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"FROM DISARMAMENT TO LASTING PEACE: DEFINING THE PARLIAMENTARY ROLE"

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Strengthening Humanitarian Action in Conflict: Defining the Parliamentary Role

(Background note prepared by the United Nations Office for the Coordination of Humanitarian Affairs)

I. Today's Humanitarian Environment

1. The past few years represent a period of great change in humanitarian affairs: The consolidation of peace in many areas of the world was offset by both new and long-simmering conflicts, and progress made in strengthening support to countries in crisis was eclipsed by some of the most disturbing humanitarian trends of our time.

2. In 2004, prospects for peace in southern Sudan were undermined when violent incursions in the country's western Darfur region displaced at least a million people within Sudan and sent tens of thousands of refugees into neighbouring Chad. A fragile peace in the Democratic Republic of the Congo is at risk following a flare-up of violence in the east. Despite the presence of UN peacekeepers in several West African countries, continued insecurity and the cumulative effects of years of unrest continue to deprive the population of basic services in many areas, and is a persistent hindrance for stability in the region. Though progress has been made in Uganda, for example, in reducing the prevalence of HIV/AIDS, such improvements remain confined to the south, as acute fighting and widespread human rights abuses in the north has fuelled a massive humanitarian crisis that has displaced more than 1.6 million people.

3. Assistance to and protection of refugees and internally displaced persons (IDPs) remains a core humanitarian concern. According to the United Nations High Commissioner for Refugees, an estimated 13.7 million people are living as refugees outside their own country, including more than 4 million refugees from the occupied Palestinian territory, and 2 million who have fled recurrent drought and more than 20 years of conflict in Afghanistan. In addition, the UN estimates that approximately 25 million people have been uprooted within their own country by conflicts and human rights violations. Though prospects for peace in 2003 allowed 3 million internally displaced people to return to their places of origin, war, drought and civil disturbances displaced an equal number during the same period, mainly in Africa.

4. Sadly, however, it is deliberate attacks against humanitarian workers and relief operations that are increasingly making headlines. Humanitarian offices were deliberately ransacked and burned in the Democratic Republic of the Congo in May 2004. UN headquarters in Iraq were targeted in a bombing that killed 22 United Nations staff last August. Since March 2003, thirty relief workers have been murdered in Afghanistan, precipitating the withdrawal of humanitarian organizations, such as Médecins Sans Frontières, which had been a principal actor in the country for more than 20 years.

5. What is emerging is a new and increasingly complex operating environment where new actors and new approaches are changing the nature of humanitarian activities, where new security threats are testing the ability to deliver humanitarian assistance and where the neutrality of humanitarian action is called into question as it is seen as aligned with and supportive of particular political agendas.

6. Such trends require not only increased involvement by both states and non-state actors in the humanitarian endeavour, but a greater commitment by governments and civil society to promote acceptance and support for independent, neutral and impartial humanitarian action. It is in this regard that parliamentarians, who play a leading role in the development of national legislation and who are in a strong position to exert influence on the executive branch of their governments and public opinion, can play a critical role.

II. Present and Future Challenges

7. Within this overall context, a number of current and emerging developments continue to challenge humanitarian actors in ensuring effective and timely humanitarian action.

Limited humanitarian access

8. Gaining and maintaining access to populations affected by conflict is critical to the delivery of humanitarian assistance and protection. However, in many conflict areas, such access remains limited and sporadic. The UN estimates that more than 10 million people in some 20 countries affected by complex emergencies do not have access to humanitarian assistance or protection from physical harm and abuse – assistance that is their right as civilians and non-combatants.

9. The lack of security remains the predominant and most visible threat to access, where attacks on humanitarian staff sometimes require that humanitarian activities are carried out under armed escort – or cannot be delivered at all. Physical obstacles, such as landmines placed along key delivery routes or barriers that cut off segments of the population, impede the delivery of life-saving supplies or deny access to critical social services. Procedural and administrative hurdles, including onerous visa requirements and customs clearances, continue to be used to delay or restrict contact with vulnerable populations.

10. It is a core humanitarian principle to see that human suffering is addressed wherever it is found. It is therefore critical that the needs of the most vulnerable people are met, and the dignity and rights of all victims are respected and protected whenever and wherever assistance is required.

Blurred roles

11. The complexity and scale of today's crises have led to an increase in the number and type of actors engaged in "humanitarian" activities in conflict and post-conflict settings. For example, recent years have witnessed a dramatic growth in independent contractors and military actors involvement in relief activities, particularly in Afghanistan and Iraq, whose objectives may not be purely humanitarian but are often linked to an overall political strategy or agenda. In the past, humanitarian organisations have worked alongside the military in areas of conflict, but retained clearly defined and distinct roles and responsibilities. Increasingly, however, some governments and UN peace operations are including humanitarian activities in the mission mandates of, or tasks undertaken by, their armed forces.

12. Such approaches blur the distinction between military and humanitarian operations and compromise the perception of neutrality and impartiality of humanitarian assistance. A lack of coordination between humanitarian and military actors also raises concerns that humanitarian assistance is delivered where it is most strategic, but not necessarily where it is most needed. These developments highlight the need to review the appropriate relationship between the humanitarian and military actors and to establish clear guidance for the relationship between civilian and military personnel.

Multidimensional response to crises

13. The growing complexity of today's crises has led the UN to apply a multidimensional approach to peace operations in a number of countries, bringing together the military, political, humanitarian and development areas of the UN system. Currently, these so-called "integrated missions" have been established or are being established in 10 out of the 24 complex emergency countries, such as in Sierra Leone, Liberia, Burundi, and Côte d'Ivoire. In some areas, peacekeeping operations may not be under direct UN command, but may sit alongside a UN peace mission, such as in the International Security Assistance Force (ISAF) in Afghanistan or the multinational force in Iraq.

14. While such arrangements create opportunities for more coherent and effective action, it is equally important that the distinct roles and responsibilities of the different parts of the UN system are clearly defined, particularly so as to avoid any misperceptions about the role of humanitarian organisations and how they conduct their work. Effective humanitarian action requires that protection and assistance are provided on the basis of need in a neutral and impartial manner. It is extremely important that governments ensure respect for humanitarian principles, reaffirm the leading role of civilian organisations in implementing humanitarian assistance and ensure that when military assets and capacity are needed, they are used in conformity with clearly elaborated guidelines.

Proportionality of funding

15. Though the US\$3 billion required for humanitarian assistance in 2004 is similar to previous years, the pattern of funding humanitarian activities remains uneven, leaving some countries substantially underfinanced. For example, while high-profile emergencies are often quickly and fully funded, less newsworthy or strategic countries scrape by with minimal interest. For example, in 2003, while Iraq received more than 90 percent of the funding required for humanitarian assistance, some countries in southern Africa, received less than 20

percent of required funds. Often it is in these “forgotten” emergencies where the needs are the greatest and most urgent.

16. In 2003, donors launched the Good Humanitarian Donorship Initiative, which emphasises greater donor accountability, performance and advocacy, through commitment to a number of key principles and good practices as a means of ensuring that humanitarian assistance is given based on clearly defined and demonstrable humanitarian needs. Though progress has been made in improving the assessment and prioritisation of needs, increased levels of timely, predictable and flexible funding are required to ensure that financial assistance to crises is equitably applied where and when it is needed. This initiative is ongoing and will be followed up with a second donor meeting in Ottawa in October 2004.

Strengthening post-crisis transition

17. During the past year, prospects for peace in several areas of the world created unprecedented opportunities for countries emerging from crisis to put themselves squarely on the path to stability. The success of such “transition” periods requires special funding and assistance measures on the part of the international community to facilitate the shift from relief and development. These should be combined with concrete actions by affected states that focus on national recovery strategies and that restore the rule of law through national and sub-national institution building and widespread disarmament.

18. Also critical to successful transition and long-term stability is meeting the needs of refugees and the internally displaced, who often take advantage of the end of active conflict to return home. However, lingering insecurity, inadequate state protection mechanisms and the lack of social infrastructure often makes survival difficult, giving rise to new tensions and civil disorder. It is critical that countries in transition pay particular attention to the needs of returning refugees and IDPs by channeling assistance to them and to their communities of return and strengthening national laws and national policies for their protection in line with such guidelines as the Guiding Principles of Internal Displacement. By making internal displacement a national priority, governments can also receive support and assistance from the international community to strengthen the protection and assistance to those uprooted within their own lands.

The interrelated nature of humanitarian crises

19. The growing complexity of crises means that humanitarian problems are increasingly interrelated. The cumulative effects of such problems can lead to cross-border population movements and spill-over effects into neighbouring countries. For example, a combination of food insecurity, HIV/AIDS and weakened capacity for governance, now commonly termed the “triple threat,” has kept some 6.5 million people throughout the southern African region in need of emergency assistance. The interrelated nature of humanitarian crises and their regional implications underlines the importance of multi-faceted responses that extend beyond the borders of the affected state.

20. Such cross-border issues are beginning to be addressed in West Africa through region-wide cooperation between UN agencies and the humanitarian affairs department of the Economic Community of West African States (ECOWAS). Similarly, the deployment of peacekeeping troops by the African Union to stabilise Sudan and help the international

community assist populations in both Sudan and neighbouring Chad is another positive example of regional support.

21. It is critical that States do more to reach out to their neighbours and become integral to their assistance – though the provision of experts, logistical services or in-kind donations of food, medicine and supplies and through the support of regional organisations. Such cooperation can help to contain a crisis, stabilise a transition period and strengthen a sense of cooperation, solidarity and humanity among states.

III. Defining the Parliamentary Role

22. The humanitarian community has made great strides in improving the models, methods and tools needed to respond to humanitarian emergencies: it can dispatch relief teams within hours of the outbreak of a crisis, it can communicate via satellite phone, fax or Internet from most places on Earth, it can deliver thousands of tons of food, shelter or medical supplies anywhere in the world within days.

23. But such a “logistical revolution” requires a corresponding moral, ethical and political revolution within and among governments and their constituencies. Without the access, security and financial resources, humanitarian action will fail, with severe consequences to the populations in need. Without the political will to support principled, timely and effective humanitarian assistance, opportunities will be lost to save lives and work toward peace.

24. As the focal point for world-wide parliamentary dialogue for peace and cooperation among peoples, the Inter-Parliamentary Union and its members can play a critical role in strengthening humanitarian assistance and protection to countries affected by conflict. The following list suggests possible courses of action:

- Support the independence of humanitarian action by reinforcing the humanitarian principles of neutrality, humanity and impartiality as well as the independence of humanitarian action whenever humanitarian assistance is provided;
- Ensure civilians’ right to humanitarian assistance and protection by granting safe and unhindered access of humanitarian personnel, supplies and equipment to populations in need;
- Take necessary measures to ensure the safety and security of humanitarian personnel and ensure that those responsible for attacks against humanitarian personnel are promptly brought to justice as provided by national law and obligations under international law;
- Contribute un-earmarked, predictable funding for relief assistance and explore means to fund all critical needs across all sectors;
- Support the allocation of funds and the development of programmes and tools to facilitate the transition from relief to development in countries emerging from crisis, with particular focus on assistance and protection of returning refugees and internally displaced people and on re-establishing the rule of law;

- Strengthen national laws and national policies to address the needs and protect the rights of all who are vulnerable, including the internally displaced, taking into account the Guiding Principles on Internal Displacement;
- Broaden participation by governments in humanitarian assistance, and strengthen support for and participation in regional groups.