are best suited to transform that money into efficient and effective aid that really makes a difference to the beneficiaries? [For more, see Mr. Luchner's presentation in Annex.](#)

For **Mr. Alberto de Castro (Director-ad hoc, International Cooperation Unit, Spanish Red Cross)**, the increasing complexity of humanitarian relief should not impact on the central place which the beneficiaries must have. Humanitarian aid is not merely a rescue operation, and all actors – including “new” ones – should be professional. [For more, see Mr. de Castro's presentation in Annex.](#)

Mr. Paul Grossrieder (VOICE President) opened his intervention by saying that the quality of humanitarian aid is not linked to logistics only, but foremost to the capacity of humanitarian aid actors to bring aid to the populations in need. The efficiency of humanitarian aid can be measured against three operational requirements: access to all victims, control of the entire logistics chain, and the freedom to have a dialogue with the victims.

The “splendid isolation” of humanitarian aid ended with the end of the Cold War. Since the first Gulf war, western states have got increasingly involved in humanitarian aid. The final stage of this evolution is the PRTs (Provincial Reconstruction Teams) in Afghanistan, where the humanitarian principles are simply ignored. Clearly, the International Humanitarian Law (IHL) is under threat (e.g. in Guantanamo, where “illegal” combatants have no legal protection).

For Mr. Grossrieder, the reaction to this situation should not be romantic (“NGOs are the only humanitarian aid actors”), neither cynical (“Let’s just accept the new actors”). The right reaction is to develop a continued dialogue with Governments on a division of labour based on the IHL.

Under the chairmanship of Mr. Paco Rey from the IECAH, the presentations were followed by a **debate** between the speakers and the participants.

The following main points came out of the discussion:

On the Spanish environment for humanitarian NGOs:

- The Spanish institutional landscape is quite complex (one national Government, 17 Regional Governments – which have their own civil protection mechanisms-, and authorities at local level).
- At national level, when it comes to interventions in the field, there is a competition between the Ministry of Foreign Affairs (MoFA) and the Ministry of Defence (MoD). There is an Agency for International Cooperation within the MoFA but this Agency lacks real political leadership. On the other hand, humanitarian aid has become an argument for the MoD to “sell” the military to the public opinion. It has come to the point that humanitarian aid has been included into the legal and mandatory framework of the MoD. Also, the Spanish Army is due to create a Humanitarian Emergency Unit. These developments raise the question about the future of NGOs, when the Spanish Government will financially support humanitarian aid through the military and not through the NGOs.
- NGOs are also being “threatened” by actors from the private sector which work sometimes overlaps with NGO activities.
- Finally, when it comes to sources of financing, there is competition between NGOs.

On the role of NGOs in general:

NGOs should be more “political” and convince not only the institutions but also civil society about humanitarian principles. They should show their added value compared to other actors such as the military or civil protection, which are also professional and have the logistic means. Thus, NGOs need to show their difference: their commitment to neutrality, independence and impartiality. With regards to their Government, NGOs would need to be included into the political dialogue and become real partners in the discussions with the public authorities.

On the relations with ECHO and the EU humanitarian aid:

According to NGOs, ECHO should be lobbying the European Parliament as well as EU Member States in order to secure its budget. On the other hand, NGOs should have confidence in public humanitarian donors – such as ECHO – and not be tempted to go to other sources of financing.

The ECHO representative made the following comments:

- NGOs are in effect “political animals” and if they are well organised, they could have a powerful dialogue with their Governments.
- Humanitarian aid should remain a civilian occupation. It is true that civil protection has been active after the tsunami and the earthquake in Pakistan, but these crises are rather the exceptions than the rule. Also, civil protection has not to stay on after a crisis, whereas humanitarian actors should stay on.
- The dialogue with ECHO may be burdensome in some aspects, but ECHO has the responsibility to manage the tax payer’s money. This implies procedures and audits.
- The study commissioned by ECHO on the European Voluntary Humanitarian Aid Corps (EVHAC) – which was proposed in the EU Constitutional Treaty – concludes that the EVHAC mechanism would not be workable in the field of humanitarian aid, i.a. for security reasons but also in terms of the required level of professionalism. It could however be considered in the field of development aid.

4- Round Table B: “Protection of Civilians in armed conflict”

The second roundtable focused on the protection of civilians in armed conflicts.

The first speaker was **Mr. Jacobo Ocharan, International Operations Director at Intermon-Oxfam**. Direct attacks on civilians have become a cruel reality of the majority of conflicts and humanitarian crisis situations taking place around the globe. The time has come to focus international attention on the conflicts that kill and impoverish millions of people year after year. In order to do this world leaders, including the EU, must act in a more coherent fashion to protect civilians and guarantee the impartial supply of humanitarian aid based on people’s needs rather than political objectives. [For more, see Mr. Ocharan’s presentation in Annex.](#)

“What does responsibility to protection mean to humanitarian NGOs?” was the opening question of the presentation of **Ms. Anna Jefferys from Save the Children – UK** and member of the VOICE Board. NGOs can and do help to provide vital protection to civilians in conflict. But they can only provide a part of the whole protection package (through direct programming), complementing the efforts of other duty-bearers, which need to account on their role to protect civilians. [For more, see Mrs. Jefferys’ presentation in Annex.](#)

The third presentation was made by **Mr. Jesus Nunez Villaverde, Director of the Instituto de Estudios sobre conflictos y Accion Humanitaria (IECAH)**. Civilians have become specific military targets in armed conflicts. Since 9/11 and the war on terror, the international agenda has focused more on security than on protecting freedom and the international context is clearly a securisation one. What is the place of the EU in this environment? The EU is a civil power using military tools. It considers the level of development in third World countries as an element of its security strategy. Finally, its actions focus on conflict prevention and peace building. Despite these positive elements, improvements need to be made with regards to protection of civilians in the framework of the EU security strategy. The CFSP (Common Foreign Security Policy) and the ESDP (European Security and Defense Policy) should include a specific protection component. (human security protection). The mandate of EU interventions should be global and not subject to geographical limitations. NGOs should have the opportunity to give input and advice in the Petersberg’ tasks. Finally, the EU should review its asylum and migration policies.

Mr. Boris Aristin, Emergencies Coordinator, at Save the Children Spain chaired the **debate** which followed the presentations. Participants and speakers made the following comments:

- Protection can be done directly, in the field, but it can also be indirect, more political, by bringing criminals to the International Criminal Court or making specific situations public (e.g. advocacy through the media).
- One key issue is the relation between protection and neutrality (of NGOs). Neutrality is a pre-condition before starting protection activities although, in the field, aid workers will need to engage in dialogue with militia, warlords or Governmental armies to be able to implement these activities.
- It is not up to humanitarian NGOs to protect civilians directly; they should however focus on strengthening the different “circles of protection” at family, village, local and national level.
- Finally, protection is also linked to the level of access which a Government will give to other actors. Clearly, in the case of Darfur, the international community has failed to intervene.

5 – Conclusion

VOICE Director Kathrin Schick closed the event with a number of short conclusions:

- Concepts and definitions such as protection differ according to the specific (national) environment; these nuances are one of the obstacles to come to common positions within the humanitarian community.
- Looking at the complexity of the international environment and the discussion of the day, humanitarian NGOS have to become more “political” in their positions and statements.
- Humanitarian actors will need to build alliances (e.g. Red Cross and NGOs); the objective of these alliances will be to keep the three traditional “pillars” of humanitarian actors (Red Cross, NGOs and UN agencies), and promote their diversity.
- When facing the developments in the humanitarian sector and the involvement of new actors, will networks favor a status quo or open themselves to new ways and approaches in providing humanitarian relief?
- Finally, as active components of civil society, NGOs should go beyond their position of mere implementers and concentrate their energy well beyond fighting for funding.

For the Annexes of the Meeting minutes, see next pages

**VOICE Round Table Meeting
29th June 2006, Madrid**

Annexes

- Programme of the VOICE Round-table

- **Presentations (texts made available by speakers):**
 - *on “New actors in the humanitarian field”:*
 - Presentation of Mr. Johannes Luchner, Head of Unit, EC DG ECHO
 - Presentation of Mr. Alberto de Castro, Director-ad hoc, International Cooperation Unit, Spanish Red Cross

 - *on “Protection of Civilians in armed conflict”:*
 - Presentation of Mr. Jacobo Ocharan, International Operations Director at Intermon-Oxfam
 - Presentation of Ms. Anna Jefferys, Save the Children – UK, member of the VOICE Board



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Programme

8.00 – 9.00: Meeting between the VOICE Board with Spanish VOICE members (closed session)

“FUTURE CHALLENGES TO EU HUMANITARIAN AID AND NGOS” (open session)

9.00 – 9.30: Registration for the open session

9.30 – 9.45: Welcome and Introduction, by Mr. Ricardo Angora (Board Member, Coordinadora)

9.45 – 11.45: Round Table A: “New actors in the humanitarian field”

- Mr. Johannes Luchner (Head of Unit, EC DG ECHO)
- Mr. Paul Grossrieder (VOICE President)
- Mr. Alberto de Castro (Director-ad hoc, International Cooperation Unit, Spanish Red Cross)

Debate

Chair: Mr. Paco Rey, Instituto de Estudios sobre conflictos y Accion Humanitaria (IECAH)

11.45 – 12.15: Coffee break

12.15 – 14.15: Round Table B: “Protection of Civilians in armed conflict”

- Mr. Jacobo Ocharan, International Operations Director at Intermon-Oxfam
- Ms. Anna Jefferys (Save the Children – UK, member of the VOICE Board)
- Mr. Jesus Nunez, Director Instituto de Estudios sobre conflictos y Accion Humanitaria (IECAH)

Debate

Chair: Mr. Boris Aristin, Emergencies Coordinator, Save the Children Spain

14.15 – 15.00: Aperitive

VOICE (*Voluntary Organisations in Cooperation in Emergencies*) is a network representing some 90 European NGOs active in humanitarian aid worldwide. VOICE is the main NGO interlocutor with the EU on emergency aid, relief, rehabilitation and disaster preparedness. It represents and promotes the values and specific features of humanitarian NGOs.

Supported by the Humanitarian Aid Department of the EC.

EUROPEAN COMMISSION



Humanitarian Aid

VOICE Round Table Meeting - 29th June 2006, Madrid

**Presentation of Mr. Johannes Luchner, Head of Unit, EC DG ECHO,
on new actors in the humanitarian field.**

Ladies and gentlemen,

First of all, let me thank the organizers for the kind invitation and apologize immediately for the catastrophic state of my Spanish – which makes me give this presentation in English. I thought that for you it would be not useful to provide a quick overview of how we see things at the European Commission, and ECHO in particular.

Let me be clear at the outset: the European Commission's humanitarian aid is to go to beneficiaries on the basis of their needs. In that sense, our humanitarian aid is apolitical. However, two questions remain that strongly influence our capacity to get aid to victims: first, how much money do we have for the purpose? And second, which organizations are best suited to transform that money into efficient and effective aid that really makes a difference to the beneficiaries? These latter questions are, naturally, political, and it would be dishonest to claim that they don't concern us. Therefore, I think we must keep them in mind.

Although time is very limited, I would like to address two issues:

- First, the one that is the subject of this debate, that is, "new actors in the humanitarian field". At the latest after the tsunami, humanitarian aid has been discovered by other actors as a tool that has political attractiveness in a domestic context. I am thinking in particular about civil protection and military forces in the EU whose interest in humanitarian aid – and in humanitarian aid budgets – has increased dramatically. I'll return to the question shortly.
- A second aspect we must consider is "new modes of financing" and "new sources of financing". At least in terms of budgets and in terms of the "weight" of different actors, this is crucial. As you know, the international humanitarian system is undergoing a profound reform. The United Nations has developed new instruments of financing – such as pooled funding and the CERF – and of implementing humanitarian aid through changes like the cluster lead approach. In addition, some international NGOs have a professionalism and budgets which would be the envy of quite a few state actors. And some of these NGOs have told the public that they would be quite happy to work without any government funds at all.

New Actors

I think that speaking in Spain, I don't have too convince you that civil protection forces as well as the military are very interested in humanitarian aid, and are here to stay. In principle, I believe that any additional contribution for the purpose of saving lives and of alleviating suffering must be welcome. The devil is, as always, in the detail.

Detail number one is that it would be the end of humanitarian aid as we know it if there would ever be a lasting confusion between the roles of military or para-military forces and humanitarian aid. Therefore, we must ensure that these new actors are made aware of and respect existing policy and guidelines in this respect, above all the OSLO and MCDA guidelines.

Detail number two is that we have in some Member States observed the interesting phenomenon that humanitarian aid is used in advertisements that serve as part of recruitment drives. It is also undeniable that humanitarian aid is a politically attractive product and one might suppose that some of the heightened activity post-tsunami is due to the positive visibility humanitarian aid can provide. However, we must remain alert to the fact that you cannot get worse publicity than that you can get over badly coordinated humanitarian aid: since time lost means lives lost, bad coordination will backfire at some point. For the moment, coordination between civil protection and classical humanitarian aid actors appears to be suboptimal. Inside the Commission, we are working with colleagues from the MIC to ensure that this changes as fast as possible.

Detail number three follows logically and is for us the most important one. Humanitarian aid must not be supply driven. It should not be provided because we have the resources, but only because victims need it. For instance, we should not react on the basis of the availability of supply of military transport hardware, but because we need it in a specific situation and because there is no –civilian – alternative available.

New modes of financing

This leads me directly to the second aspect mentioned earlier: new modes of financing. There are some Member States who would want to use the humanitarian aid budget to finance civil protection and/or military activities. Naturally, DG ECHO remains a very cost-conscious service. Our budget is at most increasing by 1% a year in real terms over the period 2007-2013, so we have no reason to be less than economical. In addition, we still govern use of funds based on sound financial management, which means that we will always look for the most cost-effective solution to a problem.

As you will know, the Commission has been requested by a number of Member States to contribute to the CERF. For the moment, we remain very cautious on the subject, mainly for three reasons:

1. We do not yet know how the CERF functions and we therefore are unsure as to whether a contribution on the CERF would not undermine our financing principles, for instance, our insistence to fund forgotten crises.
2. NGOs are excluded from CERF financing. As we transfer 60% of our annual budget via NGOs, because we believe that they constitute an efficient and effective means of delivering humanitarian aid, we would wish the UN to work closely with NGOs.
3. Any financing of the CERF by the Commission would not be additional. Most Member States have to increase their ODA under the Monterrey consensus at a time when the Commission's HA budget stagnates. Simply put: if we give to one actor, we have to take from another. As I said, NGOs are by far the largest group of HA actors in receipt of Community humanitarian aid.

Conclusion

In conclusion, I believe that as far as new actors are concerned, we must all remain positively engaged. However, we must insist on good and efficient coordination mechanisms. Humanitarian aid must not become a policy in which different actors try to compete with and out stage each other, but a policy that makes us all pull in one direction, which is a needs based and efficient approach to programming and delivery. The objective must remain improving the fate of victims, nothing else.

This inclusive approach, which goes for new actors such as civil protection and military forces, must also apply to new financing mechanisms. NGOs as a traditional actor should not stay outside these mechanisms, but should be included. Whatever one might think about the ambition of some to take less and less – and ideally NO – government funds at all, I believe that public spending on humanitarian aid remains fully legitimate and, as far as the Commission is concerned, not subject to political pressures. Therefore, NGOs should have an interest in this debate and ensure actively that this interest is expressed and respected.

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Presentation of Mr. Alberto de Castro (Director-ad hoc, International Cooperation Unit, Spanish Red Cross) on new actors in the humanitarian field.

Nowadays, the release of humanitarian relief is much more difficult and at the same time, there are much more needs. War and disasters have been converted into complex emergencies, with different problems: state problems, ethnic, religious differences and environmental problems, etc...

In this context, we can observe a variety of new actors (NGO's, International Organisations, governments with their own agencies including sometimes the military forces, companies, media, etc).

In this plural context - where we can generate some confusion related to what is and what is not humanitarian, facing instrumentalization of the humanitarian aid, and taking into consideration the difficulties of applying the IHL (International Humanitarian Law), the rights of the affected population to receive assistance is the most important and imperative issue.

It is true that this is not a closed "club" of the ones which have been working in this area for several years. NGO's do not have the absolute monopoly, but if we work under technical Standard procedures, both pragmatic and ethic (cost-efficiency), we would like to be respected by all the actors.

All the new actors are welcome, but they need to realize that there are fundamental principals which guide the humanitarian aid and do not respond to any other interest. If we do not respect these humanitarian values, we will be providing rescue service but we can not call this humanitarian aid. This is not a semantic question; it also introduces the question of models of action and intervention.

The NGO's look for the impact in their actions; they also work under ethic values, quality and transparency, such as Humanitarian chart, Code of Conduct related to disasters, Sphere project, cooperation protocol between NGO's, image code for the developed countries, security in humanitarian work, ALNAP, People in Aid, Humanitarian Accountability Partnership International..., We can names several standards, agreements, workbooks, etc.

We can not tolerate that the new actors which declare to work in the HUMANITARIAN field - not only work outside these "rules" but also do not know about their existence. The beneficiaries do not deserve to learn TEST-MISTAKE.

Because the goal is not only about bringing assistance, work must be done with quality, efficiently and effectively. It is a "Do not harm" approach, which goes further than the humanitarian action and foresees the situation of affected communities in the mid- and long term.

The international rules have to be accomplished. These rules express the responsibilities of the different actors in conflict or natural disaster situations. Among them, we highlight the Oslo rules of 1994 and the reference principals of IASC-OCHA of June 2004 (in general: the principle of the coordination role of the UN and their agencies), agreed by the government in the humanitarian field.

The "new actors" must understand that the working model established is a product of several years of experience, and not improvised or unreflective acts based on good faith and a wish to help. Our model based on the logical frame and their different steps (IFEE) gives quality and transparency in our action, in order to show the good management of funds received by private and governmental donors.

The knowledge we use is scientific and based in experienced professionals - not only in humanitarian aid but also in international cooperation. Excellent professionals and specialists with different profiles in health, nutrition, logistics,..., but also from Investigations Centres, Universities, etc, are participating.

Apart from the NGO's, IO (including the UN) establish standards and rules coming from the evaluation of numerous relief actions which we have been developed through the years. A lot of worldwide operations require good performance.

Also, we understood that the sustainability of our action in a time line is the way to have a real impact, based in models of sharing know how, disaster preparedness, risk reduction, identifying good practices and evaluating the actions. Stressing the prefix CO- in the word COoperation. That's the reason why our field is the International Cooperation and not only the international operations.

All the actors must understand that Humanitarian Aid it is not only and instrument of visibility, publicity and propaganda. It is a tool in the civil society to improve the life of people in need.

In the case of the actor under public administrations, this is much more evident because of the transparency rules have to be done strictly.

The "humanitarian Action" can be misunderstood; the use/abuse of the humanitarian concept implies that all new actors are considered as humanitarian actors. New actors in the field of humanitarian crisis are creating confusion in the humanitarian field that rebounds in the actions and the perception of the affected communities. Because of that, the impartiality of the NGO's and the respect to the humanitarian principals must be kept - especially in conflict situations.

The irruption of the military in humanitarian aid activities has put the cooperation work of the NGO's at risk. Examples such as the attack to the ICRC HQ in Baghdad show that NGO's are part of the target. To disseminate neutrality is a complex and difficult task, when someone declares to be doing the same work but does not show any evidence of impartiality and neutrality. A lot of organizations have been "leave" victims of a disaster because the limits of the humanitarian field.

Not all actions are valid in humanitarian work. Sending troops one month after a crisis is not an example of efficiency. The resulting cost per beneficiary after the intervention of several armies in Pakistan and for the Tsunami are not good examples. The response has to be appropriate to the needs.

In some conflict situations, due to security reasons, the temptation of militarization of the humanitarian aid is increasing, while aid should being more "assistance" and less "armed". As the President of the ICRC said, "it is necessary to check that values are not destroyed by the arms that pretend to be protected by itself".

Also, the unique model does not fit in all the cases. The integral (self contained) model of the military could be understandable in some conflict contexts but not valid in natural disasters.

Other actors exist such as Regional Governments and their increasing participation in the humanitarian action through decentralized cooperation, civil society, companies, media...

Let's take the volunteers as another example. The European Constitution, the ECHO Strategic 2006 and the Barnier report mention the European Volunteer Corps in Humanitarian Aid. In this way, we should not forget what we mentioned before: humanitarian work requires the respect to some principles and values, and demands a professional work based on experience.

The mobilization (human resources, political, economic, logistics,...) capacities require a full dialog with the civil society, media, governments, armies, companies,...It is not restricted to the NGO's and IO's It is necessary to bear pall the actors in mind, which need to include transversal considerations related to prevention, assistance and development (the imperative of assistance due to priorities of the needs in the local communities).

The States have to respect the human rights. The NGO's and IO's have the experience and capacity to assist the victims of disasters. The armies have logistic capacity, participate in peace keeping operations and can contribute to bring security to give humanitarian assistance. Private companies can bring technical assistance...but to recall the words of Mr. Toure (former President of Mali and special Ambassador of UN in Africa): "the humanitarian aid has to be integrated more often in the development strategies...the humanitarian organizations also need to increase their coherence through a code of conduct. This will avoid to have too many crocodiles in the same river."

From the point of view of the Spanish CONGD, we would like to highlight four basic points to require the compromise of all the actors:

- Respect and recognition of the impartial and neutral character of humanitarian aid and the other principles and values;
- High respect of the mandates of every institution;
- Establishment of a protocol for coordination leaving responsibilities to the different actors;
- Ability to coordination and learning process for all actors;

We take the opportunity of the presence of the ECHO representative to get the compromise to support and disseminate on the following question: which are the adequate models and criteria of the Humanitarian Action and which are not? In other words, there is a need to establish clear criteria which would evaluate the practices.

Thank you very much for your attendance.

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**Presentation of Mr. Jacobo Ocharan, International Operations Director at Intermon-Oxfam
on protection of Civilians in armed conflict**

Millions of people live amid the carnage of armed conflicts that are taking place all over the world. Militias and paramilitary organisations, along with government forces, have been terrorising civilians in conflicts that seem to have no end for many years.

From Sudan to Colombia, Liberia to Indonesia, Palestine to Iraq, millions of people continue to be killed, raped, wounded and forced to flee their homes. In many cases, civilians are the direct target of hostility and not just victims of misfortune. (today 90% of the deaths in armed conflicts are non-combatants). Added to this is the suffering caused by forced displacement, loss of property and loss of livelihood).

In 2005, there were some 13 million refugees, most of them in African and Asian countries (75 per cent), and between 20 and 25 million people were displaced internally within their countries. These people are all exposed to situations of insecurity and lack of access to basic resources. Refugees are normally found in situations of poverty and in vulnerable areas where there may be competition for scarce resources, which may in turn lead to further conflict and instability. The countries that receive refugees are often themselves suffering conflicts and, in many cases, they have little capacity to protect their own citizens or, indeed, established legislative norms to tackle the influx of refugees.

Some countries, including in many cases Western nations, shut their borders to refugees and force them to return to the dangerous situations from which they were fleeing. Official statistics show that even in the European Union, which receives far less refugees than other regions of the world, the fight against illegal immigration has been pursued to the detriment of the responsibility to provide reasonable access to asylum.

The threat to civilians has also affected humanitarian aid workers. Desperate people's access to aid depends on humanitarian aid agencies being perceived as impartial and independent bodies. The erosion of "humanitarian space" makes it difficult for assistance based on real needs to be distributed and, on occasions, this has led to aid agencies and the humanitarian workers becoming the victims of attack.

Direct attacks on civilians have become a cruel reality of the majority of conflicts and humanitarian crisis situations taking place around the globe. And even though the respective governments hold the main responsibility for protecting civilians in such situations, the international community must act when those governments do not take action to guarantee that protection. Such action is far too infrequent and often arrives far too late and, as a result, the suffering of civilian populations has increased greatly in current conflicts, many of which are "forgotten wars".

Clear examples of this include Sudan and Palestine, where civilians live their day-to-day lives against a threat of violence which impedes their access to even the most basic services.

In these cases the international community is not responding as it should, especially in the case of the ongoing hostilities between Israel and Palestine. Not only is Israel not being pressured to keep its commitments under International Humanitarian Law, but the international community is also withdrawing its economic support for the Palestine National Authority, thereby forcing its population into even greater vulnerability. In the case of Sudan, the support for the Urgent Action appeal has been positive, but not enough to alleviate the suffering of 1,5 million people who have lost their homes in Darfur. The Democratic Republic of Congo, which has had the highest mortality rate in the world since World War II, and the 20-year conflict in the north of Uganda, are other examples.

The continuing sale of arms and munitions to conflict zones or regions where human rights abuses are widespread is another sign of the double-standards accepted by the international community. There are documented cases of the sale of arms from the UK to the Democratic Republic of Congo and Nepal, and from France to a number of African countries. Spain, meanwhile, is the principle exporter of ammunition to sub-Saharan Africa.

The international community, with the EU as one of its major players, is often motivated mainly by a political or geostrategic agenda. **The time has come to focus international attention on the conflicts that kill and impoverish millions of people year after year.** In order to do this world leaders, including the EU, must act in a more coherent fashion to protect civilians and guarantee the impartial supply of humanitarian aid based on people's needs rather than political objectives.

The protection of civilians supposes guaranteeing **the rights of any person to live free from violence or the threat of violence** (murder, torture, rape, kidnapping etc), **free from coercion** (forced displacement, prostitution or force recruiting) and **free from deprivation** (access to humanitarian aid, destruction of refuge, property or livestock or denial of the means to make a living)

It is also true that some hopeful signs of progress has been seen:

- Firstly, the establishment of the **Good Humanitarian Donorship principles**, which is being accepted by the EU's member states.
- Participation, with troops or other forms of support, in UN and African Union peacekeeping missions, or initiatives like Operation Artemis in DRC. These advances could be put at risk if the countries involved let geopolitical agendas come first
- The adoption of the **Responsibility to Protect** principle has been a historic step forward in the protection of civilians. In September 2005, in the UN in New York, world leaders recognised their collective responsibility to protect civilians from genocide, war crimes, crimes against humanity and ethnic cleansing with all the instruments at their disposal, including force as a last resort when a national government cannot or does not want to meet its obligation to protect civilians. With this commitment the international community recognised that it cannot close its eyes and remain passive in the face of flagrant cases of violence against civilians.

The agreement has four basic elements: the national obligation to protect and to prevent, the international obligation to give support for this effort and the collective obligation to act quickly and effectively. Despite this clear step forward, there are many governments that are opposed to any measure which supposes limiting the prerogatives of sovereign states to do whatever they please within their own borders. For this reason it is necessary that the agreement expressed on paper also manifests in the clear political will to make this a reality and protect the lives of millions of civilians.

The EU can and must play a crucial role in supporting the development of this principle, contributing to the strengthening of mechanisms of prevention and supporting countries in their efforts to meet their responsibilities.

When it comes to the complex issues of how to protect civilians, there is no one basic action for all cases, but the international commitment is the key. The following points are fundamental requirements which all states, including the EU, must meet in keeping with their responsibility to protect civilians.

- **Negotiate access to humanitarian aid:** Insecurity often impedes people's access to humanitarian assistance (eg: Afghanistan, Liberia) and in many cases, humanitarian workers also find themselves under threat and thereby unable to do their jobs (Iraq). This translates into a risk of famine and disease. In these cases the international community has a responsibility to engage with and pressurise the relevant parties in order that people in need can get what they require. Governments who are not directly involved in the conflict in question can still do a great deal to demand that the belligerent parties guarantee said access. (The EU could do this in Palestine or Sudan)
- **Pressure the parties involved to protect civilians:** The international community can pressurise the parties involved in a conflict to sit down to talks and sign a peace agreement, as happened in Sudan. Getting things moving towards a peace agreement generally requires an international commitment to assure the protection of civilians on the path to peace. (In the case of the EU, this can happen in Palestine, DRC, Sri Lanka etc...)
- **Support peacekeeping operations with soldiers where appropriate:** Sending troops to a conflict zone, in order to guarantee the safety of civilians, is a means by which the international community can save many lives. Peace operations must have a clear mandate and sufficient resources to achieve their objectives. The participation of different countries in these types of operations, with funds and forces, is an indicator of their commitment to peace. The EU has always made substantial

contributions to peacekeeping efforts carried out by the UN and African Union. It also carried out its own mission in DRC.

- **Hold to account and process criminals:** Guaranteeing that those forces which put civilians at risk are brought to justice. This means supporting local and community justice initiatives and backing national judicial systems. At the same time, the EU must continue its support for the International Criminal Court and other international courts.
- **Strengthen controls on arms transfers and bring about the adoption of an international agreement on the arms trade:** In 1998 the EU established a Code of Conduct covering the export of arms. This in turn established a set of criteria under which the export of arms should not be permitted to countries experiencing conflicts, or where the weapons might be used for repression or human rights violations. Adherence to this code remained voluntary, however, and some EU countries continue to supply weapons which are used to commit abuses against civilians. The EU must strengthen its Code of Conduct, making it a document of common policy for all its member states. The EU must also push hard for the agreement of an international treaty on the arms trade, at global level, in order to reign in the current situation in which conventional weapons arrive in the hands of people who use them to cause suffering to millions every day.

RECOMMENDATIONS

On behalf of the NGO community, we recommend the following measures to protect civilians:

- **The international community, in this case the EU, must commit to helping resolve complex conflicts and protecting civilians trapped in “forgotten” crises.** In order to achieve this they must use all the tools previously discussed, from diplomatic pressure to the use of force (when necessary).
- **The EU must influence belligerent forces all over the world to meet their obligations under international law.** It must also abstain from selling weapons to allies that commit abuses.
- **The EU must implement new systematic procedures in order to evaluate what actions are necessary in each crisis to protect civilians** from violence, deprivation and coercion. The EU should also work with other relative bodies in order to carry out the actions required.
- **The EU must, at all times, recognise and preserve the independent, impartial and civil character of humanitarian aid,** while also pressurising parties embroiled in conflict to guarantee this aid, along with the protection of humanitarian workers.
- **The EU must offer guarantees that no civilian will be obliged to flee, or be repatriated where there is danger of violence, forced recruitment, sexual aggression or the absence of humanitarian aid.** All governments should defend the right to asylum and work together continuously to offer lasting solutions for the people involved.
- **The EU must make greater investments, on a continuous and more equitable basis, to tackle the causes of forced migration.** The EU must also guarantee that its efforts are not reserved solely for regions from which it receives asylum-seekers. This work should develop in response to needs everywhere.

VOICE Round Table Meeting - 29th June 2006, Madrid

Presentation of Ms. Anna Jefferys (Save the Children – UK, member of the VOICE Board)
on protection of civilians in armed conflict

What does responsibility to protection mean to humanitarian NGOs?

The responsibility to protect was set out by the International Commission on Intervention and State Sovereignty (2001), and reaffirmed by the UN High Level Panel in 2004. The continuing massive human rights abuses occurring throughout the world, in places such as DRC, northern Uganda and Darfur show how much still needs to be done to make a reality of these principles. Conflict is the ultimate threat to development, and, war crimes and crimes against humanity genocide are extreme manifestations of conflict. National, regional and international responses to conflict and abuse still need to be strengthened if the responsibility to protect is to become a reality. The UN reforms and the creation of a peacebuilding commission and human rights council as well as developments in the recognition of the rights of the internally displaced, and on the part of States, the Good Humanitarian Donorship initiative, among other developments, are indications that within certain institutions of the international community there is a vision of how to better realise civilian protection. These reforms of course need to go further. In the UN for instance, they need to go beyond humanitarian and human rights to include reform of political institutions such as the Security Council. Ultimately it's up to States to make all of these changes and to turn the vision of responsibility to protect into a reality. For, as stated recently in the NGO statement to UNHCR's Standing Committee, "the responsibility to protect is first and foremost an individual State responsibility and that only where the State fails, there is a collective responsibility to act".

When protection does become a wider responsibility, the international community specifically needs to:

- More effectively direct preventative action to conflict, including better analysis of its underlying causes.
- Strengthen both regional institutions and the international community's peace and security capacity
- Develop the necessary political will for effective action
- Better understand the dynamics of conflicts to come up with lasting solutions that are relevant at the local level.

Protection is *the* buzz word of the moment. Donors' international development departments are increasingly predisposed to committing funding to targeted protection activities as part of their humanitarian commitments.

And humanitarian NGOs are increasingly likely to include it as one of their core activities.

However, we each take protection to mean different things depending on our mandate and functions, be it military, political or humanitarian. Because of this, protection has come to mean such different things to different people that its meaning has been increasingly blurred.

For **peacekeepers** for instance, protection may involve providing security by force. It is cited in relation to threats on peace and security which may incorporate the deployment of civilian police, peacekeepers and humanitarians, peacemaking, keeping, enforcement and building.

For **UNHCR** meanwhile protection means safeguarding the legal rights of the 19.2 million people who are uprooted around the world, with its cornerstone the 1951 Refugee Convention.

For **humanitarian NGOs** protection may involve ensuring civilians human rights are met, including access to food or to education. Other agencies take a more focused view, to specifically address **protection from harm**: that is, exploitation, abuse, neglect, and violence.

For **Save the Children**, protection means protecting children's rights, as enshrined in the UN Convention on the Rights of the Child, to ensure that actors live up to their duty to protect these rights, and, as an NGO for us to fill in the gaps where they exist.

Finally, **people on the ground**, have their own nuanced views of protection. As part of a Tufts study on perceptions of human security in Afghanistan, Sierra Leone and Kosovo, civilians noted that protection meant freedom from fear and violence, and solutions to them meant, freedom to send their children to school without fear.

To the over 2 million people who are displaced from their homes in **Sudan**, many of them living in IDP camps, protection for women and children might mean something as simple as being able to collect firewood without being abused.

Too often, we fail to ask these people what they want or need.

The danger is that what we collectively 'sell' as part of our protection solution, does not necessarily equate with the kinds of activities that people would prioritise on the ground.

For instance, to use an example recently cited by MSF Holland, UNHCR published a report outlining the kinds of actions it plans to undertake in order to develop stronger protection partnerships with NGOs. These actions include such language as '*promoting awareness of protection principles*', '*promoting partnership*', '*documenting issues*', '*exploring best practice*', '*providing guidance*'. And this language is appropriate to a humanitarian agency.

However, if I was a woman living in an IDP camp in Sudan, my family facing the risk of violence on a daily basis, these are not the kinds of activities I'd be hoping for the international protection community to employ. I would want more, well-trained civilian police. I'd want military protection, as well as provision of aid and community mobilisation. This is where the responsibility to protect agenda on the part of political actors, becomes so important.

The danger is that by increasingly framing humanitarian work as protection work, we all risk using humanitarian agencies as a mask for States lack of political will to commit the necessary resources to provide the physical and security protection that these people need.

NGOs can and do help to provide vital protection to civilians in conflict. But they can only provide a part of the whole protection package, complementing the efforts of other duty-bearers.

Humanitarian agencies engage in a number of ways, the following two being the most prevalent: **direct programming** activities which will include building the capacity of local institutions and working with local partners; and advocacy **work** to hold duty-bearers –to account to live up to their role to protect civilians.

So, how do NGOs engage with political, multilateral and military actors in trying to make the international protective system work more effectively?

I'll now turn to some examples:

At the National Level protection Programming work might include:

Working with governments to **reunite families** who have been separated because of conflict – for instance in DRC or Darfur. This includes trying to ensure that **children are not abandoned in institutions** as a result of crises – e.g. in Sri Lanka by working with governments to reunite them with their families.

Trying to **prevent children from being recruited into armed forces** through working with communities e.g. in DRC, or Liberia, to provide them with alternative solutions, and promoting rehabilitation and reintegration strategies that work in the long term.

Cooperating with the UN and governments to **monitor and report instances of abuse and exploitation** of children that have taken place – e.g. in Liberia, and trying to set up better inter-agency SEA monitoring systems.

Setting up child protection committees in communities so that communities are better prepared to prevent abuses from happening – everywhere from Indonesia to India to Liberia to Pakistan to Darfur.

Or,

Working with police forces on the ground to try to prevent children from being illegally trafficked, abused and exploited and criminalised. Eg. in Burma.

Meanwhile, **advocacy at the national level** might involve working with governments and service providers **to promote legal reform** in emergencies, for instance by pushing for moratorium on international adoption in the Tsunami.

Or, to push all governments to create **national protection systems** that incorporate the appropriate legislation, (laws, policies and standards,) resources (for instance child welfare officers), services (e.g. parental education, fostering services for children, monitoring of orphanages etc.), political will, community and state commitment to protection.

This would involve working with service providers, including governments, to ensure that every child receives an integrated package of care and protection services.

Regional Protection

At the regional level programming and advocacy might include for instance:

Ensuring DPKO applies lessons learned from past disarmament, demobilisation, rehabilitation and reintegration strategies are applied in all DDDR scenarios – for instance across the West Africa region, in Sierra Leone, Liberia and Cote d'Ivoire.

Or,

Supporting the AU in helping to realise the first ever binding treaty on IDP protection; and to ensure that the IDP principles are then implemented and transposed into national law.

Finally, **at the international level:**

International Protection Programming might involve **developing useful protection tools** –for instance ALNAP protection guidelines which outline different approaches to protection.

Ultimately, as awareness of protection needs grows, might we even see, a chapter on minimum standards to protection programming is included as part of the Sphere Standards? This, in addition of course, to protection being mainstreamed across all sectoral responses.

And advocacy might address issues such as SGBV.

An area of deep concern that we have is the kinds of violence that occur on the margins of conflicts, and that are thus not necessarily picked up by traditional protection mechanisms. For instance, in conflicts all over the world rape and sexual violence are used as weapons of war.

Progress has been made in terms of taking this issue seriously and greater understanding of its use as a method of war. However, duty-bearers still need to do more to create an environment of zero tolerance for this issue.

While a number of NGOs and UN agencies including the DPKO have developed such codes, putting them into practice is much harder. And on the part of peacekeepers it is even more complex when troop-contributing nations are ultimately responsible for their troop behaviour.

NGO efforts in this area include trying to put our own houses in order, with rigorous whistle-blowing policies and clear monitoring systems; and advocacy amongst international actors including international donors, national governments and militaries to set up ombudsman offices on sexual exploitation and abuse, with clear inter-agency monitoring and reporting mechanisms.

Conclusions:

We are pleased to note that protection of civilians is high on the agenda of some actors, across the international system. It's clear that progress is being made. I point to 4 examples of this that are particular to the UN, and within that, to its humanitarian and human rights apparatus. NGOs will continue to monitor these in order to hold them to account so that they go as far as they possibly can. In order to work they will require vigorous support from State actors.

The Human Rights Council

We welcome the establishment of the new Human Rights Council as an important step forward for the protection of victims of human rights violations. NGOs look forward to working alongside the Council to strengthen human rights and child rights standards worldwide. However the HRC must work hard to avoid some of the pitfalls of the previous HR Commission, if it's to be effective.

The Peacebuilding Commission

It's notable that the UN is beginning to be more focused on post-conflict situations, as evidenced in part by the setting up of the Peacebuilding Commission. Unless this commission is properly resourced, then its ability to carry out its mandate will be seriously compromised. Further, the PBC must set up a mechanism to gather feedback from civil society based organisations and NGOs on the ground that are aware of the possibilities for developing peace at the community level, if it's to be of relevance.

Where we still need better solutions is more effective processes for investment in the **prevention of conflict**, building on the investments made to date on early warning functions and the establishment of an evidence basis for international policy on conflict prevention.

Monitoring and Reporting Mechanism

A third area where NGOs note progress at the UN level, is the UN Secretary General's call for a mechanism to collect and provide timely, objective, accurate and reliable information on the recruitment and use of child soldiers and other violations, as part of UN Security Council Resolution 1612.

This stipulates that the monitoring and reporting mechanism on grave violations of children's rights be implemented by UN country teams, led by UNICEF.

We fully support this mechanism. However, NGOs support will for the most part be contingent on respect of our need to preserve our real and perceived independence in relation to the mechanism in order to protect the security for NGO staff and populations, confidentiality of our work with beneficiaries, and wider response mechanisms for children.

Internally Displaced People

Finally, civilians enjoy substantive legal protection – in the form of the Geneva Conventions, international law, international human rights law, and refugee law, among other customary laws.

In the light of the growing numbers of internally displaced persons in need of protection, we are pleased to note that the international community is waking up to the need for an agreed legal framework for IDPs. NGOs will have to continue to push the UN and governments to come up with legislation that works at the national and international levels.

So to finish, in order to operationalise the responsibility to protect, it must be properly supported and resourced by State actors.

Finally, we need to be much more explicit in our terminology and in defining different kinds of protection – physical protection, legal protection, child protection, etc. and in so doing, to try to be clearer about our own roles, both their scope and limitations, in the process.
