

[This fact sheet provides general background on the rules of international humanitarian law relevant to humanitarian relief operations in armed conflict. It can also serve as a general basis for key messages on the topic. For context-specific guidance, please contact the Policy Branch.]

Meeting civilians' needs

Today, more than 141 million people across 37 countries need humanitarian assistance. A large proportion of this need arises in armed conflict.

Each State has the responsibility to meet the needs of persons in its territory or under its control. In armed conflict, organized armed groups also have the responsibility to meet the needs of civilians under their control when the State has not done so.

There are times, however, when the relevant parties fail to meet these needs. In such circumstances, humanitarian organizations can play a key role in the provision of assistance to persons in need. States may expressly seek outside help, or impartial humanitarian organizations may offer to carry out assistance activities.

What is humanitarian relief?

Humanitarian relief consists of items and services that are essential for survival, such as food, water, medical supplies, clothing, bedding, means of shelter, and fuel. This list is not exhaustive; local conditions will determine which supplies are essential.

Consent to humanitarian relief operations

Offers to conduct humanitarian relief require the **consent of the State** in whose territory the humanitarian relief is carried out.

Such consent to humanitarian relief operations **may not be arbitrarily withheld** when civilians are inadequately provided with essential supplies and the humanitarian relief operations being offered are **impartial** (i.e. guided by humanitarian needs alone) and conducted **without adverse distinction** (i.e. without favoring certain groups or individuals out of political, discriminatory, or personal preferences).

States do not have absolute and unlimited discretion to refuse offers to conduct relief operations in these circumstances.



Distribution outside of Obo, Central African Republic. (ICRC/M. Kobic)

When is a State's consent withheld arbitrarily?ⁱ

- *in circumstances that result in a violation of obligations under international law with respect to the civilian population, including obligations under international humanitarian and human rights law;*
- *when it exceeds what is necessary for achieving the ends sought in withholding consent, and is not a proportionate means of achieving those ends;*
- *when it is in a manner that is unreasonable, or that may lead to injustice or lack of predictability, or that is otherwise inappropriate.*

There are two situations in which States have no latitude to withhold consent. In situations of **occupation**, if the civilian population is not adequately provided with supplies essential to its survival, the occupying power has no latitude to withhold consent to impartial humanitarian relief operations. The same is true when a **binding United Nations Security Council decision** requires a State to consent to relief operations or imposes them.ⁱⁱ

In practice, to ensure a safe and unimpeded relief operation, the agreement of organized armed groups will be required when the humanitarian relief is destined for or must transit through territory under their effective control.

Access for humanitarian relief operations

Once consent has been obtained for humanitarian relief operations, all parties to an armed conflict, whether they are States or organized armed groups, must allow and facilitate rapid and unimpeded access -- over land, water, or by air -- of relief supplies, personnel and equipment.

The parties must also ensure that personnel have the freedom of movement required for their work. Only in case of imperative military necessity can the parties temporarily restrict humanitarian activities or movements.

What are some practical steps to allow and facilitate passage of humanitarian relief?

- *Waiving or simplifying and expediting entry procedures for humanitarian personnel;*
- *Waiving, reducing or expediting customs inspection requirements;*
- *Exemption from charges, taxes or customs duties for humanitarian relief consignments;*
- *Issuing permits for the passage of humanitarian relief, equipment, and personnel;*
- *Ensuring adequate staffing and schedules in order to allow necessary formalities to be met efficiently and expeditiously;*
- *Allowing telecommunications equipment to be imported for exclusive use in humanitarian relief operations, except as required for imperative reasons of security.*

If a party's impediments leave the civilian population as a whole, or segments thereof, without essential relief items or specific services for prolonged periods, then the party can be considered to be violating the obligation to allow and facilitate rapid and unimpeded passage of relief operations.

Nevertheless, parties to conflict can prescribe **technical arrangements** for the passage of humanitarian relief, such as the **search** for consignments to verify that they are exclusively humanitarian, prescribed **routes** at specific **times** so that relief convoys do not interfere with and are not endangered by military operations, or measures to ensure that medical supplies and equipment comply with **health and safety standards**. Technical arrangements must be applied in good faith, must not prevent the rapid delivery of humanitarian assistance in a principled manner, and their imposition or effect must not be arbitrary.

In addition, the parties may make passage of humanitarian relief consignments conditional on their distribution under the local supervision of an impartial organization or on other measures to ensure that the supplies will reach their intended beneficiaries.

ⁱ See *Oxford Guidance on the Law Relating to Humanitarian Relief Operations in Situations of Armed Conflict*, 2016.

ⁱⁱ With respect to Syria, see Security Council Resolution 2139 (2014) *demanding* that parties allow humanitarian access, and Security

Respect and protection of humanitarian relief personnel and objects

Parties to an armed conflict must respect and protect humanitarian relief personnel and objects used for relief operations. It is prohibited to attack, harass, intimidate or arbitrarily detain personnel, or to attack, destroy, misappropriate or loot relief supplies, installations, material, units or vehicles.



Unloading supplies for distribution in Sirte, Libya. (ICRC)

Taking Action

Member States, relevant components of the UN, and international, regional and national organizations should:

- systematically remind parties of their obligations;
- urge parties to adopt and disseminate practical steps to allow and facilitate passage of humanitarian relief;
- condemn arbitrary withholding of consent and violations of the obligation to allow and facilitate, as well as attacks on humanitarian relief; and
- demand effective investigations into and accountability for serious violations.

OCHA works with all relevant actors to fulfil these recommendations and enable the delivery of humanitarian relief in armed conflict.

Council Resolution 2165 (2014) *deciding* that United Nations humanitarian agencies and their implementing partners are authorized to use routes across conflict lines and certain border crossings in order to ensure that humanitarian assistance reaches people in need throughout Syria.