

strengthening **PROTECTION** in war

a search for professional standards



INTERNATIONAL COMMITTEE OF THE RED CROSS

STRENGTHENING PROTECTION IN WAR

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a search for professional standards: summary of discussions
among human rights and humanitarian organizations

Workshops at the ICRC, 1996-2000
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foreword fore

By Danielle Coquoz

Over the past decade the number and variety of humanitarian and human rights organizations working in connection with armed conflict has grown steadily. There has been a proliferation of meetings to promote dialogue and ways have been devised to coordinate the work of those organizations among themselves. Everyone agrees on the need for greater professional competence and operational coordination.

In 1996, the ICRC initiated a discussion on how best to protect civilian victims of conflict given the many different aspects of and approaches to modern-day humanitarian endeavour. For four years in a row, representatives of a large number of humanitarian and human rights organizations have met at a workshop organized by the ICRC to discuss the meaning of the term “protection”, the principles on which their work is based, the consequences of their operational choices and how best to optimize coexistence between the different organizations. The ultimate objective has been better protection of human life and dignity when conflict breaks out.

How can political and military leaders be persuaded to shoulder their responsibilities towards civilians and ensure that impartial aid – the keystone of humanitarian work – can go ahead unhindered? In keeping with its history and the law on which its work is based, the ICRC takes a two-pronged approach: promoting compliance with international humanitarian law and providing aid to the victims of conflict. One complements the other. The organization’s successes and failures over the years have combined to give it substantial experience with the dilemmas thrown up by this dual enterprise. In recent years, several other humanitarian organizations have also taken an active interest in protecting civilians affected by conflict.

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It is time to share this ever-growing experience, the difficulties encountered and the many remaining questions with others engaged in humanitarian work in order to ensure that each of us gains from the other's experience.

The aim of this dialogue is not to make our practices uniform but to sharpen our perception of what protection is all about and thus to choose operations accordingly and determine how best to carry them out. We must also strive to make the work of the different organizations as complementary as possible by means of an intelligent assignment of mandates and working methods.

This summary of the dialogue that took place in the four workshops presents the main conclusions of those gatherings. It is, let us hope, a milestone on the way to further fruitful discussion.

Danielle Coquoz

Head of the ICRC's Central Tracing Agency and Protection Division



introduction

1- Protection – an ever more widely appropriated activity

Material relief and protection: a necessary combination

Armed conflict causes a wide range of human tragedies. They leave in their wake people with basic needs that humanitarian and human rights organizations endeavour to meet, each according to the means at its disposal. These needs are often material – the need for food, medical care and housing, for example – but the victims also require protection from violence and arbitrary acts and they need a means of preserving their dignity.

Traditionally, humanitarian organizations work to meet the material needs of people affected by conflict. Obviously, many of those material needs result from violations of the law committed by the warring parties. These violations are sometimes arbitrary acts committed in situations where hate and irrationality get the better of reason. But – and we have seen this in many recent conflicts – they can also be the consequence of deliberate policy, ranging from harassment to genocide.

It is therefore difficult for humanitarian organizations to provide material assistance to the victims without also being concerned about why they are in need in the first place or about the impact which that assistance will have on those people's safety. When it comes to armed conflict, the “protection” aspect of humanitarian action cannot be ignored. If it is, that action at best brings only partial relief; at worst, it can actually prove harmful to those it is intended to help.

Some humanitarian organizations have already gone some way in incorporating protection work into their operations. They endeavour to protect groups of individuals or entire population groups – internally displaced people, refugees, detainees and others – from the effects of conflict (violations of the law and other hostile or repressive acts). In so doing, they seek to prevent violations in the first place and not merely to deal with the aftermath.

The work of human rights organizations, on the other hand, is traditionally oriented toward protection. Their aim is to bring about compliance with the law: to put an end to violations and the suffering they cause. Human

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rights organizations favour “going public” and condemning the violations that they document. There would appear to be a natural complementarity between this approach and the work of humanitarian organizations. However, a number of questions arise.

Recently, several human rights organizations have markedly altered their operating practice by launching their own activities in the field. There are many factors behind this development, not least pressure from those organizations' donors.

One consequence is that humanitarian organizations and human rights organizations no longer live in two separate worlds. They thus share more concerns than they once did. They increasingly interact, questioning each other's methods. Sometimes they have difficulty understanding one another.

The reality on the ground is that both humanitarian and human rights organizations are today shouldering new responsibilities in the realm of protection, and there is a lively debate regarding the meaning and the consequences of this involvement.

Protecting civilians – primarily the responsibility of the States

Protection is required by the law. Those who are bound by the law have a responsibility to implement it. Thus, the duty to protect civilians traditionally belongs first and foremost to the States.

It is because States have often refused to shoulder their responsibilities, or have been unable to do so, that humanitarian organizations have had to increase their involvement in protection work. Since protecting civilians is no longer considered the exclusive role of States or non-State armed groups, other entities such as humanitarian organizations and private enterprises today engage in this activity.

This shift of responsibility is not without risk. Humanitarian organizations – including those to which the international community has given specific mandates for the protection of civilians – have repeatedly stated that protection must not be considered solely their responsibility. Though this should be obvious, they have found themselves reminding the world of the central role to be played in protection by governmental and non-governmental entities.

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The need for critical analysis of practice

With protection looming ever larger in their concerns and in their work, the organizations have been at pains to show caution and greater responsibility regarding the consequences of their acts. This means squarely facing new questions, operational difficulties, dilemmas and hard choices.

In order both to minimize undesired effects and improve their professional response in the field of protection, organizations have grasped the need to gauge the effects of their endeavours, to make a critical analysis of their practices and to draw up recommendations to serve as a basis for professional standards.

2- The protection workshops: an opportunity for informal discussion

A unique process

In 1996 the International Committee of the Red Cross (ICRC) and a group of experts from human rights and non-governmental humanitarian organizations launched the first workshop on protection at ICRC headquarters in Geneva. Its aim was to serve as an informal setting in which to exchange views and promote understanding of professional principles that should govern protection work. The meeting was mostly intended to bring together people with different professional backgrounds from organizations not having a specific protection mandate.

This first workshop was followed by three other sessions, also at the ICRC in Geneva, attended by representatives of United Nations agencies and research institutions. This launched a process which is in many aspects unique.

Over a four-year period, the workshops were attended by more than 100 people from 50 different organizations and institutions (see Appendix 1).

The participants' wide range of experience, background, working methods and modes of action produced an exceptionally useful discussion.

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Each workshop participant was invited and attended in his or her personal capacity and thus did not officially represent his/her organization. The discussions were therefore open and unburdened by institutional exigencies.

Though only a small group of people took part in all the discussions, holding the workshops over a period of four years made it possible to engage in long-term reflection.

The length of the process also enabled the participants to cover a wider range of issues and to study ongoing events from a broader perspective.

Brief overview of the workshops

First workshop: "International humanitarian law and protection" (18-20 November 1996)

The ICRC initiated a dialogue with organizations and individuals involved in human rights and humanitarian endeavour regarding protection-related issues arising during armed conflict. Some 30 non-governmental organizations (NGOs), UN agencies and academics took part. The aim was to discuss the challenges and impact of humanitarian and human rights action and to strive for greater mutual understanding of operational practice in the field of protection.

Second workshop: "Protection, Toward professional standards" (17-19 March 1998)

The second workshop dealt mainly with the hard choices and dilemmas often faced by organizations working to protect victims of humanitarian law or human rights violations. In an attempt to lay the groundwork for professional standards on protection, the workshop drafted a number of conclusions in the form of general guidelines.

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Third workshop: "Doing something about it and doing it well" (18-20 January 1999)

The goal of the third workshop was to formulate and consolidate a conceptual framework that would enable the participants to establish both effective strategies and sound professional principles on protection. The proceedings allowed them to reflect on a common understanding of the term "protection", on ways of identifying activities relevant to protection and on professional standards formulated during the sessions using concrete case studies.

Fourth workshop: "The challenges of complementarity" (16-18 February 2000)

The fourth workshop focused on the issue of complementarity and studied the link between military intervention and humanitarian action in the light of the Balkans conflict. Lessons learnt from the difficulties of operating in certain situations, such as Chechnya and Burundi, were also analysed in order to clarify how the spheres of action of the various humanitarian agencies might be combined.

A model for "complementarity mapping" between humanitarian agencies was also presented.

A process with limitations

The workshops also had limitations, among them the following:

- Scope: the participants were unable to fully explore all the dimensions of the issues raised. This was due both to the wide range of subjects discussed and to the limited time available.
- It was simply not possible to cover all matters related to protection.

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- Since each participant attended in his personal capacity, the proceedings and conclusions do not necessarily represent the organizations' official positions on the subjects discussed.
- No local organizations from countries in conflict took part. The workshop process was therefore a "North-North dialogue" as it specifically focused on challenges faced by international organizations. Given that local organizations are also involved in protection activities, this represented a shortcoming. Similarly, the victims of conflict were not directly represented.¹

3- The need for a summary

As a means of facilitating further exchanges, the ICRC published a report following each workshop compiling the presentations and discussion.²

The participants in the fourth workshop made the point that the time had come to produce a summary of the proceedings since 1996. They believed that it would help organizations undertake a critical analysis of the material gathered and assist them in making use of it. They recommended that all the material be reviewed so that provisional conclusions, reflecting the current state of the discussion and pointing the way to future work, could be drawn up.

The present summary seeks to be as faithful as possible to the discussions and ideas presented. **The challenge for the workshops was to gradually find common ground regarding protection through an exchange of views, while respecting each other's specific identity, background and abilities.**

¹However, within a different framework, a worldwide consultation on the rules of war (People On War) was carried out by the ICRC. The results – *The People on War Report* – were published in October 1999 (see Appendix 3).

²Carlo Von Flüe, *International Humanitarian Law and Protection, Report of the Workshop* (18-20 November 1996), ICRC, 1997. Carlo Von Flüe, Pascal Daudin, *Protection, Toward Professional Standards, Report of The Workshop* (17-19 March 1998), ICRC, 1998. Carlo Von Flüe, Jacques de Maio, *Third Workshop on Protection for Human Rights and Humanitarian Organizations, Doing something about it and doing it well, Report on the Workshop* (18-20 January 1999), ICRC, 1999. Jacques de Maio, *Fourth Workshop on Protection, The challenges of complementarity, Report of the Workshop* (16-18 February 2000), ICRC, 2000.

introduction intro

A three-dimensional process

The following summary is composed of three parts, each corresponding to an aspect of the workshop. As the years have gone by, each of the three has fostered discussion of the other two, achieving a sort of synergy.

- The first part is devoted to concepts and theoretical models for discussion and analysis of humanitarian action. These were suggested during the workshops as a means of progressing toward a common understanding and a common language regarding protection. The comments that were made of these tools are also presented. This part includes a definition of protection, a proposed framework and a presentation of different modes of action and issues related to complementarity.
- The second part identifies the main operational matters dealt with during the workshops, the discussions which they prompted and the provisional conclusions reached. Most of these subjects are accompanied by an operational example presented during the workshop. These examples also reflect the various concerns that have arisen at different times in the ever-changing history of armed conflict.
- The third part summarizes the discussions and main conclusions regarding relations between the organizations themselves and the three groups that play a role, to one degree or another, with regard to protection: the media, international military forces and the donors.

Re: the term "organization" has been used to refer simultaneously to human rights and humanitarian organizations. This choice, taken for reasons of convenience, has no bearing on the respective identities, responsibilities and working methods of human rights and humanitarian organizations.

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STRENGTHENING PROTECTION IN WAR

part one

a search for

COMMON

GROUND

on protection

chapter a framework for

1- The quest for a common language

Over the past few years, shared working principles regarding humanitarian assistance have emerged among the organizations involved. Though the task has not been easy and a degree of ambiguity persists, most of the humanitarian agencies appear to have some common understanding of the term "assistance": a tangible concept encompassing agreed standards and methodology, it can be measured in tonnes of food delivered or the number of surgical operations performed.

No similar yardstick exists for protection: neither the word nor the concept has the same shared understanding. Protection means something different for each organization, depending on its mandate and its working methods, if any. Moreover, each organization uses a vocabulary of its own which is not necessarily consistent with that used by others and may therefore lead to misunderstandings.

It is not the least of the paradoxes noted within the framework of these workshops that people were gathered around the table to discuss protection but that no two individuals seemed to have the same understanding of the term. It was therefore viewed as crucial to agree on a common language.

One of the keys to the search for this language has been an attempt to look simultaneously for a common way of *talking* about the work while preserving the richness and specificity of each separate organization, i.e. respecting the identity of each one.

This attempt to agree on concepts and definitions may at first sight appear to be a highly theoretical if not useless exercise far removed from the hard realities of the field. Indeed, this criticism was made in the workshops. That criticism has faded since the search for a common understanding and language facilitates further interaction within the humanitarian and human rights community. In addition, even a limited degree of greater mutual understanding is likely to enhance the relevance and quality of the organizations' work.

1 protection

2- An agreed definition of the purpose of protection

A constant theme of the workshops has been the search for agreement about what “protection” means. This search has been arduous. Three successive definitions were drawn up, which attests to the difficulty. But acceptable wording was finally found.

Participants defined protection as encompassing “all activities, aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law (i.e. human rights, humanitarian law and refugee law). Human rights and humanitarian actors shall conduct these activities impartially and not on the basis of race, national or ethnic origin, language or gender” (1999).

Two previous definitions had been attempted:

- “... all activities which consist in collecting information on violations of human rights and humanitarian law (*and professional codes of ethics*) in order to give the competent (*relevant*) authorities the means to prevent, put a stop to, or avoid the recurrence of such violations and to convince them to take the appropriate measures... ” (1996)³;
- “... in the case of humanitarian actors,... all activities designed to (*shield human beings from violations of international standards and to*) (*assist the competent authorities in*)⁴ (*detering*) prevent, put a stop to or avoid the occurrence or recurrence of violations of international human rights, humanitarian law and refugee law and to ensure to bring them (*encourage local authorities*) to take the appropriate measures (*and to build a climate of respect for human rights*)... ” (1998)⁵

The concept of protection encompasses

- “... all activities aimed at ensuring full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law, i.e. human rights law, international humanitarian law and refugee law. Human rights and humanitarian organizations must conduct these activities in an impartial manner (not on the basis of race, national or ethnic origin, language or gender)”.

³Two definitions had been proposed during the workshop and were combined as presented. Additions to the definition suggested by some participants are in brackets.

⁴Deletion of this phrase was suggested by some participants.

⁵This definition, proposed by a drafting committee during the workshop, was judged over-restrictive by some participants, who proposed amendments. Those amendments are in brackets.

a framework for

Whether the definition adopted in 1999 is the 'last word' remains to be seen. It would, for example, be possible to add the social, political and religious impartiality to the general principle of impartiality.

Although very broad and therefore difficult to apply operationally, the 1999 definition at least provides a frame of reference and a basis for further work, if needed and desired.

3- What is a protection activity?

Once the sometimes difficult process of agreeing on a definition had been completed, there remained a further question: What is exactly meant by a protection activity?

There were three views:

- For some, a protection activity was any activity aimed at implementing international law. This means that organizations have to move from a traditional view of victims and beneficiaries to one which views them as possessors of rights with legitimate claims under international law.
- For others, a protection activity is any activity in defence of human rights or which documents human rights abuses. In short, protection is human rights advocacy. Hence, not all humanitarian organizations are involved in it, as it is an activity with political overtones even though it may be based on purely apolitical concern.
- For a third category, a protection activity is any humanitarian activity, given that its ultimate goal is to protect people. According to this view, supplying food to starving people should be considered protection. In short, assistance is also protection.

The debate is not over. It continues within organizations as well as in humanitarian and human rights forums and academic circles.

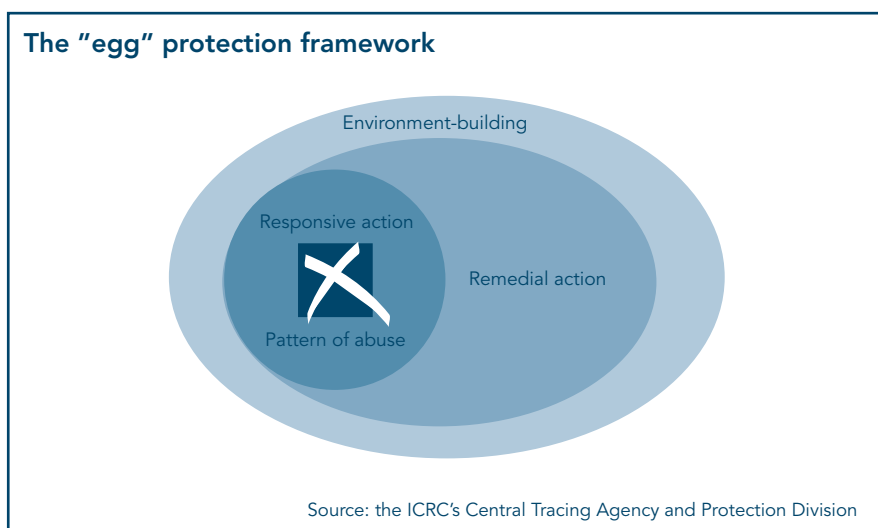
A protection activity is any activity which

- "prevents or puts a stop to a specific pattern of abuse and/or alleviates its immediate effects;
- restores people's dignity and ensures adequate living conditions through reparation, restitution and rehabilitation;
- fosters an environment conducive to respect for the rights of individuals in accordance with the relevant bodies of law."

protection

4- A proposed protection framework: the “egg”

The ICRC’s Central Tracing Agency and Protection Division sought to overcome these differences of view by proposing a concept that included different practices within one framework. This model divides into three groups the various activities undertaken by humanitarian and human rights organizations when the authorities have failed to meet their obligations under international law. These three groups – or types of activity – constitute a “protection framework” which may be imagined in the form of an egg and which is meant to convey the non-hierarchical and interdependent nature of the activities as well as the possibility of carrying them out simultaneously.



The egg image embraces three types of activity which combine to form a comprehensive protection framework:

- **responsive action:** any activity undertaken in connection with an emerging or established pattern of abuse and aimed at preventing its recurrence, putting a stop to it, and/or alleviating its immediate effects;

a framework for

- **remedial action:** any activity aimed at restoring people's dignity and ensuring adequate living conditions, subsequent to a pattern of abuse, through rehabilitation, restitution, compensation and reparation;
- **environment-building action:** any activity aimed at creating and/or consolidating an environment – political, social, cultural, institutional, economic and legal – conducive to full respect for the rights of the individual.

These three types of activities are interrelated. As a result:

- responsive, remedial and environment-building action is relevant at all times;
- their relevance depends on whether or not a violation of international law has occurred and, if so, on the timing, nature and gravity of the violation;
- the different types of activity may overlap, but no activity automatically rules out another;
- each type of activity should serve to facilitate the others;
- focusing on a single type of activity may hinder others;
- humanitarian organizations should ensure that their operations remain consistent and compatible with the entire protection framework.

Protection activities

A model proposed by the ICRC's Central Tracing Agency and Protection Division

- A. Responsive action is any activity undertaken in the context of an emerging or established pattern of abuses to prevent its recurrence, put a stop to it, and/or alleviate its immediate effects by:
- pressuring the authorities concerned, through public disclosure, into taking the measures needed to stop the abuse and prevent its recurrence;

protection

- convincing the authorities concerned, through dialogue, to take the same measures;
- providing direct services to the victims of the abuse by:
 - being present (in the affected areas, displaced camps, places of detention, etc.);
 - registering them;
 - carrying out transfers/evacuations;
 - providing information and communication;
- alleviating the victims' immediate suffering by means of appropriate
 - material assistance;
 - medical assistance;
 - restoring/maintaining family links (tracing missing relatives, organizing family visits, exchanging messages and/or letters);
 - psychological care and social assistance;
 - technical support for local facilities (public and private);
- helping ensure respect for the judicial rights of the individual by providing legal assistance to persons who are the object of judicial proceedings and support for their families.

B. Remedial action is action taken to restore people's dignity and ensure adequate living conditions subsequent to a pattern of abuse, in particular by:

- pressuring the authorities concerned, through public disclosure, into taking the required measures;
- convincing the authorities concerned, through dialogue, to take the same measures;
- providing direct services to the victims of the abuse by:
 - being present (in the affected areas, displaced camps, places of detention, etc.);
 - helping to bring about repatriation/resettlement/integration/ final arrangements;
 - maintaining family links;
 - helping set up mechanisms to clarify what has happened to missing persons;
 - information and communication;

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- responding to the victims' needs by means of appropriate
 - material assistance;
 - medical assistance;
 - psychological care and social assistance;
 - technical support for local facilities (public and private);
- promoting justice for victims and ensuring due process of law for perpetrators;
- taking a "lessons-learnt" approach to strengthening "environment-building" activities;
- supporting and protecting organizations (governmental, local NGOs, etc.) working to defend rights.

C. Environment-building means fostering a social, cultural, institutional and legal environment conducive to respect for the rights of the individual, in accordance with the letter and spirit of the relevant bodies of law. In particular, this is achieved by:

- promoting the drafting and adoption of treaties and the implementation of customary international law and non-treaty-based standards;
- promoting the implementation at the national level of relevant international law (harmonizing national and international law and institutionalizing the measures prescribed by them);
- promoting a fair system of justice that provides for the punishment of, and reparations following, violations of human rights law and international humanitarian law;
- creating a public culture consistent with human rights and humanitarian values;
- promoting knowledge of and respect for human rights and humanitarian rules and principles among all groups concerned;
- helping to develop and establish organizations, both governmental and non-governmental, at the national and international level, capable of enhancing respect for human rights and humanitarian law;
- creating and consolidating mechanisms at the international and national level (monitoring mechanisms, ombudspersons, etc.) for the implementation of international law.

protection

5- A challenging concept

The protection framework proposed by the ICRC's Central Tracing Agency and Protection Division was thoroughly discussed by the workshop participants. They analysed the advantages that it offered organizations when deciding on their operations and informing each other of them, as well as the questions that this concept either raises or fails to settle.

Advantages

- **An end to the assistance-protection dichotomy**

The protection framework overcomes the old dichotomy between rights and relief. It regards these two, traditionally unrelated activities as specific facets of one and the same action – they cannot be dissociated. The debate between supporters of an assistance-based versus a rights-based approach thereby becomes obsolete.

- **Reconciling emergency and development work**

The protection framework represents an all-encompassing approach which avoids categorizing urgent and non-urgent activities. By not specifying when one phase should give way to the next, it avoids the debate about the relationship between emergency action, rehabilitation and development. It highlights the fact that each type of activity that makes up protection is parallel and simultaneous rather than chronological and successive. It suggests contiguity rather than continuum.

- **Applicable in all situations**

The protection framework is applicable in all situations, whether they involve high- or low-intensity conflict. It may even be applicable in peacetime.

- **Interdependence of protection activities**

The protection framework expresses the interdependence between different types of activities, with a constant focus on their relevance. The optimum balance between the three components of the "egg" is the key to ensuring quality work.

a framework for

- **A tool for operational strategies**

The “egg” is a useful tool for analysing an organization’s activities. It can provide an internal means of identifying and planning protection work, whether in the field or at headquarters. In addition, it can help identify activities that an organization is emphasizing, as well as those which it neglects. It is a method of taking comprehensive stock of one’s work.

The “egg” also makes it possible to study the approach of various organizations to a specific problem and to assess the strengths and weaknesses of that approach.

Topics for further reflection

- **The forgotten environment**

The role of other entities, such as political or armed forces that may be involved in a conflict, is not taken account of in the protection framework. A clarification of the relationship between the framework and the broader environment is therefore needed.

- **An overly broad framework**

By describing almost all activities as “protection”, it may be that the scope of the protection framework is too broad. This may require fine tuning in practice.

6- A tool to test

In conclusion, whether praiseworthy or open to criticism, the “egg” was viewed by the participants as innovative and promising, but a tool that needs further testing. Organizations should therefore attempt to assess its practical utility. This assessment should first be carried out internally in relation to each organization’s activities. It should then be assessed in relation to the activities of other organizations.

No model, including the “egg”, offers perfect solutions. But it can facilitate a clear and substantial dialogue among organizations.⁶

⁶ Following the third workshop on protection, the protection model was reportedly used in various circumstances during the year 2000:

- the Inter-Agency Standing Committee uses this concept in devising operational strategies for its draft Policy Paper on IDPs, December 1999 (chapter “Nature of Protection for IDPs”, p. 3);
- *Action Contre la Faim* and Amnesty International staff have said that they have used it for brainstorming and internal briefing;
- the ICRC increasingly uses it for operational planning.

protection

Main treaties of international humanitarian law

- Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (1949) [First Geneva Convention]
- Geneva Convention for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (1949) [Second Geneva Convention]
- Geneva Convention relative to the Treatment of Prisoners of War (1949) [Third Geneva Convention]
- Geneva Convention relative to the Protection of Civilian Persons in Time of War (1949) [Fourth Geneva Convention]
- Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (1977) [Protocol I]
- Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (1977) [Protocol II]

Main treaties of international human rights law

- Convention on the Prevention and Punishment of the Crime of Genocide (1948)
- International Covenant on Civil and Political Rights (1966)
- International Covenant on Economic, Social and Cultural Rights (1966)
- International Convention on the Elimination of All Forms of Racial Discrimination (1965)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)
- Convention on the Elimination of All Forms of Discrimination Against Women (1979)
- Convention on the Rights of the Child (1989)

Main treaties of refugee law

- The Convention relating to the Status of Refugees (1951), and its Protocol (1967)
- The OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (1969)

chapter

the challenges of

1- Diversity of needs and proliferation of actors

No single organization is able to meet the sheer diversity of protection needs as this requires a wide array of skills and means. It is therefore natural that various organizations operate in the same arena and often cater to the same beneficiaries, regardless of the situation.

In certain cases, this proliferation of agencies has resulted in confusion and contradictions, overlap and duplication, not to mention competition and the fact that certain needs have remained unmet. These shortcomings have not only weakened and discredited humanitarian action; by hampering its effectiveness and coherence, they have actually harmed the interests of those who need protection.

Today, ensuring effective protection for people in situations in which a multitude of different agencies are working in the same places represents one of the main challenges for humanitarian endeavour. Most organizations agree that diverse identities, mandates and capabilities are desirable; they reject any attempt to make their modes of action uniform and wish to maintain a system in which the work of one complements the work of the others. But what does this concept amount to in reality? How can it be achieved? These were questions which the workshop participants attempted to answer.

2- Diversity of views on complementarity

As with “protection”, the word “complementarity” has proven ambiguous and subject to interpretation. Four views were expressed in the discussions.

- Complementarity as *coordination*: Complementarity is achieved through a specific mechanism organized by one entity. This approach is criticized by those who believe that it leads to subordination and homogenization. Many organizations are fiercely protective of their independence and therefore reluctant to have anything to do with “coordination mechanisms”, all the more so when these are sponsored by political entities.
- Complementarity as *cooperation*: Complementarity is achieved through interaction between different organizations, which creates a coherent

2 complementarity

framework of action. Some feel that it is not appropriate to have a fixed working pattern; others consider that the best way is to cooperate informally, on an ad hoc basis.

- **Complementarity as *mandate-based action*:** Complementarity is achieved when every organization works in accordance with its mandate under international law. While a mandate-based approach is legitimate, it has its limits. Whereas some organizations have clear mandates (UNHCR, ICRC, Comité pour la Prévention de la Torture), most of those active in the field and/or advocacy and providing highly useful services have no mandate explicitly enshrined in international law. The mandate-based approach therefore does not reflect the abundance and variety of tasks carried out by these organizations. In some cases, even a mandate-based approach may be insufficient given that an overlap may exist between the mandates of two or more organizations.
- **Complementarity as *division of labour*:** Complementarity is achieved through a fixed assignment of tasks to organizations according to their core identity. The most frequently cited example is that of humanitarian organizations who work “silently” in the field while human rights organizations remain in the operational background but engage in public condemnation of violations. This approach is considered dangerous by those who do not subscribe to it because it can lead to strictly partitioned action, with the risk that organizations behave in a blinkered manner. It could prompt certain organizations to divest themselves of current responsibilities because they rely on others to perform certain tasks.

3- Modes of action: proposed criteria for operational complementarity

The ICRC has developed a concept of complementarity based on varying modes of action. A *mode of action*⁷ can be defined as the technique used by organizations to protect the victims of conflict. According to the ICRC’s Central Tracing Agency and Protection Division, organizations may make use of two methods of implementing their activities: (1) ensure that the

⁷ See Paul Bonard, “Modes of action used by humanitarian players”, ICRC, 1999.

the challenges of

authorities shoulder their responsibilities and (2) provide services directly to the beneficiaries (in place of the authorities). These can be subdivided into four modes of action respectively: denunciation, persuasion, substitution and support to structures.

These modes of action:

- apply to any situation in which protection and assistance are required;
- can be used by all organizations;
- apply to any kind of approach adopted;
- are complementary and may be combined to form a comprehensive whole.

Limits to the “modes of action” concept

The “modes of action” concept may be a useful way to think about complementarity because it calls for a thorough understanding of the role of each organization and clarifies the ground rules governing its conduct. But it was also recognized that the concept has certain limitations for the following reasons.

- While the operational identity of most organizations is linked to one specific mode of action, some organizations have a variety. This depends on their mandate, identity, know-how, assessment of needs and operational opportunities.
- Complementarity based on the “modes of action” concept must be developed alongside one based on the organizations’ different mandates.
- Modes of action cannot be the only factor in achieving complementarity because, strictly applied, the concept would be tantamount to the already criticized “division of labour”.

complementarity

Modes of action

A model proposed by the ICRC's Central Tracing Agency and Protection Division

Making the authorities aware of their responsibilities and urging them to fulfil their obligations

1. Securing compliance

Two modes of action are possible:

- **The denunciation method** means pressuring the authorities, through public disclosure, into fulfilling their obligations and protecting individuals or groups exposed to abuse.

Features:

- particularly suitable when violations are deliberate;
- mobilizes outside actors;
- restricts access and direct dialogue.

- **The persuasion method** means convincing the authorities, through dialogue, to fulfil their obligations and protecting individuals exposed to abuse.

Features:

- particularly suitable when there is a will to limit or stop violations;
- favours access and direct dialogue;
- restricts public disclosure of the truth.

2. Providing direct services

Two modes of action are possible:

- **The substitution method** means directly providing services or material aid to the victims of violations.

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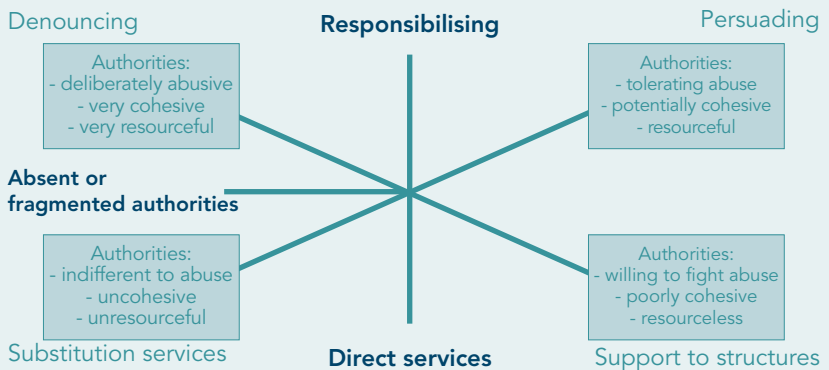
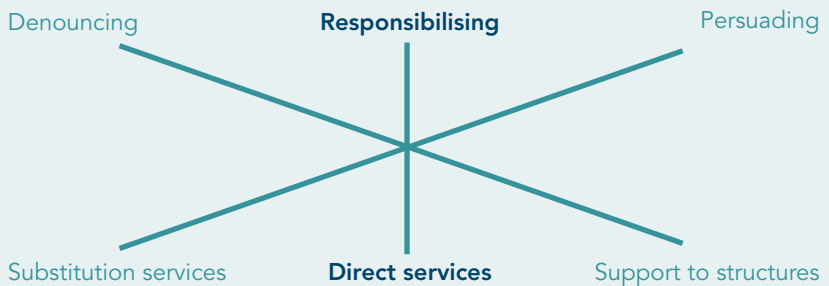
Features:

- particularly suitable during emergencies and/or situations in which responsiveness or resources is lacking on the part of the authorities;
- does not necessarily require dialogue with the perpetrators of violations;
- carries the risk of only short-term impact.

- **The support-to-structures method** means empowering existing national and/or local structures through project-oriented aid to enable them to carry out their functions.

Features:

- particularly suitable for sustaining local capacity;
- may be perceived as politically supportive of existing structures;
- favours direct dialogue with the authorities responsible for violations.



Source: the ICRC's Central Tracing Agency and Protection Division

complementarity

Most organizations have developed an operational identity that favours certain modes of action over others. For example, the ICRC favours persuasion while Amnesty International favours denunciation. It is nevertheless possible to combine different methods according to mandate, assessment of needs, legal factors, operational opportunities, and, last but not least, what others are doing. In most cases, however, a decision to resort to direct services is prompted by the fact that it is not, or no longer, possible to influence the authorities themselves to act.

Complementarity begins with an acknowledgement that, regarding a given target group, organization X will favour public disclosure and outside mobilization, while organization Y will focus on confidential and direct dialogue, and organization Z will concentrate on meeting the immediate needs of that target group by substituting for or supporting local services.

4- Taking steps toward complementarity

The workshop participants identified the following steps as conducive to more complementary action between organizations for the short- and long-term protection of the victims.

Responsible assessment and self-analysis

Each organization should seriously analyse any situation in which it is considering working and assess its competence to do so. It should:

- analyse the protection needs and define the population groups in need of protection;
- define the activities required and choose those which it is in a position to carry out, depending on its identity, know-how and operating constraints;
- assess the authorities' attitude in terms of willingness and ability;
- define the mode of action best suited to each activity identified;
- be familiar with the core activities of other organizations.

the challenges of

Sharing of analyses

Organizations should engage in dialogue with each other and share the results of their analyses, independently of any political mechanism (government-sponsored body, mediation initiative, etc.). They should:

- agree on a basic definition of who the beneficiaries should be;
- pledge not to jeopardize or contradict each others' activities;
- be ready to review their strategies in view of what others are doing and be flexible enough to adapt them accordingly;
- include legal considerations in their discussions of operational matters.

A flexible arrangement of roles

Each organization's role and responsibility should be assigned on the basis of this ongoing dialogue between them. While respecting roles derived from mandates, the distribution must not be static, fixed once and for all, for this would risk imposing a rigid, compartmentalized division of labour.

The dialogue between the organizations should take into account all changes in the situation and adapt accordingly. A case-by-case approach is required, both to the situation analysis and to the response to that analysis.

The following points should be taken into consideration:

- each organization's capacity, working methods, "added value" and, if relevant, mandate;
- the possible modes of action and the degree of their complementarity;
- the capacity of local organizations.

The authorities' "compliance aptitude"
by the ICRC's Central Tracing Agency and Protection Division

The ICRC Protection Division feels that once the organizations have thought about which activities are relevant for protection and which modes of action may be used, they should then consider which would be most adequate in the specific situation. Particular

complementarity

attention must be devoted to the attitude and resourcefulness of the authorities responsible, in order to assess their “compliance aptitude”, i.e.:

- their compliance with their obligations under humanitarian and human rights law;
- their ability to comply with international norms;
- the existence of a cohesive and reliable chain of command.

The decision to employ a specific method should be taken on the basis of an analysis of the authorities’ compliance aptitude, as each mode of action has its strengths and weaknesses.

5- More questions

The steps set out above were considered useful by the workshop participants because they believed that this would lead to greater coherence and complementarity of action. It was emphasized that this model could serve as a tool for dialogue and analysis, but should by no means be seen as “task distribution” within a system of “division of labour”. Its only purpose was to further each organization’s efforts to enhance its relevance and impact.

Additional points were made:

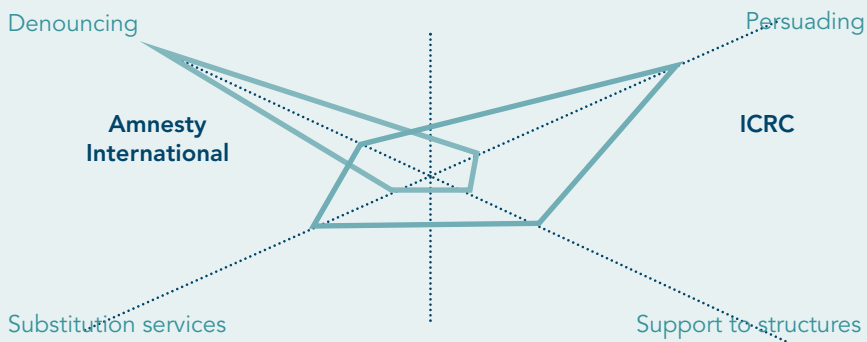
- The organizations may make a completely divergent analysis of a situation in terms of the needs and categories of victims, priorities for action, security conditions, seriousness of violations, the attitude of the authorities, the required modes of action and other issues.
- They may also have conflicting strategies for carrying out their respective responsibilities, to the point where any attempt at complementarity may prove short-lived.

Consultations between organizations on strategies and the choices that need to be made were deemed necessary in order to at least make clear agreement or any disagreement. Complementarity means building a new edifice each time and dialogue is essential to this process. It is to be hoped that dialogue was furthered by the workshops.

the challenges of

Different approaches to torture – Amnesty International and the ICRC

by the ICRC's Central Tracing Agency and Protection Division



In this diagram, the difference in approach between Amnesty International and the ICRC to the issue of torture becomes obvious, as does the respective added value of each.

For example, when Amnesty International launches a campaign against torture in country X through public disclosure and denunciation, the pressure thus exerted can ultimately result in the pattern of ill-treatment being reduced and even eradicated.

Applying a direct-dialogue and direct-services approach to both victims and authorities, the ICRC for its part can work "from the inside" and persuade the authorities to undertake corrective measures, thus also reducing the suffering.

Organization Z can then consider working in the areas that appear less well covered, for example in the field of psycho-social rehabilitation of victims of torture, which may require greater attention (see list of protection activities, chapter 1).

complementarity



chapter

the protection frame

Protecting unaccompanied and separated children in emergencies

The issue of children separated from their families during armed conflict is one of the most sensitive and tragic. Protecting these children is the goal of a wide range of organizations, each of which employs various means to that end. The illustration below is an example of how the protection framework – the “egg” and its three constituent activities – could be applied to the problem of unaccompanied children.

1- Cooperation

In 1995, several major humanitarian organizations founded the Interagency Standing Group on Unaccompanied and Separated Children in Emergencies (IAG) with two main objectives: to encourage cooperation between the agencies in this realm and to promote guiding principles on how to resolve their problem. The Group, made up of international and non-governmental organizations, including the Red Cross,⁸ had already begun to work informally during the 1994-1997 Great Lakes crisis.

At the beginning of the crisis, around 150 organizations were involved in work to help some 120,000 unaccompanied and separated children. The objectives, working methods and operational criteria differed from organization to organization, which led to confusion and duplication of activities, and reduced the effectiveness and relevance of their protection work.

After a while, regular coordination meetings were set up between the main organizations involved and this provided a solution to the problem. Common principles and guidelines were drafted and agreed to, which made the activities more effective and complementary. This experience showed that there was a need for agreement regarding the principles underlying work to help unaccompanied and separated children in emergencies. It resulted in the “formalization” of the Interagency Group.

On the basis of the experience gained during the Great Lakes crisis and in other recent conflicts, the Interagency Standing Group further developed its common principles and guidelines. The resulting texts are not intended to be definitive and are open to amendment over time. The need for anticipation and prompt and collective action to identify and help protect unaccompanied and separated children figures prominently in the texts.

⁸ Member organizations of the Interagency Standing Group on Unaccompanied and Separated Children in Emergencies are UNICEF, UNHCR, Save the Children Alliance, World Vision, Concern Worldwide, the International Rescue Committee and the ICRC.

3 work in practice

2- An agreed definition of beneficiaries

The Interagency Standing Group makes an important distinction between *unaccompanied children* and *separated children*.⁹

- Unaccompanied children are defined as those under 18 years of age or the legal age of majority who are separated from both parents and are not being cared for by a guardian or another adult who by law or custom is responsible for this.
- Separated children are defined as all children who are separated from their parents, but not necessarily from other relatives; they thus may also include children who are accompanied by other adult family members.

3- Common guiding principles

In addition to the definition of beneficiaries, the Interagency Group also agreed on common guiding principles.

- International standards: Policies, programmes and decisions taken with regard to unaccompanied and separated children must be in keeping with international human rights and humanitarian law, i.e. the Convention on the Rights of the Child (1989); the four Geneva Conventions (1949) and their two Additional Protocols (1977); the Refugee Convention (1951) and its Protocol (1967); and other relevant international instruments.
- Family unity: In an emergency, early efforts should be made to protect family unity and avoid child/family separations.
- Prevention: Everything must be done to prevent children being separated from their families. This entails representations to the authorities as well as an effort on the part of humanitarian organizations themselves to avoid actions that separate and isolate children from their families and communities.

⁹ Child soldiers, children in detention and unaccompanied adolescents are included in those definitions.

the protection frame

- **Evacuation:** Only entire family units should be evacuated. Evacuation of children alone should be a last resort, after determining that assistance and protection cannot be provided on the spot.
- **Adoption:** A separated or unaccompanied child cannot be assumed to be an orphan and cannot be adopted. Until the fate of his parents and other close relatives has been determined, he must be considered as potentially having living close relatives.
- **Identification, tracing and family reunification:** It is indispensable in emergency situations to identify and register children separated from their parents and other relatives as quickly as possible.
- **Assistance and care:** All children are entitled to have their basic needs met.
- **Best interests of the child:** In every case, the best interests of the child must guide decisions and actions on his behalf. The child's opinion should be taken into consideration.
- **Confidentiality:** Steps must be taken to ensure the confidentiality of the data collected.
- **Dialogue:** Coordination, consultation and cooperation among all organizations are critical to the care and protection of unaccompanied and separated children. Dialogue must start in the early phases of an emergency and continue throughout.
- **Long-term commitment:** Programmes to help children can take years to achieve their aims. Long-term commitment is therefore required.

work in practice

4- Operational options within the protection framework

The following section lists the means by which the guiding principles should be applied operationally within the protection framework.

Responsive action

- Being alert to early warning signs that a problem of unaccompanied and separated children may arise;
- approaching the authorities to ensure that they take measures to prevent families from being separated, as well as measures urgently needed should separation occur;
- raising awareness among security and administrative personnel on the need to preserve family unity and training them to this end;
- increasing awareness of the detrimental effect that other problems, such as forced displacement, can have on family unity;
- monitoring the situation of children and carrying out vulnerability assessments;
- identifying and registering unaccompanied and separated children and collecting requests from parents who have lost contact with their children;
- restoring contact between unaccompanied and separated children and their families and searching for their relatives;
- carrying out emergency family reunification;
- providing appropriate aid to unaccompanied and separated children and host families;
- providing technical and material support to local facilities that assist and care for unaccompanied and separated children;
- publicly reporting violations of international law in this respect.

Remedial action

- Reuniting (if need be repatriating) unaccompanied and separated children with their families;
- setting up or helping set up mechanisms to establish what has happened to missing persons;
- promoting long-term solutions for children whose family members cannot be traced: dealing with their legal status, placement, adoption, schooling, inheritance, etc.

the protection frame

- promoting long-term care for children and their families suffering post-traumatic disorders;
- promoting rehabilitation of demobilized child soldiers and their reintegration into their families and communities;
- ensuring the sustainability of host families and other host arrangements;
- urging measures to rehabilitate and compensate former unaccompanied children and their families;
- publicly reporting on situations such as the plight of demobilized children and children whose parents have not been found despite all efforts;
- advocacy and other measures to bring to justice violators of international law;
- learning operational lessons.

Environment-building action

- Promoting implementation at the national level of international rules protecting children;
- monitoring compatibility between national laws and international standards on children and promoting their harmonization if necessary;
- promoting the drafting and adoption of treaties and the application of customary international law on the issue;
- raising awareness of the issues among government officials and giving them specific training them on children's rights;
- awareness-raising at the local level about children's rights;
- supporting national organizations, both public and private, by providing aid, guidelines, training, etc.;
- campaigning for professional guidelines for those who assist unaccompanied and separated children.

work in practice



STRENGTHENING PROTECTION IN WAR

part two

OPERATIONAL THEMES

the debates and main
conclusions

chapter

the impact of assist

1- Summary of the discussions

Aid organizations are often faced with deliberate violations of international law. Their first duty is to exercise caution so as not to worsen the situation and increase the vulnerability of the people affected. They must therefore be aware of and assume full responsibility for the potential consequences of their acts.

One of the most significant challenges relates to the consequences of material assistance. Relief work is said to have a potential for distorting and/or prolonging conflicts. The conflicts in Ethiopia (1984-1986) and Somalia (1992) are among the most frequently cited examples.

Examples of security problems that can arise in connection with relief operations are hijacking, theft, and misappropriation of supplies and equipment.

The workshop participants endeavoured to identify actions that should be taken to prevent humanitarian assistance from leading to:

- increased vulnerability of the target population(s); and/or
- strengthening the position of the perpetrators of violence.

2- Main conclusions of the workshops

Assess carefully before acting

The organizations should:

- undertake a comprehensive risk assessment of the impact of their work – though there are no ready-made criteria for such an assessment – and pay special attention to the risks of having assistance used to prepare or fuel a conflict;
- be as knowledgeable as possible about the underlying causes of a conflict and continuously gather information about it;

4 ance on protection

- forego action if they do not have the required know-how, funds and staff to see a programme through to its conclusion;
- carefully study what influence donor policy may have on their operational decision-making.

Pay constant attention to needs and conditions of action

Organizations should:

- give priority to meeting immediate needs, especially in situations where survival is at stake;
- always remain attentive to the possible negative effects of their work, by means of closely and regularly monitoring their own activities and analysing their impact;
- reject any participation in illegal activities that could run counter to the victims' interests;
- be aware that making short-term concessions to the authorities or armed groups regarding their claims for assistance may worsen things in the long term.

Be open with other organizations

Each organization should:

- acknowledge the fact if it cannot meet all the needs;
- remain informed about the work of other organizations in the same domains;
- ensure that its own work does not contradict or undermine the activities of other organizations;
- share its experience and knowledge as effectively as possible with other organizations.

the impact of assist

Carefully consider before withdrawing

If an organization is no longer in a position to work under conditions that it deems acceptable, it might decide to disengage. A careful assessment of the situation should be undertaken before any decision is made (see *Part 2, Chapter 12, Withdrawal*).

3- Example: Liberia

In 1995, the situation in Liberia steadily deteriorated after the failure of the December 1994 Accra agreements. The resumption of hostilities between the parties resulted in a wave of attacks by various factions directed against the civilian population, driving large numbers of people from their homes and causing immense suffering. Throughout the year, it was impossible to carry out any major humanitarian operation.

In April 1996, public order totally collapsed. Given the extreme intensity of the fighting in the country and the chaotic situation in Monrovia, about a dozen humanitarian organizations decided to pull out of both the capital and the rest of the country. Their assessment was unanimous: there was no longer any authority capable of ensuring compliance with even the most basic rules of warfare or of guaranteeing satisfactory security conditions for humanitarian workers.

Even more importantly, the organizations involved were convinced that the looting of some 20 million US dollars' worth of equipment – including 400 vehicles – belonging to non-governmental organizations, the ICRC and the United Nations, was part of the warring parties' strategy. It gave them the means to step up their harassment of civilians. A view widely shared by the organizations concerned was that it was essential to save lives by preventing further looting.

The ICRC sent a position paper to the UN Security Council, the Secretary-General of the Organization of African Unity, the Economic Community of West African States and a number of States explaining, in short, that unless law and order were restored, the various factions would use the aid distributed as a weapon against the civilian population.

ance on protection

The NGOs that opted to stay in the country agreed among themselves to draw up a “Joint Policy of Operation” (JPO). The aim was to optimize the impact of humanitarian assistance and minimize the risk of further fuelling the conflict by trying to avoid causing any danger to the beneficiaries, other organizations or their own staff.

In the first phase, the JPO focused on limiting assistance to “minimal targeted life-saving” activities and preventing the negative side-effects of that assistance. This was achieved by greater cooperation and transparency regarding priorities and means. In particular, only the most essential items of equipment were used and the amount of highly valuable aid was minimized. The JPO, which was based on a shared analysis among the NGOs, evolved along with the working environment itself.

In the second phase, the NGO group led by *Action contre la Faim*, OXFAM and Save the Children-UK decided to go beyond the objective of improving the quality of assistance (agreements on cooperation and joint assessment were drawn up, as were plans to speak with one voice) and, in addition, minimize the negative side-effects of their work. The objective was to formally link assistance and protection by means of an agreed advocacy strategy whose goal was “to contribute to the strengthening of a protection-friendly environment”.¹⁰ This was done by promoting compliance with international humanitarian law, promoting the JPO itself and promoting respect for human rights. The work was carried out by the group of international NGOs, which endeavoured to include local entities as much as possible. For example, a joint violation committee, which included the UN, donors and NGOs, was established to record violations committed against the civilian population, and collective pressure was exerted on regional and worldwide powers.

Although most of the organizations agreed on the need for the JPO, its implementation proved difficult. Some organizations found it hard to accept a reduction in the scale of their operations and to set limits on their activities; new agencies, some of which had never worked in Liberia, directly challenged the JPO; others were reluctant to engage in an advocacy strategy focusing on protection issues. In addition, new emergencies and greater pressure from donors and the UN to set up large-scale emergency programmes further eroded the JPO and few organizations succeeded in resisting that pressure.

¹⁰ Information provided by Christian Captier, Director of Operations, *Action contre la Faim*.

chapter information gather

1- Summary of the discussions

Paradoxically, organizations working to ensure greater respect for the rights of the individual do not have a common body of rules governing the use of personal information provided by those individuals, whether victims or witnesses of international law violations. Moreover, organizations generally do very little to explain their operating procedures in this respect.

The handling of statements given by victims or eyewitnesses is a sensitive matter, as are the means of ensuring that such persons come to no harm. Given that organizations do not have sophisticated witness-protection mechanisms at their disposal, people who provide them with information can be at risk. Experience has shown that witnesses whose identity was not kept confidential were often subjected to pressure and reprisals by those they had mentioned; some feared for their lives.

Handling information is an issue that practitioners grapple with daily. One cannot confidently assume that individuals are always fully aware of the risks they take when they make allegations or provide information. There are many difficulties in determining a person's best interests. In most cases, an individual's long-term interests are impossible to gauge given the instability inherent in conflict.

Successful advocacy aimed at strengthening protection of rights may often depend critically on the naming of witnesses and victims. It goes without saying that their role is also vital in any legal process to obtain redress. Organizations therefore have special responsibilities when divulging people's names and other personal data.

Another difficult issue in collecting allegations is the choice that must be made between individual and collective interests when seeking and using victim or witness accounts of abuses. It is sometimes difficult to properly weigh individual interests against collective interests.

Lastly, the exchange of names and other personal data between organizations working to ensure greater respect for international law also raises fundamental questions. Particular attention should be paid to the type of data transmitted and the way in which it is used. Organizations

5 ing and protection

must decide whether they judge it appropriate to share certain data and analyses with organizations that rely on persuasion and confidentiality, or that employ public denunciation as a mean of fighting violations (see *modes of action*, Chapter 2).

The use of allegations and the conditions under which they are gathered were recurrent themes during the workshops. Their frequent mention reflects the nature of the discussions and even certain tensions between humanitarian and human rights organizations, including their differing modes of action. The participants attempted to answer the following questions:

- How should statements from victims or eyewitnesses of abuses be handled and what rules might be established to ensure those individuals' protection?
- Is consent from the persons concerned to disclosure of the information they provide indispensable and should the principle of *informed consent* be strictly applied?
- Is it possible to adopt a systematic approach to information handling or should it be dealt with case by case?
- What minimum conditions must be met before information can be forwarded to other organizations?

2- Main conclusions of the workshops

• Minimizing the risks arising from data collection

Gathering information and collecting allegations in a conflict situation is an endeavour which invariably involves risks for individuals or entire groups. There may, for example, be threats to the safety of the persons involved because they have talked to the organizations' staff. Victims and witnesses may be "retraumatized" by the act of describing their experience.

information gather

Organizations must ensure that any risk for individuals willing to testify is systematically minimized while also making sure that the wider community's interests are not jeopardized. In short, utmost caution must be exercised when they gather data.

Each organization should be very clear about the aims of its data collection before it initiates the process.

When demanded by security considerations, data collection should be limited to gathering the minimum information absolutely required to convincingly substantiate a violation, whatever its gravity.

In certain circumstances, in which it might not be possible to consult the witness or victim, it is preferable to use statistical data to illustrate a situation involving violations as this method involves less risk for individuals.

• Safeguarding the victims' interests and respecting their wishes

Organizations have a duty to make the witnesses aware of the personal risks they run when they give information on violations.

Witnesses must also be aware of the risk that could be faced collectively by their respective communities as a result of their testimony.

In all circumstances, the wishes of the persons concerned regarding the confidentiality of their information must be respected. Organizations should be obliged to obtain the informed consent of those concerned whenever reasonably possible. The principle of informed consent must be applied in all circumstances where individuals may genuinely face danger as a result of their statements.

Careful judgement should always be exercised in cases where it has not been possible to obtain informed consent.

• Reliable information gathering

The methods used to gather information should ensure that the data obtained is precise and fully verified.

Organizations should seek to ensure that the information is as accurate as possible. Preference should be given to first-hand information.

ing and protection

The reliability and credibility of witness and victim testimony should be assessed.

Once gathered, information should be corroborated and verified.

• Acting with care

Organizations should act when they possess information indicating serious violations, whether their staff are direct witnesses or they have received the information indirectly.

Before acting on the basis of allegations collected, organizations should take into consideration:

- the need to ensure the safety of their local sources;
- the need to exercise utmost caution when acting to prevent further abuses on the basis of allegations whose reliability cannot be, or has not been, fully determined.

Lack of fully verified information should not be a reason for inaction where there are compelling reasons to suspect that violations have been committed and might be repeated.

• Exchange of information between organizations

Consultations with other organizations are desirable both for the purpose of clarifying information and agreeing on action, where desirable (see *the challenges of complementarity, Fourth Workshop on Protection, ICRC, 2000*).

In the absence of informed consent, the sharing of information among organizations should be guided by the principle of confidentiality. If consent for public disclosure is not given to the organization that collected the testimony, that organization is morally obliged to ensure that any other organization to which the information has been conveyed also respects its confidentiality.

If unable to act, an organization should pass its information on to another, if its working methods allow this.

There is no fixed model for information-sharing between organizations. Solutions should be found case by case depending on the situation, the victims and the organizations involved.

chapter

field presence versus

1- Summary of the discussions

Many humanitarian organizations said that they were repeatedly faced with the choice between going public with their information on violations of international law and condemning them, or keeping silent in order to be able to maintain their presence in the field. Their question was: Could they publicly report violations with a view to promoting compliance with the law given that this might compromise their field operations, which were aimed at preventing and/or putting a stop to violations and alleviating their effects (i.e. the denunciation-versus-presence dilemma)?

Organizations have different ideas and strategies regarding whether to disclose and, if so, when. However, many consider the condemnation-versus-presence debate to be irrelevant because both postures are in many respects interdependent:

- Field presence is necessary, at least as a means of gathering information without which advocacy would be very difficult.
- Human rights organizations are under increasing pressure to be present in the field. This has become “fashionable” because it attracts media attention, which, in turn, has an influence on public opinion and opens up funding sources.
- The ability of humanitarian organizations to act effectively in the field increasingly depends on the work of advocacy groups aimed at inducing governments to facilitate the operations of humanitarian organizations.

Moreover, going public has its limitations:

- The ever-expanding flow of media information diminishes the international community’s interest in certain situations of humanitarian concern.
- Information overload may have the adverse effect of trivializing violations and of weakening the response to them. Ineffectual denunciation may even send a signal to the perpetrators of violations, or those who ordered them, that they are free to continue with their illegal behaviour.

6 public denunciation

- Traditional methods of exerting pressure on non-State forces such as warlords are sometimes ineffective because they feel no need of international approval. Moreover, the international community may turn a blind eye to their lawless conduct owing to the natural and economic resources under their control.

It is increasingly difficult to attract governments, and public attention to such crises. Ensuring that information has the desired impact on all those who might potentially be able to help is therefore a challenge.

The workshop participants discussed whether disclosure and denunciation of unlawful practices, on the one hand, and an organization's presence in the field, on the other, were mutually exclusive and whether it was possible to reconcile the two. They attempted to answer the following questions:

- What factors must be taken into account before public denunciation of an unlawful practice? How should the security risks for field staff and the local community be weighed against the objectives pursued?
- Is there a threshold beyond which an organization can no longer keep silent, or should it withdraw from the field rather than remain silent?
- What alternative strategies to going public might be envisaged? What means other than public appeals or mobilization could be developed to influence the international community?

2- Main conclusions of the workshops

- **Denunciation versus presence: two not necessarily incompatible approaches**

Field presence in conflict zones and public denunciation of violations of international law are different, but not incompatible, ways of putting a stop to breaches.

Going public is one method of countering violations and improving a situation. But it is neither necessary nor successful in all situations. There are other methods.

field presence versus

The commonly held view that going public automatically leads to expulsion is not supported by the experience of some humanitarian organizations, which have published information about violations without having this backfire on them. A number of organizations endeavour to reconcile the practice of going public with maintaining a field presence.

The status and influence of the organization denouncing violators does play a role. The authorities frequently assess the option of expelling a particular organization according to a "cost/benefit ratio". The more competence and professionalism shown by an organization, the harder it should be for the authorities to expel them.

• Precautions are needed

Security must be the primary consideration and it is vital that going public puts no one at risk. Before making a public statement, an organization should take into account the interests of the persons concerned, as well as the security of its staff and of other organizations.

When an organization has information indicating serious violations, its decision as to whether or not to go public should be based on an assessment of the following factors:

- proportionality, i.e. the possible consequences of inaction as set against the risk of adverse consequences of denunciation;
- risk of backfire, i.e. the possibility that the authorities, angered, might overreact and commit even more violations.

• Specific and targeted denunciation

The purpose of publicizing violations may differ according to the situation, as may the target audience.

Not all violations require media attention.

Different groups may be targeted. The diversity of humanitarian and human rights organizations is conducive to "modulated" approaches. A greater effort should be made to identify and increase the number of individuals within government and other institutions to be lobbied.

public denunciation

- **Complementarity**

Any organization with information on violations has a duty to act or, if unable to do so, to forward the information to another organization which is in a position to act, if the former's working methods allow this.

- **Long-term action**

A public stand should not be expected to produce immediate effects. However, the longer-term effects of public action can be substantial. Similarly, one should not overlook the fact that public denunciation may be a source of moral support for victims and their families.

3- **Example: the Kibeho camp in Rwanda**

In February 1995, camps for displaced persons in the northern part of the Gikongoro area – in the former "Turquoise" zone set up by the French military – were closed. This move was an extension of *Operation Return*, conducted by the Rwandan authorities in conjunction with various United Nations agencies and non-governmental organizations. The aim was to facilitate the voluntary return of some 350,000 displaced people to their *communes* of origin.

Many of the displaced, fearful of returning home and probably dissuaded from doing so by certain leaders as well as intimidators within their own ranks, went to the camps in the south, where humanitarian aid was still being provided.

The situation began to grow tense on 18 April 1995. Four camps (Kibeho, Ndago, Munimi and Kamana) were encircled by military forces intent on closing them down. This caused a wave of panic in which several people, including at least one woman and eight children, were trampled to death. *Médecins sans frontières* (MSF) and UNHCR reported the death of some 20 people. The ICRC issued press releases on 20 and 22 April in which it deplored these incidents and the fact that it was unable to gain access to the victims.

field presence versus

On 22 April, events escalated at the Kibeho camp, which had housed over 100,000 people at the outset of the operation and where a UNAMIR unit was stationed. The army decided, once and for all, to have all those remaining in the camp return home. The situation rapidly deteriorated and panic set in; many displaced people were trampled to death. Soldiers fired shots and tossed grenades into the crowd. Gunfire continued for most of the day. The staff of MSF-France, OXFAM and the ICRC were sporadically allowed to enter the camp, where they found a large number of dead and wounded. Gunfire continued for another day.

Controversy surrounded the number of dead. A member of UNAMIR who had helped bury the bodies said that he had counted at least 4,000. MSF estimated the number at over 3,000. At the end of May, the organization published a comprehensive report on the Kibeho tragedy, containing accounts by some of its staff who had witnessed some of the events.

MSF-France was one of the very few organizations that clearly denounced the Kibeho events. In December 1995, the government expelled 38 organizations, among them MSF.

public denunciation ⁷

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chapter humanitarian action in

1- Summary of the discussions

When violations are committed, humanitarian organizations often face a difficult choice. They can decide to forego action themselves and instead insist that the authorities comply with international law, thus depriving victims of much needed assistance. On the other hand, they can accept the imperfect situation of providing humanitarian assistance in order to alleviate suffering. In that case, they run the risk of “legitimizing” an illegal practice and weakening overall protection.

This dilemma prompted the following divergent, yet overlapping, remarks:

- Assisting victims of violations does not present a tough moral choice since assistance is clearly a response to abuse and does not add to it.
- The provision of humanitarian aid could be described as a pragmatic accommodation in the face of breaches of international law.
- Humanitarian operations may be a surrogate for State action, allowing the authorities to pursue illegal activities because resources which they would otherwise have had to expend themselves have been freed up thanks to humanitarian assistance. There is thus a risk that humanitarian aid may strengthen abusive regimes; this risk may be proportional to the power of the regime involved.
- Humanitarian aid involves the risk of prolonging conflict – and thus violations – by introducing additional resources (see Part 2, Chapter 4, *Impact of assistance on protection*).

Physicians have at their disposal rules and guidelines on medical ethics. These state that there are situations in which they should not provide medical care, for example where this would facilitate torture. By analogy, humanitarian organizations should define how far they are prepared to go when faced with violations of international law. The workshop participants attempted to answer the following questions:

- What approach should humanitarian organizations take when faced with violations of international law?

7 the event of violations

- What measures can humanitarian organizations take to avoid their operations amounting to support for or complicity in violations?
- What criteria should guide humanitarian organizations in deciding whether to continue working in situations where their fundamental principles are not respected?

2- Main conclusions of the workshops

- **No participation in violations of international law**

Humanitarian organizations should not engage in activities that may lead to discriminatory treatment. Nor should they facilitate or legitimize such activities.

They should be careful when assisting victims of cruel or inhuman treatment so as not to facilitate further violations.

They should not allow their staff, equipment or premises to be used for activities that amount to violations of international law.

- **Consistency with humanitarian principles**

Nothing should be done to undermine the validity of humanitarian principles and/or to send “mixed signals” to authorities committing violations. In discussions with those authorities, humanitarian organizations should emphasize the illegality of their acts and make their opposition clear.

In a case where the authorities have a clearly discriminatory policy that harms a particular group, humanitarian organizations should consult the people affected by that policy to determine whether they think that the organizations’ activities should continue. Their opinion should not, however, serve to justify actual participation in discriminatory policies.

humanitarian action in

3- Examples

First case: hostage-taking

Hostage-taking often represents a major source of income for guerrilla and paramilitary groups. Hostages are also used by such groups as bargaining chips to secure the release of persons held by "the enemy".

Held in total isolation – sometimes for years on end – and suffering from a variety of physical and psychological problems, hostages are totally bereft of protection. The utterly arbitrary nature of their situation gives rise to serious humanitarian concern, the individual being at the mercy of a bargaining process in which not only his/her freedom is at stake but his/her very life as well.

Hostage-taking is strictly prohibited by international humanitarian law. Some organizations do, however, visit hostages in certain countries in order to render purely humanitarian services.

Access to hostages by organizations may have consequences that must be carefully anticipated and analysed:

- The presence of an independent organization enables the captors to "certify" to the outside world that the hostages are indeed alive.
- It might allow the captors to avoid responsibilities which they are either unwilling or unable to meet, such as providing medical care.
- Participation by an organization in a simultaneous release operation (logistical support, security and communications) may be vital to that operation's success.

An organization may endeavour to put an end to the most shocking aspects of hostage-taking and to prevent it from spreading. However, from the moment an organization becomes involved, it may make a *de facto* contribution to the hostage-taking mindset, whether consciously or unwittingly. Action in connection with hostage-taking is thus a most risky enterprise.

the event of violations

Second case: the gender issue in Afghanistan

In March 1996 it was decreed that women would no longer have access to a number of administrative and social services or to the education system in southern Afghanistan. These measures brought about a drastic reduction in the work of certain non-governmental organizations and United Nations agencies such as UNICEF, United Nations Children's Fund. Some organizations, such as OXFAM, had to entirely suspend their programmes in the south.

In October 1996, after the authorities in Kabul changed, 16 rules of conduct were decreed, one of which prohibited women from working anywhere other than in the medical profession. Even then, their work was subject to numerous restrictions. For example, female nurses were discouraged from working alongside male doctors and male doctors could not attend to female patients. Between 30,000 and 40,000 working women were estimated to be affected by this measure.

The United Nations Secretary-General issued a statement criticizing this decision and pointing out that international aid to Afghanistan could be jeopardized by a failure to meet human rights standards. The UN High Commissioner for Human Rights echoed the Secretary-General's appeal to respect human rights. In November, the UN assigned its special adviser on gender issues and the advancement of women the task of persuading the authorities to adopt a more flexible policy. Her efforts were unsuccessful.

Humanitarian organizations responded to the government's policy in a variety of ways. Some tried to find practical arrangements in order to circumvent the obstacles, while others simply suspended their activities.

Policies varied in part because different organizations had different types of activities. Save the Children UK, for example, completely suspended activities which had become inaccessible to women, such as education. Others shut down non-essential projects and threatened to review their assistance policies. OXFAM and the ICRC sought innovative solutions in harmony with local customs, while simultaneously endeavouring to raise the authorities' awareness of the problem, with the aim of bringing about a more flexible policy.

humanitarian action in

A serious crisis occurred in September 1997. The Ministry of Public Health decreed that all women patients and female medical staff would be transferred to a special hospital, which humanitarian organizations considered to be a totally inadequate facility. It had no running water, no windows, no operating room and just enough electricity to make a few light bulbs glow. On 16 September, the religious police ordered female patients at Kabul's main hospitals to go to the special facility set up for women only. At most of the city's 22 hospitals, female patients were systematically refused admission. This amounted to a denial of adequate medical treatment for women.

At the time, the ICRC was the primary provider for the largest hospital in Kabul. It had a written agreement with the Ministry of Public Health, concluded on 1 May 1997, which stipulated that care provided at ICRC-supported facilities had to "be free of any discrimination based on gender, political views or ethnic affiliation".

The ICRC elected not to suspend its activities, but instead to continue discussions with the authorities. It stated publicly that "practices, which endanger the lives of many ill and war-wounded women are unacceptable" and asked the authorities in Kabul to "reconsider their decision".

On 5 November, the Afghan authorities officially informed humanitarian organizations in Kabul that a special committee had been established, composed of representatives of the Ministry of Public Health, the United Nations, the ICRC and various non-governmental organizations. Its aim was to find practical solutions that would allow both sexes access to hospitals.

After two months, women began being admitted once again to Kabul's two main hospitals. Many female Afghan medical staff also resumed work at the two facilities.

the event of violations⁷



chapter

targeted protection

1- Summary of the discussions

Humanitarian work is increasingly influenced by the media, changing trends and shifting priorities. Public opinion and its impact on financing undoubtedly play a major role in the way organizations set their priorities. All these factors combined – visibility, media attention and donor support – have a direct impact on the organizations' choices regarding the countries on which they focus and the categories of people assisted.

Some countries therefore receive a great deal of attention while others are neglected. Similarly, in practice few organizations focus equally on all categories of victims in a given situation. Some categories – such as internally displaced persons, children (in particular unaccompanied minors) – receive more attention than others.

The problem is said to be more acute for non-governmental organizations than for the United Nations agencies. The latter are more rigorously wedded to mandates, whereas NGOs have to rely more on private donors and public pressure to obtain funding.

This situation has the following effects:

- There is often a plethora of organizations dealing with problems faced by one category of persons – which obviously involves the risk of duplication of effort – while other victims “fall between the cracks”.
- Some beneficiary groups enjoy better conditions than the rest of the population because certain organizations are specifically mandated to assist them. Such exclusive assistance can lead to resentment by other groups in need and thus become a source of conflict rather than stability.
- Too much attention can also create a “client population”. Generous programmes for unaccompanied minors could, for example, cause parents to abandon their children in institutions set up to care for them.
- There is also the risk of further endangering a group – such as a victimized minority – by singling it out for protection.

and impartiality

The above-mentioned concerns should not, however, prevent organizations from singling out certain groups for specific attention, whether assistance or protection, when circumstances so demand. Moreover, focus on a specific group might in some situations constitute an “entry point” for support to broader segments of the population.

The workshop participants attempted to answer the following questions:

- Is it justified to distinguish between specific categories of persons, particularly in view of the principle of impartiality?
- On what basis should such distinctions be made?
- What would be the foreseeable positive or negative effects of distinction? Is there any risk to it?

2- Main conclusions of the workshops

• Focused action based on assessment

Special attention by organizations for specific groups should be determined on the basis of an assessment of their needs and vulnerability as well as the risks to which they are exposed.

This assessment should be comprehensive, taking the totality of a situation into consideration, not just parts.

An assessment based exclusively on an organization’s mandate may easily lead to other needs being overlooked. A comprehensive assessment is therefore needed.

• No discrimination

Though organizations have limited resources, their operational choices should be guided by the principle of impartiality. No discriminatory criteria should be used.

targeted protection

- **Complementarity between organizations**

Sharing information and coordination between organizations are vital in any situation in which protection is aimed at specific groups.

- **Special needs of internally displaced persons**

A focus on internally displaced persons is legitimate when it can be demonstrated that, for example:

- they are in greater need than others;
- they have specific needs.

Organizations should be attentive to specific needs rather than establish completely separate programmes.

Internally displaced persons should be consulted about their current concerns as well as their plans for the future.

- **Utmost caution with minorities**

No action should ever be taken, without its consent, that would in any way make a minority group conspicuous.

If an exception to this rule is necessary, it should follow precise guidelines.

Organizations should take care to treat all victims of violations as the responsible individuals they are. They should therefore never actively prevent those individuals from fully exercising their rights, nor make it *de facto* impossible for them to do so.

Members of a minority group facing protection problems should be consulted so that their wishes concerning possible action are ascertained. In particular, they should be asked whether:

- they are requesting help and, if so, what kind;
- they wish the issue to be raised, and if so, whether publicly or not;
- the issue should be raised on behalf of individual victims or the minority as a whole.

and impartiality



3- Example: the Armenian minority in Baku

Until 1988, there were some 370,000 people of Armenian origin in Baku. When the conflict in Nagorny Karabakh broke out, hostility against them surged in Azerbaijan. On 28 and 29 February 1988, dozens of Armenians were killed, prompting much of the Armenian population to leave. By the early 1990s, nearly the entire Armenian population of Baku had left the country. Some 16,000 people remained, and they suffered great hardship until 1993, when there was a change of government.

From that moment on, they were no longer the object of exclusionary policies by the government and there was no pattern of systematic discrimination. However, the Armenians in Baku still faced numerous difficulties. Many unwritten rules and other constraints made it fairly difficult for them to gain access to various government ministries and to certain services, including the issue and renewal of residence permits, which were required for entitlements such as pensions and housing.

Most often, people of Armenian background did whatever they could to hide their ethnic affiliation so as to avoid additional harassment, humiliation and ostracism at the hands of fervent nationalists.

In many cases Armenians turned to the ICRC for assistance in gaining access to government ministries, intercession on their behalf in administrative procedures, help in obtaining official documents or to ensure that their departure from the country took place in relatively safe conditions. The ICRC took action in a number of individual cases. In light of the extremely emotional nature of the matter in Azerbaijan, the ICRC decided not to publicly raise the question of the overall situation of the Armenian community.



chapter

protection on the

1- Summary of the discussions

In armed conflict, the warring parties often subject the civilian population – in particular minorities – to a whole range of abusive acts aimed at making them flee their homes. Killings, massive detention, physical and psychological harassment, discrimination and other measures amounting to terror are used to make individuals and groups leave their home areas. The aim is to get rid of “enemy” populations and to assume full control of disputed zones.

Faced with calls for help from people in urgent need of protection, humanitarian organizations’ first response is usually to make every effort to stop the mistreatment. Where these efforts fail and it appears impossible to protect people on the spot, some organizations have opted to evacuate particularly vulnerable individuals or groups. This is usually a measure of last resort but sometimes exposes humanitarian organizations to accusations of facilitating or actually taking part in a “cleansing” strategy.

The involvement of humanitarian organizations in such evacuations was widely discussed during the workshops, and two views were expressed:

- For some, humanitarian organizations should be allowed to carry out preventive – and if need be massive – evacuations of those at risk. They should also publicly denounce the crimes being committed.
- For others, a humanitarian organization’s role is to help threatened populations survive at home until a political solution is found.

Another option for protecting civilians is the establishment of protected zones or safe areas intended to spare them from the effects of the fighting. International humanitarian law contains provisions for protected areas which set out very specific conditions:

- prior consent from the parties to the conflict;
- only civilians and wounded and/or disarmed combatants may be present;
- the area’s perimeter may not be defended militarily;
- the area must be clearly identified and must be fairly small in size.

Notwithstanding a few successes, these provisions for protected areas have seldom been applied in recent times. A zone of refuge was set up in Jaffna, Sri Lanka, in 1990. In Croatia, the Franciscan monastery and the hospital in Dubrovnik (27 November 1991) and the hospital in Osijek (27 December 1991) were also declared neutralized zones, in accordance with Article 15 of the Fourth Geneva Convention.

9 spot or evacuation?

New types of “protected areas” emerged in the early 1990s. United Nations peace-keeping and peace-enforcement operations attempted to protect entire civilian populations from forced displacement or direct attack in areas close to or in the middle of military operations. The very principle of safe areas was radically altered since these special zones were imposed and maintained by military force and thus differed substantially from the concept as defined under international humanitarian law. Examples include *Operation Provide Comfort* in Iraq (1991), *Operation Turquoise* in Rwanda (1994) and the *de facto* safe havens established by the forces of the Economic Community of West African States Monitoring Group (ECOMOG) in Liberia (1992).

The six “protected areas” – Srebrenica, Sarajevo, Tuzla, Zepa, Bihac, Gorazde – proclaimed in May 1993 by the United Nations in Bosnia-Herzegovina benefited from varying degrees of protection. Owing to the policy of the Security Council and a lack of will on the part of the international community, the military power made available to protect those zones was insufficient. This led, in July 1995, to the terrible tragedy in Srebrenica.

During the workshops, the participants attempted to answer the following questions.

- Should humanitarian organizations help evacuate people when it is impossible to protect them from serious violations on the spot?
- Are safe areas an effective way of protecting civilians and should humanitarian organizations encourage the creation of such areas?

2- Main conclusions of the workshops

• Protection on the spot or evacuation?

The implications of helping a threatened population move must be fully understood by humanitarian organizations as they might otherwise unwittingly aid the strategy of one party. Persecution or a well-founded fear of persecution should be properly established before evacuating or helping to evacuate.

Action by humanitarian organizations should be based on an assessment of whether the individuals or groups involved face a life-threatening situation. In a life-or-death situation, the first priority must be to save lives. If necessary, then, humanitarian organizations should help people leave.

protection on the

Whenever people are being moved, the principle of informed consent should be respected. People should be made aware of the implications of their decisions so that they can make their own choice.

- **Safe areas**

Ad hoc negotiations based on international humanitarian law should be used to create safe areas, with the consent of the population wherever possible.

Humanitarian organizations should be aware of the great danger of creating false hopes, i.e. of drawing civilians into an area, but in fact affording them no protection.

The issue of access to humanitarian assistance should be addressed during the safe area's set-up phase.

If the warring parties do not accept its creation according to international humanitarian law, a protected area could nevertheless be set up provided that the following conditions are met:

- it should be used only as a last resort;
- it must be operated in keeping with rules applicable outside the areas as well, civilians must not be targeted;
- it must be capable of functioning as such (i.e. feasible);
- it must be defensible and its perimeter actually defended;
- the military means and the political will must exist to make the protection credible;
- the area must be geographically defined;
- it must be demilitarized;
- it must be made clear what would be regarded as an attack;
- there must be ongoing political negotiations, a protected area being a temporary expedient and not a solution.

3- **Example: Kasai people in Shaba**

In the Shaba (formerly Katanga) province of Zaire, there was nationalist sentiment against people who had migrated there from the Kasai region in colonial times, because they were seen as monopolizing the region's wealth and controlling the local economy.

In April 1992, Kasai people began leaving their homes and jobs after being subjected to intimidation and violence, mainly at the hands of

spot or evacuation?

youth gangs. Under a policy supported, when not actively implemented, by the local authorities, the Kasais began to be systematically isolated throughout society.

In August 1992, the situation took a turn for the worse and a genuine campaign of ethnic cleansing began. The wealthiest Kasais left for South Africa, Kinshasa or the Kasai region. The rest – over 100,000 people – congregated in places such as schools and train stations in cities like Likasi and Kolwezi. Hostility was such that any attempt to resettle them anywhere in Shaba was unthinkable. They were thus forced to wait, hoping for trains that would take them to Kasai.

The authorities refused any attempt to resettle the Kasais and also did not help make it easier for them to leave Shaba.

The violence against the Kasais presented humanitarian organizations with a real dilemma. Unable to stop the forced displacements, they saw no option but to ensure that the Kasais survived, and facilitate their departure and resettlement in Kasai.

Constant contact was maintained by the ICRC with all the parties involved. The organization was on several occasions able to make representations to the authorities when tensions ran high, for example when trains were blocked.

The fact that staff from humanitarian organizations visited places where the Kasais had gathered also afforded them a degree of protection.

No international organization was willing to take direct part in a policy of ethnic cleansing by paying to transport people forced to leave for Kasai. Only the churches bought train tickets and distributed them to the victims. But the churches' limited funds and the railroad's lack of capacity made it impossible to evacuate everyone swiftly.

Up until the end of 1995, humanitarian organizations provided assistance to the displaced people, with the ICRC distributing food and other relief, and MSF meeting medical needs as well as ensuring that the displaced had adequate shelter and a supply of water.

With no end to the problem in sight, the ICRC gradually began to diminish the frequency of its relief distributions and increased the amount of departure assistance to help the displaced after they left Shaba for Kasai. Support was also provided to soup kitchens along the railway to help those who were stranded by the lack of trains.

chapter

forced relocation

1- Summary of the discussions

The term “forced relocation” has been used to designate a phenomenon affecting people in areas with rebel activity: the population is required by the authorities to leave their homes and move to camps guarded by armed forces. Usually, people are given a deadline by which they have to make their way to a designated site. Anyone remaining after the deadline expires is considered a military target.

Living conditions in relocation camps are usually very difficult. The authorities do not generally provide enough assistance to ensure minimal living standards for the displaced and movement is generally restricted. Moreover, the relocated people are often exposed to various forms of intimidation and even attacks in the camps themselves.

Governments usually represent a relocation as a temporary measure to protect the population against violence, hunger and illness. They also claim that the population has moved into the camps voluntarily. Humanitarian assistance is expected and requested by the authorities as a way of fulfilling the basic material requirements of the camps’ inhabitants. Outside relief is therefore instrumental to the government’s policy.

Internally displaced persons – including those forcibly grouped in camps – are entitled to the full range of protection provided by human rights law and international humanitarian law, which prohibits forced displacement of civilians. The country’s domestic law also remains applicable to the displaced as they are still within its borders.

Humanitarian organizations are divided as to whether they should work in forced relocation camps:

- Some have decided to refuse in order not to support a forced relocation policy and not to help perpetuate a violation of international law.
- Others have chosen to work in the camps in order to meet the needs of their population. These organizations face great difficulties arising in particular from the precarious security conditions. As a concession to the authorities, most have also agreed to focus only on material assistance and not deal with protection.

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The workshop participants attempted to answer the following questions.

- Should humanitarian organizations work in forced relocation camps, especially if their activity is reduced to merely providing material assistance?
- If they do, is there a risk that they will facilitate and contribute to forced population transfers?
- How can organizations simultaneously meet the material needs and ensure respect for the rights of displaced persons?

2- Main conclusions of the workshops

• Thorough analysis and sharing of information

Before launching operations in cases of forced relocation, humanitarian organizations should:

- undertake a sound, thorough analysis of the situation as there is no ready-made solution applicable to all circumstances;
- share their analysis and operational plans with other organizations as a useful step in devising their own strategy and achieving complementarity.

• Conditions for operations

If they decide to operate in a situation of forced relocation, humanitarian organizations should:

- abstain from any practice that could directly or indirectly maintain a violation of the law;
- insist on being allowed to undertake a free and unrestricted assessment of needs and independently carry out the necessary activities;
- abstain from providing any relief that is not strictly vital or that could encourage people to settle in forced relocation camps;
- support the voluntary and safe return of internally displaced persons, including measures needed to restore adequate living conditions in their home areas, compensate them and bring to justice those who expelled them.

chapter

restricting field pres

1- Summary of the discussions

One of the difficulties encountered by humanitarian organizations is how to carry out their activities when field presence becomes impossible for expatriates and they must conduct their operations from a distance (“remote-control”).

Restrictions on the presence of expatriates generally result from security considerations: ongoing criminal or military activity, lack of responsible government or other authorities, insufficient access to active military groups, etc. One or more of these factors can obliterate any scope for humanitarian action.

Remote control action is a way of continuing to work uninterrupted on behalf of individuals or groups despite the absence of expatriates in the field. The operation rests entirely in the hands of local staff or other partners until there is an improvement in the security situation.

Remote-control action gives rise to many difficulties:

- As humanitarian organizations cannot rely on first-hand information provided by an expatriate team, they have to base their operational decisions on indirect reports.
- Local staff or other partners operating on behalf of expatriates may be under pressure of various sorts from groups operating in the region. Living in the conflict area, their observations and judgements may also be influenced by some degree of partiality.
- Decisions are not taken on the spot and therefore require more time.
- All activities necessitating access to those in power are rendered impossible.

The workshop participants attempted to answer the following questions:

- If insecurity prevents the presence of expatriate staff in a given region, should an international humanitarian organization nevertheless pursue its activities?

11 ence and protection

- Is it possible to carry out protection activities without an expatriate presence in the field? If so, which ones?
- How can information be obtained and what use should be made of it?

2- Main conclusions of the workshops

- **A last resort**

Remote-control action is by no means a desirable or adequate means of working and should therefore be a last resort.

Humanitarian organizations are not obliged to act at any price.

- **A solid and deeply-rooted local network**

An experienced, trusted and available local network, willing to continue working, is a precious asset and may be relied on to supply the information needed to make decisions.

Detailed knowledge of the area, the people and the context are required. This presupposes a previous operational presence.

Remote-control action for a new organization without contacts in the field would be extremely difficult, if not impossible.

- **Voluntary and empowered local staff**

Before taking a decision on remote-control action, a humanitarian organization must assess the security position of local staff in order to avoid putting them in danger.

Local staff must be willing to pursue the activities and must have been prepared and empowered to do this.

The relationship between expatriate and local staff must be based on real and frequent dialogue.

restricting field pres

- **Monitoring by expatriate staff**

Monitoring by expatriate staff is necessary. Regular visits by them should be organized as often as circumstances permit and they should retain ultimate decision-making authority.

If an expatriate presence in the field is simply impossible, responsibility should be clearly delegated to local staff able to assess the situation.

- **Not too remote and not too long**

The distance between field operations and the remote-control "command" should be limited. Close remote-control action is possible. But if the distance is too great, humanitarian organizations should refrain.

Remote control is not possible over the long term; it can only be a temporary measure.

- **Not all activities, not all organizations**

Monitoring and control by international staff is required by the operating principles of some organizations. They therefore cannot operate by remote control.

Certain activities are easier to carry out than others. Whereas medical assistance appears relatively feasible, large-scale assistance and protection may be difficult.

- **Other forms of action required**

There should be maximum sharing of information between organizations in remote-control situations since access to direct sources of information is limited.

When there is no expatriate field presence, organizations should consider shifting their focus of action so as to make increased use of lobbying with governments and advocacy as a way of improving the situation of the people in need of protection.

ence and protection

3- Example: the northern Caucasus

By early 2000, the military confrontation in Chechnya had driven approximately 450,000 people from their homes. According to the Ingushetian authorities, 265,000 people initially found refuge inside Ingushetia. By March 2000, between 40,000 and 80,000 had gone back to the northern areas of Chechnya controlled by Russian federal forces. Some 150,000 were reportedly displaced within Chechnya, while others had fled to Daghestan, North Ossetia and Kabardino-Balkaria.

In all these areas the authorities and the local communities received the displaced at a time of particular economic hardship; humanitarian aid was therefore essential.

In the border areas, the displaced were assisted by a handful of humanitarian organizations, which had to work under strict security arrangements. The needs remained considerable, despite all their efforts.

Some 20,000 to 40,000 civilians were unable to leave the conflict zones in Chechnya, especially in the Grozny area. Thousands of people were reported wounded or dead and many had been captured. The massive destruction of infrastructure had exacerbated the needs of those remaining in Chechnya.

Humanitarian organizations present in northern Caucasus were faced with the following problems:

- security problems for their personnel (theft, banditry and kidnapping);

International aid workers were the targets of a "kidnapping industry". In 1995 a team of American humanitarian workers was kidnapped in southern Chechnya and disappeared. A Finnish aid worker was later executed after being seized by Chechen bandits. In December 1996, six ICRC delegates were murdered. In 1997, MSF decided to leave the northern Caucasus after the kidnapping and subsequent release of two expatriates. In 1998 a UN expatriate was held hostage for several months in the region. In May 1999, an ICRC delegate was kidnapped and held for over two months. Between 1995 and 1999, humanitarian staff in Chechnya were the object of more than 60 other serious security incidents such as armed robberies and hijackings.

restricting field pres

- security threats posed by the fighting;

Security threats to humanitarian workers included air strikes, shelling and ground attacks. Vehicles from humanitarian organizations – though properly marked – had come under fire.

- lack of understanding and acceptance of humanitarian activities among the Chechen population;
- frequent challenges to the legitimacy of humanitarian action, including accusations of partiality and espionage.

These and other severe security problems caused most humanitarian organizations to first withdraw to Ingushetia or North Ossetia starting in 1997 and eventually from the whole region. The few which maintained a presence in Chechnya operated with a reduced logistical capacity. Operations were carried out through local staff and transient expatriate personnel until the summer of 1998, when expatriate personnel withdrew completely from Chechen territory.

ence and protection⁷

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chapter withdrawal

1- Summary of the discussions

A humanitarian organization can face unacceptable circumstances or conditions of work and can therefore decide to withdraw from a country. Such a decision will have many consequences and is never taken lightly because, by pulling out of an operation, it is depriving a number of people of aid that they need. To a person in danger, withdrawal might appear to be tantamount to a refusal to help. On the other hand, if it persists, the organization could simply make the violations worse.

The workshop participants attempted to answer the following questions:

- In what circumstances should a humanitarian organization consider pulling out of a country?
- Should the withdrawal take place whatever the level of needs?
- What other criteria should apply?

2- Main conclusions of the workshops

• First, analyse

The circumstances that may prompt an organization to cease operations in a country are many and varied. There is no general recipe for decision making.

A sound and thorough analysis of the situation – including a careful assessment of whether the working conditions are acceptable – is needed before any decision to withdraw.

The local community must be involved in the analysis. The victims' perceptions and priorities constitute a starting point, but should not be the sole criterion because they may not be fully informed of all relevant conditions.

Before any withdrawal, thought should be given to the implications for a possible return to the country at a later date.

- **Pernicious working conditions**

A decision to withdraw should be taken when a humanitarian organization's work is actually being manipulated by the authorities to facilitate violations.

The question of whether breaches of the most basic rules of law should constitute grounds for withdrawal is controversial and prompts different responses depending on the organization's identity.

- **Contacts with other organizations**

Contact must always be made with other organizations in the field. A decision on withdrawal must be taken in full knowledge of what other organizations are actually doing and planning to do.

Organizations should refrain from replacing another that has withdrawn owing to pernicious working conditions.

3- **Example: MSF in Burundi**

In late August 1999, some 250,000 people had been relocated by the authorities to 38 camps or other sites in Burundi's Bujumbura Rural province. At the end of September, MSF-France decided to launch emergency programmes in three camps containing a total of 54,000 internally displaced persons.

The situation in these three camps was as follows:

- the standard of living was unacceptable (there was almost no water, no food and no shelter despite the fact that it was the rainy season);
- the safety of the camps' inhabitants was not guaranteed;
- access was impossible to more than half of the 38 relocation sites and was very limited in the three camps in which MSF was working;
- there was no guarantee that the men would not be separated from their families.

withdrawal

Faced with forced relocation camps, MSF had two options:

- The first was to deliver assistance without any preconditions. This harboured the risk of making an unacceptable situation appear acceptable and thus further aggravating the population's situation. There was also the risk that the internally displaced persons could wrongly perceive MSF's presence as a security guarantee.
- The second option was to seek the authorities' consent to leave room for humanitarian action in the midst of conflict and thus to drastically improve the situation in the camps.

MSF decided to make its work in the camps conditional on recognition by the authorities of the status of civilian internees for the internally displaced persons. This decision was also a way of responding to the authorities' claim that these camps were "protection sites".

The Burundian authorities refused MSF's request that it grant civilian internee status to the displaced persons, and the situation in the camps did not change.

As a result, after working for a month, MSF decided in November 1999 to suspend its activities in the camps. Its decision was particularly motivated by:

- the impossibility of applying its basic operational principles (impartiality, unhindered assessment of needs, control of relief distribution, freedom of access to the residents);
- its inability to accept any isolation of its work from international humanitarian law since internally displaced persons are protected by that law, which contains clear rules on population movements – including forced displacement – as well as on assistance and protection for people detained in connection with conflict.



chapter

impunity and

1- Summary of the discussions

Periods of serious and large-scale violations of human rights and humanitarian law are usually followed by a perceived need within society both to achieve reconciliation and to see justice done. But are the two compatible?

- One view is that criminal prosecution is not desirable following a major conflict because national reconciliation is needed and is more important than individual criminal repression.
- Another view is that impunity may lead to new tensions and conflict and thus pave the way for a recurrence of violations.

Different approaches have been taken by different States and by the international community in the aftermath of conflict. Three main options, which are not necessarily mutually exclusive, have been proposed: national prosecution, international prosecution, and non-judicial mechanisms such as truth and reconciliation commissions.

The choice of one (or more) of these options depends on various factors, including a country's financial resources and infrastructure – sometimes very limited – and the education and skill of the country's judicial staff.

Organizations also have differing views on how to deal with the aftermath of conflict. Some do not see their job as contributing to justice and reconciliation, to say nothing of the prosecution of war crimes. Others, especially human rights organizations, argue that bringing perpetrators to justice is fundamental to upholding human rights in the future. Everyone agrees that the issue of impunity must be dealt with in the aftermath of conflict and that organizations cannot be the only ones entrusted with this task.

The struggle to eradicate impunity has moral, ethical, political, social and legal aspects. It is based on the notion that there must be:

- official recognition of the violations and crimes committed;
- legal sanctions;
- redress and compensation for victims and their families.

13 reconciliation

The workshops participants attempted to answer the following questions:

- What position should organizations take on the issue of justice versus impunity?
- Is the struggle against impunity compatible with field activities?
- Is it appropriate to promote traditional systems of justice, such as the Rwandan *gacaca*, or non-judicial mechanisms such as truth and reconciliation commissions and amnesties? If so, under what circumstances?

2- Main conclusions of the workshops

- **No incompatibility**

The idea that there is a dichotomy between justice and reconciliation – and therefore between national reconciliation and criminal prosecution of violators – is wrong.

Impunity is not conducive to the rule of law and true reconciliation will never come about if this issue is not properly addressed.

National prosecution, international prosecution and non-judicial mechanisms are all options that may be used to fight impunity and to give national reconciliation a chance. The right balance between the three mechanisms should be found on the basis of a careful case-by-case analysis.

- **Promotion of justice**

Organizations should appeal for justice while continuing to carry out more immediate necessary tasks.

They should actively promote the following principles as a basis for dealing with past violations:

- the right to know the truth;
- the right to justice;
- the right to reparation;
- a guarantee of non-recurrence of violations.

impunity and

When promoting these principles, organizations should take care not to contradict one another.

- **Support for prosecution**

Organizations should insist that serious violations of international law – torture, war crimes, crimes against humanity, genocide – must never be exempted from prosecution. They should agree never to support measures aimed at their exemption.

If not all offenders are to be prosecuted, clear and non-discriminatory criteria should be established for the selection of cases to be prosecuted. Such criteria could include the gravity of the offence and the quantity and reliability of the evidence available.

In addition to prosecution, complementary systems such as truth commissions should be encouraged. These are particularly recommended in cases where prosecution does not occur in practice, for whatever reason.

- **Compliance with international standards**

Organizations should advocate that all trials and sentences be in accordance with international standards.

The use of traditional systems of justice and the issue of their compatibility with international standards was debated, but no conclusions were drawn.

reconciliation

Three main options in the struggle against impunity

• National prosecution

National prosecution is the cornerstone of the struggle against impunity. Its advantages, among others, are that national tribunals are usually well perceived by the population and that their decisions are upheld. Nevertheless:

- in many internal conflicts, national criminal justice systems are no longer available or may be corrupt and/or biased;
- a country may often face great difficulties in complying with the requirements of due process of law when large numbers of individuals are involved;
- in certain situations, the national criminal justice system may be totally unable to deal with a heavy workload within an acceptable period of time.

• Ad hoc international tribunals

The UN Security Council established ad hoc international tribunals for the former Yugoslavia and Rwanda in 1993 and 1994 respectively. The aim was, on the one hand, to show international recognition of the need to restore peace and security after terrible conflicts and, on the other, to demonstrate that impunity was no longer acceptable. However, such tribunals also have their limits:

- they were established by a political body – the Security Council – after the fact, for specific cases and with limited powers;
- they can never replace national tribunals;
- they have encountered significant operational problems – particularly the Rwanda tribunal – and there are worrying delays in their proceedings;
- organizational and financial constraints prevent them from dealing with a large number of cases;
- they do not specifically focus on the need for national reconciliation, though their creation has been an important step in the search for a comprehensive solution.

impunity and

In the future, international criminal prosecutions and trials will be carried out by the permanent International Criminal Court, once the treaty establishing it has come into force.

• Truth and reconciliation commissions

In some cases an alternative to criminal prosecution has been found in the form of truth and reconciliation commissions. These are bodies – officially sanctioned by the government, the opposition and the international community – set up to focus on and investigate the past. Their role is, among other things, to facilitate public acknowledgement of the truth. As a result:

- they do not deal with just one event but on patterns of abuse over a period of time;
- they are temporary bodies made up of well-known personalities, which generally conclude their work with the submission of a report;
- they are not courts of law and therefore do not establish individual culpability or sentence anyone to punishment.

Not having the capacity to determine individual culpability or issue sentences, truth commissions most often play only a limited role in combating impunity, even if they do provide a path toward national reconciliation.

Some 20 truth commissions have been established throughout the world since 1974 (examples: South Africa, Argentina, Chile, El Salvador and Guatemala). These commissions have definitely played an essential role in the process of restoring peace to those societies. Their work has often been followed, within a relatively short period of time, by amnesties.

reconciliation



chapter promoting and implem

1- Summary of the discussions

Most organizations use human rights or refugee law as the legal framework for their work. They use international humanitarian law less because the ICRC is widely viewed as having expertise in this area and because they either feel unqualified to use it or lack a specific mandate. Whatever the means at their disposal or their working philosophy and procedures, most organizations have taken steps to promote knowledge and acceptance of international instruments and standards and to improve their implementation. They have faced various difficulties in this.

• Inadequate national legislation

Lack of national legislation is an obstacle to comprehensive protection since a legal framework helps prevent conflicts in the first place and provides rules that must be observed should conflict occur. Another difficulty is insufficient national implementation of international humanitarian, human rights and refugee law. Governments need to do much more on both counts: they should adopt legislation implementing their international obligations and take other practical measures to the same end. The following observations were made in the discussion:

- One way of overcoming lack of national legislation is to provide governments with model legislation for national implementation. The difficulty here is to develop such models because of the obvious diversity of national legal systems and practices.
- About 60 States have or are in the process of establishing national committees for the implementation of international humanitarian law. One of the main aims of such bodies is to ensure that the States adopt or adapt their national legislation to their obligations under international law.
- Some States appear reluctant to enshrine the principle of universal jurisdiction in their domestic law as a means, for example, of repressing war crimes. Not only is it difficult to have the principle accepted, but even where this has been achieved, it is not being invoked and applied.
- There is also the problem of reservations made by States to international treaties. Reservations can be so broad that they may have the effect of binding a State to a treaty only as long as international law is compatible with national law. Though reservations highlight a national concern, they amount to more than a narrow domestic issue because they may undermine both, the law itself and the international community's commitment to ensure compliance.

14 Preventing international law

- **Inadequate capacity of local institutions**

In many situations, national mechanisms and local institutions responsible for implementing human rights, humanitarian and refugee law are weakened by lack of skilled staff, financial resources and basic facilities; or they do not exist at all. This also applies to civil society and its ability to lobby for the proper functioning of national mechanisms and local institutions. Without capacity-building, implementation of international rules thus risks remaining in the realm of theory and wishful thinking.

Many organizations are aware of the need to create and strengthen local institutions. But very few steps – beyond statements supporting the promotion of international law at workshops and seminars – are taken.

- **Non-acceptance of international standards**

There can be a conflict between promoting universal rules and respect for certain aspects of local culture. Some States thus tend to accept only those international rules which confirm traditional norms, and to disregard the rest.

- **Prevention: a hopeless undertaking?**

Experience has proven that once a crisis erupts it is generally too late to begin spreading awareness of legal obligations – it is too late to persuade people to comply with the law when violence is rife.

Many organizations have put preventing abuses very high on their agenda and have clearly anchored this goal in their mission statements. Some even include the word “prevention” in their name.

For many organizations, preventive action is a set of activities aimed at preventing harmful events or limiting their adverse consequences. They consist in endeavouring to:

- prevent abuses from occurring;
- limit their scope when they do occur;
- minimize the harmful effects of abuses.



promoting and implem

Promoting international law – especially the rules of international humanitarian, human rights and refugee law – involves awareness-raising and training. It is of paramount importance and is enormously challenging.

While there is considerable agreement on awareness-raising and educational programmes in peacetime, there is growing uncertainty about their effectiveness in the midst of crisis.

The workshop participants attempted to identify the most effective means of ensuring full respect for the provisions of human rights, humanitarian and refugee law. In their deliberations, they considered the following questions:

- How should organizations identify, prioritize and lobby for the implementation of national measures to ensure respect for human rights, humanitarian and refugee law? By what means can they mobilize public opinion and influence governments?
- How can the limited means available to many countries in implementing the law – national or international – be taken into account?
- How can respect for local norms and customs, and for compliance, be reconciled with the demands of universal instruments?
- Who are the main target groups for the promotion of the law and what is the most effective way to approach them?
- Is it possible to find new methods of promoting international law in the midst of crisis?
- How should the results and achievements of prevention work be assessed? Is it possible to devise new strategies for prevention?

enting international law

2- Main conclusions of the workshops

• Developing the law to the highest standards

When new standards are set, organizations should always insist on them being as high as possible. They should not accept lower standards as a means of gaining rapid and universal ratification of treaties.

One way to tackle the problem of reservations is to address, as part of their regular work, the issues underlying these reservations.

Developments in human rights law should be taken into account: human rights courts are not only providing compensation for violations but are increasingly demanding that the States take effective action to stop violations.

• Encouraging adaptation of national legislation to international standards

Organizations should thoroughly assess the measures (including an investigative capacity) needed at the national level to prevent, stop and punish violations.

They should play a more active role in developing national legislation to implement international obligations and they should mobilize public opinion and lobby governments on the need to respect those obligations.

Where national legislation is almost non-existent, organizations can help governments by informing them of relevant laws adopted and implemented elsewhere. Evidence of customary law can also be provided.

The “General Comments” published by UN bodies elaborate on the status and contents of existing international rules as a means of facilitating the drafting of national implementing legislation. Steps should be taken to ensure that these are more often widely distributed.

Dialogue should be encouraged between national committees on humanitarian law and national human rights organizations.

promoting and implem

- **Specific approaches**

The States are naturally obliged to comply with all of a treaty's provisions. In order to achieve implementation of urgently needed features of an international treaty, however, it might in certain cases be easier and more effective to call for the instrument to be applied to specific problems rather than requiring implementation of the entire text.

To increase the effectiveness of State reporting under human rights treaties, organizations should be more active in suggesting matters for review by United Nations treaty bodies and in monitoring government responses.

- **"Advocacy" for acceptance of and compliance with international standards**

Everyone involved should be targeted, especially non-State entities such as armed groups, powerful financial interests, students, youth groups and the media.

In peacetime, youth groups should be priority targets as an investment in the future.

Channels of communication should be kept open with all groups.

Traditional values could be used as a means of drawing parallels with, and thus promoting, international law. In circumstances in which the legal system has broken down, it might be helpful to refer to moral imperatives.

Innovative methods of promoting compliance with international law should be encouraged, including theatre, radio, dance and comics, as they enhance receptivity within the culture.

More resources should be allocated to work to promote compliance with international standards.

- **Promoting respect for rules and principles**

Organizations should strengthen their dissemination activities as a means of contributing to a culture of non tolerance for violations. Those promoting humanitarian principles should use references familiar to the audience concerned.

Training should be provided for field and local personnel who play an important role in promoting the law and pointing out where it is applicable.

enteng international law

Training armed and police forces: a means of prevention

Some organizations consider that abuses be prevented or limited through humanitarian law or human rights training for armed and police forces. There is no consensus on this issue or on the political conditions under which this kind of training could be offered. The following questions were considered during the workshops:

- What kind of outcome may be expected from humanitarian law or human rights training to armed or police forces?
- Should some limits to these activities be set given the risk involved of being associated with forces that do not respect the law?
- Can rules be formulated to govern such training?

For some organizations, it is essential to focus on armed and police forces through a comprehensive approach that reaches different levels and functions in the chain of command. The best way to protect potential victims is to ensure respect for international law in the conduct of military or police operations.

The training provided by the ICRC, for example, focuses on situations of violence and includes theory as well as case studies. Other organizations have also devised comprehensive training courses. *Réseau des Citoyens* (Citizen's Network), a non-governmental organization, initiated the first training course for members of the criminal investigation branch of the Rwandan police in 1995.

For its part, Amnesty International has restricted its programmes to situations in which there are no major human rights problems, or to countries where there is a sincere commitment from the political authorities to respecting human rights and to investigating and punishing abuses. For Amnesty International, "where there is a serious pattern of human rights violations and abuses with impunity, such training may first require a programme of legal reform in accordance with international standards as well as the disbandment of certain types of security force units which are significantly responsible for committing violations. Otherwise, human rights training will, at best, be a drop in the ocean and, at worst, a public relations stunt to redeem irresponsible authorities¹¹."

¹¹ Amnesty International, *Campaigning Manual*, 1997.

promoting and implem

Identifying general principles

by the ICRC's Central Tracing Agency and Protection Division

The many subjects discussed at the four protection workshops represent problems faced by those involved in humanitarian endeavour. They demand firm policies and difficult decisions.

The question was asked whether the many conclusions arrived at by the workshop participants could give rise to a number of simple and practical working principles. In other words, was it possible that those conclusions – though they were not always definite and not always unanimous – could give rise to a number of principles to which organizations should invariably give thought when it came to taking action?

As a result, the ICRC's Central Tracing Agency and Protection Division analysed the conclusions and drew up a "distillation". It contained four working principles.

Four working principles

- **Think comprehensive:** Consider a situation in all its dimensions and perspectives as well as all the applicable international humanitarian, human rights and refugee law.
- **Respect the individual:** Respect the wishes, dignity, immediate needs and rights of the individual.
- **Be capable:** Know your stuff, know the law, make full advantage of institutional expertise.
- **Be relevant:** Adapt as well as possible to the obstacles and other specific circumstances presented by the situation, taking into account the immediate and foreseeable needs of all the people concerned.

These principles are not always compatible with each other; they are many-faceted expressions of the concern to optimize protection. The fact that they sometimes conflict shows how sensitive the area of protection is, requiring as it does hard choices and a meticulous analysis of the interests involved rather than the application of ready-made recipes.

enting international law

Comprehensive versus individual

The need to “think comprehensive” can conflict with the need to “respect the individual”, for the interests of the individual – his desires and immediate safety – frequently conflict with the options presented by a comprehensive analysis of the situation. For example, a hostage will no doubt hope that negotiations will be held with those who have abducted him and that this will lead to his release, whereas broader, long-term interests may require that nothing be done that would encourage future hostage-taking.

Right A versus right B

Likewise a conflict may arise within the framework of the same principle, such as “think comprehensive”. Some rights can conflict

with other rights which imply contrary or even incompatible actions. For example, in a situation where civilians have been forcibly displaced – in violation of the law – the right to education requires that schools be provided for the children. Yet doing this has the effect of further settling the displaced and thus undermining the principle of their right of return.

Competence versus relevance

It is also possible for competence to conflict with relevance. Expert knowledge in a highly specialized technical domain or body of law may prove of little relevance given the existing needs. An example would be setting up a therapeutic feeding programme for children only to send them afterwards back into a population in the grip of famine and lacking general food support. This could be done with great competence but with a singular lack of relevance.

A framework for discussion

One possibility for resolving these tensions may be found in carrying out the operation within the framework of protection as set out in Chapter 1. But obviously these working principles will not resolve the conflicts that can arise in any humanitarian endeavour, in particular that of protection. They will nevertheless serve as terms of reference and provide a framework for analysis and discussion.

STRENGTHENING PROTECTION IN WAR

part three

DEALING with the environment

the debates and main
conclusions

chapter informing the media

1- Summary of the discussions

The international media bases its reports on a given conflict essentially upon direct observations by journalists, first-hand victims' accounts and statements by the warring parties. It also uses reports published by organizations perceived as reliable sources of information.

It is often difficult to obtain an objective picture of a conflict owing to powerful propaganda as well as partial and even contradictory information supplied by the warring parties and others. In such cases, statements by representatives of humanitarian and human rights organizations carry special weight.

Media reporting helps mould international public opinion and exerts pressure on the international community. Given that the organizations play a major role in alerting public opinion about serious violations and drawing them to the attention of donor States, they might be tempted to use sketchy or not fully verified information in order to call attention to the violations being perpetrated. Information that turns out to be exaggerated or biased harms the organizations' credibility and ultimately the interests of the people it seeks to help.

The workshop participants attempted to answer the following questions.

- What rules of conduct should be established regarding information disclosure by organizations as a means of putting an end to violations?
- Is it justified to quote figures in order to gain public attention even though those figures might be inaccurate?
- Do the interests of victims justify deliberate exaggeration of the facts?

2- Main conclusions of the workshops

- **Accuracy**

When providing information on a situation, organizations must supply accurate facts and figures. They should maintain high professional standards to guarantee the quality of their public reporting.

First-hand information should be used whenever possible. Other information should be checked as closely as possible.

Accuracy should be the rule not only regarding the facts divulged but also in the words chosen and in the manner in which situations are described.

Media pressure to inflate information should be resisted.

When an organization is not in a position to accurately assess the scope of violations and cannot obtain first-hand information, it should be honest about the conditions under which the facts were collected and the skewed picture which they may produce.

3- Example: Bosnia-Herzegovina

The conflict in Bosnia-Herzegovina, which started in 1992, rapidly became the focus of tremendous media attention. Media reporting had a huge impact on international public opinion and exerted pressure on the international community to act. Paradoxically, it was very difficult to get a clear picture of the situation because the information was often confused and contradictory. Figures that were impossible to check were bandied about on a variety of subjects, such as the number of unaccompanied children.

Accounts of the effects of the Bosnian Serb offensive on Gorazde (29 March-25 April 1994) provide a telling example of this. Gorazde was a "safe area" established by the United Nations Security Council.

Representatives of humanitarian organizations (ICRC, MSF, UNHCR) and some United Nations military observers were in Gorazde at the time.

informing the media

International journalists were denied access to the enclave. The only reports from the area, apart from those of ham radio operators, were issued by humanitarian organizations present in the town.

Some of the information was publicly relayed by the offices of those organizations in Sarajevo, Zagreb or Geneva. The reports issued described a disastrous situation in humanitarian terms, particularly after 18 April. Some 700 dead and nearly 2,000 wounded were reported by the organizations on the spot on the basis of figures obtained from the hospital, which had been partly destroyed by shelling and was plagued by water shortages.

An UNPROFOR team arrived in Gorazde during the night of 23-24 April. On the basis of information received from the enclave, its members expected to have to evacuate 30% of the wounded, i.e. about 600 people. But it turned out that the figures had been inflated. On 26 April, a United Nations spokesman announced that the total should be divided by three, i.e. 250 dead and 700 wounded at most.

A few days later, a senior UNPROFOR officer publicly declared that staff members of the United Nations and other organizations had exaggerated the intensity of the fighting. The damage to the hospital was not significant and the numbers of dead and wounded had been inflated in order to arouse compassion from the international community. He further insinuated that the military observers were not particularly competent and that humanitarian workers had been too emotional in drafting their reports.

It may be deduced from his remarks that, in their anxiety to alert the international community and come to the aid of civilians trapped by the shelling, humanitarian organizations had in all likelihood lost some of their objectivity. Various commentators, who had not thoroughly checked the facts, had in turn simply accepted uncritically the data provided by the humanitarians.



chapter

consequences of in

1- Summary of the discussions

Humanitarian organizations have observed, with some concern, the arrival of a new participant – the military – in recent theatres of humanitarian endeavour. Humanitarians have always dealt with regular armies, rebel and other forces present by definition in any armed conflict. What is new is the involvement of armies – especially international forces – in operations portrayed as helping and protecting civilians at risk by engaging in activities traditionally carried out by humanitarian organizations: transport, evacuation, camp construction, food distribution and medical aid.

Governments may have no small interest in using their armies for humanitarian activities. Firstly, it conveys to the public a positive image of military capacity whose usefulness might otherwise be questioned, particularly in view of its cost to taxpayers. Secondly, given that military forces are under the command of the political authorities, they can be better controlled by the latter than can the humanitarians.

Military involvement in affairs traditionally belonging to humanitarians is probably going to be a lasting phenomenon. It has caused unease among humanitarian organizations and a degree of ambiguity. This is due partly to the fact that humanitarian and military organizations have certain features in common. Both:

- the same theatre of operations;
- use more or less similar logistical techniques;
- work in environments rife with strategic and political interests;
- largely have the same funding sources (governments).

Moreover, humanitarian organizations act alongside the military in many situations. For example:

- humanitarian organizations often depend on the military for secure access;
- the military can play a crucial role – especially in major crises – in providing heavy logistical support and repairing infrastructure essential to relief, given that armies have great logistical capacity and can effectively mobilize enormous resources.

16 military involvement humanitarian activities

The resulting proximity has resulted in confusion over roles which is viewed as dangerous by humanitarian organizations for reasons such as the following:

- The provision of humanitarian aid by the military reduces humanitarian work to mere relief distribution and tends to sideline protection.
- The humanitarian organizations' operating standards may be compromised by excessively close association with the military. Relief work must be based on a set of skills, judgements and principles which the military does not share with the humanitarians. This threatens humanitarian independence and, above all, the principle of impartiality.
- The military's various roles as *de facto* party to the conflict, as protector of the civilian population and as protector and provider of aid creates tensions and blurs the distinction between it and the humanitarian organizations. As a result, it may be difficult to convince people of the organizations' independence, especially when armies are providing humanitarian aid on one side of the border while waging war on the other.

The workshop participants attempted to answer the following questions:

- Are humanitarian activities carried out by the military compatible with the work of humanitarian organizations? If so, which ones?
- Can humanitarian organizations and the military perform complementary tasks?
- What points should be clarified between the military and humanitarian organizations in order to achieve a degree of cooperation?

consequences of in

2- Main conclusions of the workshops

- **No “humanitarian war”**

The concept of “humanitarian war” is generally unacceptable to humanitarian organizations, even if presented by the military as justified by human rights or humanitarian imperatives. The “humane conduct of war”, on the other hand, is quite a different concept and is indeed what international humanitarian law seeks to secure.

The zero-military-casualty policy, which in practice means massive air strikes from high altitude, is at odds with the humanitarian imperative of protecting civilian populations from the effect of hostilities.

The idea of “just war” is questionable from a humanitarian perspective since it creates distinctions between victims and thus undermines the principle of impartiality.

- **No blurring of identities**

Humanitarian organizations and the military have different natures and abide by different principles. Distinct and separate objectives and spheres of responsibility must be insisted on.

When associated with military action, humanitarian organizations place at risk their independence and impartiality. Humanitarian action must be independent and impartial, while the military must obey the government.

The blurring of identities between military and humanitarian organizations is detrimental to the humanitarian organizations. They need to preserve the credibility of their work.

- **Co-existence**

Military involvement in humanitarian activities is a reality – it is effective and will presumably continue. Ways must be found to work together productively.

The military may have a welcome role in securing the environment for humanitarian organizations and in providing support, which can help in dealing with emergencies.

military involvement humanitarian activities

- **Need for a dialogue**

Humanitarian organizations should engage with the military in dialogue on interaction between them. This dialogue should take place at a high level and be aimed at finding ways to work together productively. Depending on the circumstances, it should focus on analysing the advantages and disadvantages of proximity, clarifying roles and fostering flexible cooperation.

chapter

the influence

1- Summary of the discussions

Many organizations are aware of the influence that donors have on their activities and of potential donor impact on their independence. Donors are sometimes perceived by organizations as demanding simplistic answers to the very complex problems of protection. On the other hand, the donors themselves are faced with a proliferation of organizations, all seeking funding from them and some of which are of questionable quality. This gives rise to pronounced caution on the donor's part as to the selection of partners. Some donors also tend to set their own standards, based on unclear criteria, for identifying "good" and "bad" implementing organizations.

Donor influence is particularly tangible in the following areas:

• Country selection

Non-governmental organizations are often over-dependent on the governments of their respective countries, i.e. government preferences disproportionately determine the situations in which they involve themselves. During the summer of 1999, for example, there were 350 organizations working in Kosovo. During the same period, only a handful were active in Angola, though the situation there was equally deserving of attention.

Particular difficulties can be encountered in fund-raising for protection work:

- Some countries are positively perceived by donors for political reasons. Although they may present serious problems in terms of protection, it may be difficult to obtain support for activities specifically related to protection.
- In others cases, it is the other way around: if a country is considered an international pariah, it may be difficult to raise funds for humanitarian aid there.

• Visibility

Both private and public donors need to have their beneficiaries in the public eye. This exerts pressure on organizations to increase their field

17 of donors

presence and thus obtain a higher media profile as a means of influencing public opinion and generating more funding. As a result, some human rights organizations are under pressure from their donors to be seen working in the field in order to enhance their credibility. However, high visibility can jeopardize traditional advocacy work.

- **Disproportionate interest in different categories of victims**

The tendency of certain donors to select their own criteria also applies to the way in which they determine which categories of beneficiaries should be assisted. The problem was said to be more acute for non-governmental organizations than for United Nations agencies because the latter have stricter international mandates. There is, for example, strong donor interest in programmes to reintegrate child soldiers into society but far less interest in funding activities that could help prevent them from becoming soldiers in the first place.

2- Main conclusions of the workshops

- **Resistance to pressure**

Organizations should carefully study the influence of the donors' own policies on their operational choices. They should refrain from anticipating a donor's reaction to a certain crisis and from shaping funding demands to suit the donor's policy.

They should resist both private and public donor pressure as far as possible in order to preserve the independence of humanitarian endeavour.

In order to head off donor pressure, organizations should:

- insist that part of the funds donated not be earmarked;
- always conduct a comprehensive assessment of needs and protection-related risks so as to base their operational choices on independently gathered and well-founded information.

the influence

As a means of remaining independent of donors, organizations should devote more care to working ethically and in accordance with their own principles. They should also strive for high quality in their work in a spirit of accountability vis-à-vis the beneficiaries.

- **Enlightening donors and the general public**

Organizations should pay more attention to influencing the donors' policies. They should make an effort to ensure that donor priorities are more in step with their own priorities, that donors understand the need to help all victims of a given situation and to respect the principle of impartiality. Particular stress should be laid on the difference between emergency action and development work as well as the necessity to meet both short-term and long-term needs.

Organizations should try to educate the public about the limitations of humanitarian action. There are certain things which they cannot do, such as assume political responsibilities.

of donors



conclusion CON

Conclusion

The workshops made possible an unprecedented discussion about protecting the victims of violations of international law during armed conflict and situations involving internal violence. Some 100 representatives of about 50 humanitarian and human rights organizations, United Nations agencies and academic institutions took part in an attempt to enhance protection of civilians.

The workshops reflect a desire to optimize protection, to leave behind the competition between humanitarian organizations which has afflicted so many operational theatres, and to bring about a joint – though not uniform – approach to the challenges facing humanitarian workers. The workshop process resulted from a search for greater quality, relevance and accountability.

The one recurrent message throughout the workshop process was that organizations should not shoulder responsibility for protection as this responsibility truly belongs to the parties – whether State or non-State – in conflict situations. As constantly repeated in the debates, organizations might possibly have a watchdog role to play. But they are not equipped, nor is it their mission as such, to provide protection themselves. Most of the time, organizations do not “provide” protection – they seek to ensure protection on the part of the authorities responsible for providing it.

What has the workshop process made possible?

According to participants, the workshops on protection enabled them to:

- talk with others involved in the world of humanitarian endeavour and human rights work about the purpose and effects of their activities;
- contribute to greater knowledge and understanding of each entity's identity, mandate and work;
- suggest and discuss theoretical models for action for the purpose of identifying a common language and its practical consequences;
- reach some temporary conclusions on operational questions faced by practitioners;
- work toward the establishment of professional standards that could help humanitarian and human rights practitioners be more accountable to victims, donors and the public.

clusion



Conclusions rather than formal guidelines

- The conclusions amount to the outcome of discussion between members of humanitarian and human rights organizations on current operational issues. Some represent a consensus, others contain divergences of opinion and reflect different identities.
- Some of the conclusions are simple common sense: they set a minimum of effort and responsibility that can be expected from organizations, whether financed publicly or privately, whose purpose is to come to the aid of the victims of conflict.
- Some conclusions correspond to the principles and working methods already used by certain organizations. With others this is not the case – or not yet.
- Finally, some conclusions are more substantial than others. This reflects the substance (or lack thereof) of the subjects taken up at the workshops.

Though they may be a source of inspiration, these conclusions do not constitute a catalogue of hard and fast rules to which humanitarian and human rights work must rigorously adhere. Nor do they claim to be exhaustive. They simply indicate a general direction.

The participants repeatedly stressed the need for flexibility in the face of widely varying situations and changing times.

These conclusions could generate further discussions in the future and also serve as a basis for the further elaboration of professional standards. As a guarantee of relevance, this process must be pursued with a keen eye to reality in the field.

The foregoing summary amounts to a sketch, one that may be filled out further in future. The process should enable all of us to make progress through dialogue toward shouldering our full measure of responsibility.



Strong demand from participants for training

One of the most commonly expressed views during the workshops was that better training of staff was needed in protection work in order to enhance the quality and relevance of the work and accountability of the organizations carrying it out. The workshop participants stressed the following needs in particular:

- Training in international law
- Staff generally have limited knowledge of international law, which gives rise to difficulties regarding its implementation in the field and the understanding of protection issues
- Organizations should train their staff in the body of rules which they are expected to use in the field. International humanitarian law courses for relief workers could be organized by the ICRC. Courses in refugee law, human rights law and international humanitarian law – perhaps organized jointly by different organizations – would also be useful

Information about other organizations

Effective interaction between organizations is hampered by their lack of knowledge about each other. Staff should be informed about the mandates and working methods of organizations with which they might have to cooperate in the field. To this end:

- training in international law may help organizations become better acquainted with each other's mandates and activities;
- exchange between organizations of information on their respective methods should be arranged;
- it would be useful to draw up a list of existing programmes/courses through which information on the various organizations' mandates, activities and working methods could be shared.



Training in protection

Some form of training based on the four workshops would be of great use in organizations' internal programmes to train managers both at headquarters and in the field.

A database on protection-training materials might be useful.

Protection experts could tailor training to individual organizations.

Some organizations said that they needed guidance regarding issues related to the conduct of hostilities in order to better understand this complex area of international humanitarian law.



participants in the on protection

The following is a list of those who took part in one or several workshops. Their titles are those given by them at the time they last attended a workshop, as are the names of the organizations they represented.

Association for the Prevention of Torture

Barbara Bernath, Head of Europe programme
Claudine Haenni, General Secretary
Cecilia Jimenez, UN Programme Officer
Isabel Ricupero, Programme Officer

Action contre la Faim

Christian Captier, Director of Operations

African Commission on Human and Peoples' Rights

Evo Dankwa, Special rapporteur on prisons

Amnesty International

Claudio Cordone, Director, Research and Mandate Programme
Karsten Lütke, Director, Research and Mandate Programme
Ignacio Saiz, Mandate Coordinator

Bioforce développement

Florence Ganoux, instructor

Care International

Graham Miller, Multilateral Liaison Officer

Demain L'Afrique

Josaphat Balegamire, Executive Director

International Federation of Human Rights

Olivier de Frouville, head of mission
Sara Guillet, Representative in Geneva

Henry Dunant Centre for Humanitarian Dialogue

Martin Griffiths, Director

1 four workshops (1996-2000)

Human Rights Watch

Joanne Mariner, Associate Counsel

Wilder Tayler, General Counsel

Humanitarianism and War Project

Larry Minear, Director

International Committee of the Red Cross

Alain Aeschlimann, Deputy Head, Central Tracing Agency and Protection Division

Francis Amar, Head, International Organizations Division

Gianni Bacchetta, Deputy Director for General Affairs

François Bugnion, Delegate-General for Eastern Europe and Central Asia

Danielle Coquoz, Head, Central Tracing Agency and Protection Division

Pascal Daudin, Head of Sector, Central Tracing Agency and Protection Division

Jean de Courten, Director of Operations

Jacques de Maio, Deputy Head, Central Tracing Agency and Protection Division

Louise Doswald-Beck, Head, Legal Division

Bruce Eshaya-Chauvin, Head, Health and Relief Division

Jean Paul Fallet, Head, International Organizations Division

Sylvie Giossi Caverzasio, independent consultant

Christoph Harnisch, Deputy Delegate-General for Africa

Marion Harroff-Tavel, Political Adviser, General Directorate

Daniel Helle, Adviser, Legal Division

Stephane Jeannet, Adviser, Legal Division

Bertrand Kern, Head of Operations for the Caucasus

Catherine Koumrouyan, Assistant, Central Tracing Agency and Protection Division

Françoise Krill, Deputy Director of Operations

Maarten Merkelbach, Head of Sector, Central Tracing Agency and Protection Division

François Musy, Head of Sector, International Organizations Division

Jelena Pejic, Legal Adviser, Legal Division

Yves Sandoz, Director, International Law and Policy

Jacques Stroun, Deputy Director, Department of Operations

Karen Thibaud, Assistant, Central Tracing Agency and Protection Division

Olga Villarrubia, Deputy Head, Central Tracing Agency and Protection Division

Carlo Von Flüe, Delegate, International Organizations Division

participants in the on protection

Institut de l'humanitaire

Claire Boulanger, head of mission

Inter-Agency Standing Committee Reference Group on Human Rights and Humanitarian Practices

Susan Kinsley, Consultant

International Commission of Jurists

Mona Rishmawi, Director

International Council on Human Rights Policy

David Petrasek, Research Director

International Council of Voluntary Agencies

Ed Schenkenberg van Mierop, Coordinator

Brita Sydhoff, Program Coordinator

Rudolph Von Bernut, Executive Director

International Federation of Red Cross and Red Crescent Societies

Oldrich Andrysek, Senior Officer on Refugees

Jean Ayoub, Director, Disaster Response

Robbie Thomson, Senior Officer, Refugee Unit, Disaster Response and Operations

Peter Walker, Director, Disaster and Refugee Policy

International Human Rights Trust

Karen Kenny, Co-Director

International Institute of Humanitarian Law

Stefania Baldini, Assistant Secretary General

International Islamic Relief Organization

Fawzia Al Ashmawi, Representative in Geneva

International Rehabilitation Council for Torture Victims

Erik Holst, Deputy Secretary General

International Rescue Committee

Margaret Green, Director, Protection Unit

four workshops (1996-2000)

International Service for Human Rights

James Sloan, Legal Adviser

Lawyers' Committee for Human Rights

Robert Weiner, Program Co-ordinator for the Americas

Médecins du Monde

Magali Gurder, Assistant

Alexandre Kamarotos, International Secretary

Peter Tarambula, Surgeon

Florence Trintignac, Responsable Unité témoignage

Médecins sans frontières – Belgium

Stefaan de Wolf, Research Coordinator

Médecins sans frontières – France

Françoise Bouchet Saulnier, Research Director

Fabien Dubuet, Legal Adviser

Médecins sans frontières – Netherlands

Katrian Coppens, Humanitarian Affairs Department

Hanna Nolan, Humanitarian Affairs Department

Norwegian Refugee Council

Vigdis Vevstad, Legal Adviser

Marc Vincent, Coordinator

Overseas Development Institute

Nicholas Leader, Research Fellow – humanitarian policy

Johanna Macrae, Research Fellow

Oxfam

James Darcy, Emergencies Coordinator

Nicholas Stockton, Emergencies Director

Oxford Brookes University

Hugo Slim, Senior Lecturer

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Physicians for Human Rights

Robert Simons

Quaker United Nations Office

Rachel Brett, Associate Representative

Timothy Wichert, Representative

Refugee Policy Group

Michel Moussali, Representative for Europe

Laetitia Van Haren, Assistant Representative in Geneva

Rights and Humanity

Julia Hauserman, President

Royal Institute of International Relations

Elizabeth Sellwood, Research Assistant

Save the Children-UK

Lola Gostelow, Emergencies Adviser

Sphere Project

Nan Buzzard, Project Manager

Steering Committee for Humanitarian Response

Joël McClellan, General Secretary

United Nations Office of the High Commissioner for Human Rights

Roberto Ricci, Human Rights Officer

United Nations Office of the High Commissioner for Refugees

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Luise Druke, Research Scholar

Jean François Durieux, head of section

Stephane Jaquemet, Legal Officer

Arnold Torbjornsen, NGO Coordinator

Richard Towle, Senior Liaison Human Rights Officer

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UNICEF

Kirsi Madi, Emergency programme officer

Viktor Nylund, Project Officer, Humanitarian Principles, Office of Emergency Programmes

University of Essex

Françoise Hampton, Professor of Law, Law Department

Ian Martin, Visiting Fellow, Human Rights Centre

Nigel Rodley, Professor of Law, Human Rights Centre

United Nations Office for the Coordination of Humanitarian Affairs

Imma Guerras

Monika Sandvik-Nylund, Associate Humanitarian Affairs Officer

Yasmine Sherif, Humanitarian Affairs Officer

Voluntary Organizations in Cooperation in Emergencies (ONG Voice)

Pilar Mendez de Vigo, Programme Officer

World Council of Churches

Elizabeth Ferris, Executive Secretary International Relations

World Organization Against Torture

Carin Benninger Budel, Programme Officer

World Vision International

Eric Ram, Director

appendix

suggested

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suggested

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list of abbreviations

ICRC: International Committee of the Red Cross

MSF: Médecins sans frontières

NGO: non-governmental organization

OAU: Organization of African Unity

OXFAM: Oxford Committee for Famine Relief

UN: United Nations

UNAMIR: United Nations Mission in Rwanda

UNHCR: United Nations Office High Commissioner for Refugees

UNICEF: United Nations International Children's Emergency Fund

UNPROFOR: United Nations Protection Forces

Mission

The International Committee of the Red Cross (ICRC) is an impartial, neutral and independent organization whose exclusively humanitarian mission is to protect the lives and dignity of victims of war and internal violence and to provide them with assistance.

It directs and coordinates the international relief activities conducted by the Movement in situations of conflict. It also endeavours to prevent suffering by promoting and strengthening humanitarian law and universal humanitarian principles.

Established in 1863, the ICRC is at the origin of the International Red Cross and Red Crescent Movement.

Since 1996, a group of professionals from different backgrounds – human rights and refugee law, humanitarian law, field work and academia – have been taking part in an annual three-day discussion on protecting civilians in armed conflict and situations of internal violence. To date, more than 100 people from 50 different organizations have attended this unique forum organized at the initiative of the ICRC. Each has brought to the discussion his/her own substantial experience and personal perspective.

The highlights of the deliberations have been summarized in the present publication.

Taken as a whole, the components of this summary are intended to help organizations integrate protection work more effectively into their own programmes. They may also be used as a basis for training. They represent a step toward a broader recognition of shared principles in dealing with the protection issues thrown up by today's conflicts.



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