Event report

Senior Officials’ Meeting
Tuesday, 8 September 2020. 8:30 am- 12:30 pm EST. Virtual
Co-hosts: Denmark, Germany, EU and the United Nations

Name of the panel: Thematic track 3. (Humanitarian Access, Humanitarian Principles and Civil-Military Coordination)

Panel Members:

Opening Remarks: RC/HC Burkina Faso, Ms. Metsi Makhetha

Introduction: Director of Humanitarian Assistance, German Federal Foreign Office, Dr. Thomas Zahneisen

Co-Host on behalf of OCHA: Head of Office, West and Central Africa, Ms. Julie Belanger

Moderator: Ms. Jane Mejdhal

Panelists:

- Mr. Mahamadou Abou Tarka, HACP (Haute Autorité à la Consolidation de la Paix), Niger
- Regional Director, Norwegian Refugee Council Ms. Maureen Magee
- Deputy Director, INSO Burkina Faso, Ms. Elena Ursu
- Head of MINUSMA Regional Office in Mopti, Ms. Fatou Thiam
- ICRC Regional Director for Africa, Mr. Patrick Youssef
- WFP Regional Director in West and Central Africa, Mr. Chris Nikoi

Opening Remarks: RC/HC Burkina Faso, Ms. Metsi Makhetha

After thanking the cohosts and organizers of this event, Ms. Metsi Makhetha reminded participants that humanitarian action is undertaken for the benefit of civilian populations caught up in a crisis. As such, the humanitarian community’s objective is to save lives and alleviate suffering. She emphasized that humanitarian action takes place within a state and, where the state itself has requested support from the international community, must be coordinated with national authorities and respect national laws. That said, humanitarian organizations also have a role to play as advocates for the people they are working to assist, not just for resource mobilization but also for respect of international humanitarian law and principles.

Moving on, she explained that humanitarian action has saved lives, eased suffering and is a catalyst for longer-term development, but it is not enough on its own and is not a solution. To really address the complex and overlapping crises in the region, families need secure communities, functioning services, and livelihood opportunities in order to stay or return in safety and dignity. She noted that it is not more humanitarian aid that will convince families to stay or return, but ultimately more investments in peace, security and development that will engender more confidence and resilience in building a future in the region. She noted that with humanitarian action, more lives can be saved, and more people protected and without it, there would have been more deaths, displacements and misery. Next, Ms. Makhetha explained that the starting point for any discussion on humanitarian access must be the recognition that civilian populations in need have the right to receive lifesaving assistance, and that the focus should be as much, if not more about facilitating civilian populations’ access to basic services and livelihoods as about humanitarian organizations’ access to civilian populations themselves. Further, Ms. Makhetha explained that access to basic services as well as development opportunities for people living in the Central Sahel have reduced due to recurrent and overlapping crises-eroding community resilience. Ms. Makhetha described that social
cohesion is increasingly under pressure as displaced people and their hosts must share often scarce resources in a difficult climate that is exacerbated by ethnic and other forms of stigmatization. Moving on to address the challenges of insecurity, Ms. Makhetha noted that often counter-terrorism measures severely hamper humanitarian access in the region-and have made it more difficult to carry out humanitarian activities in areas where non-state armed groups (NSAGs) are active. According to Ms. Makhetha, these counter-terrorism policies put in place by national legislations and donor states have considerably reduced the space for negotiation on humanitarian access. In closing, Ms. Makhetha noted the importance of continuing the conversation and working with all partners to move the discussion forward.

Panel Discussion:

The panel discussion brought together a diverse range of panelists who were able to describe both the challenges of humanitarian access and civil-military coordination and the different efforts to ensure consistent and sustainable humanitarian access as well as the importance of strengthening coordination between civil and military authorities. Similarly, all the panelists noted that these efforts cannot be successful alone, that engagement with local communities is paramount to the international community’s success in securing access, strengthening civil military coordination and keeping humanitarians safe while delivering lifesaving assistance.

The Haute Autorité à la Consolidation de la Paix (HACP) was established in 1994 to monitor the peace agreements. The HACP supports efforts to ensure humanitarian access and civil-military coordination while supporting humanitarian activities throughout the country. The military deploys to support NGOs with access to areas and only as a last resort when it is absolutely necessary due to conflict; provide escorts for humanitarians.

The discussion moved on to focus on humanitarian access is very dependent on the international law and humanitarian principles. It is important to draw the line between humanitarian and military responses. The impact of counter-terrorism measures on IHL is challenging because there is no consistent guidance or reporting mechanism in place. Panelists noted that governments are inclined to apply IHL in line with their own laws and there are times when IHL and principled humanitarian action are often the first casualties of counter-terrorism agendas. The following recommendations were discussed on the panel on how to mitigate this:

1) Impartial humanitarian activities must be excluded from national laws, donor clauses and other measures against terrorism. This type of exclusion, which is often called the humanitarian exemption, is in accordance with the letter and the spirit of international humanitarian law, and it’s compatible with the responsibility of states;
2) States as well as donors must allow for negotiations with all parties to a conflict including non-state armed groups;
3) That the United Nations monitor and report on counterterrorism measures and their compliance with IHL; and,
4) That the risk transfer approach of many donors is replaced with risk sharing to really put in action the words that we want to reach the most vulnerable and leave nobody behind.

Moving on, panelists highlighted the importance of a strong civil-military coordination mechanism. There needs to be a clear distinction between military and humanitarian actors. According to some of the panelists, humanitarians should not use the military infrastructure except as the last resort. Armed escorts have consequences for the humanitarian community as a whole. Similarly, with quick impact projects implemented by the military that could be perceived as humanitarian which blurs the lines. It is therefore important to analyze the protection risk on the community. The current civil-military coordination system requires strengthening. A recommendation is to reinforce the civil-military coordination mechanism and guidelines should be developed and adopted in the three countries. There is also a call to establish a complaint mechanism for serious breaches of humanitarian principles. While there is considerable support for the humanitarian-development-peace nexus, there is a need to discuss the risks of the triple nexus approach.

Panelists also discussed the importance of keeping humanitarians safe. In Burkina Faso for example, over the last year 50 incidents have taken place, and over a quarter have affected NGO personnel. This has included temporary abductions at irregular checkpoints and intimidation. Those vulnerable populations in these areas that have experienced the highest concentration of incidents involving humanitarian aid workers are also among those experiencing extreme security challenges in what has become a protection crisis. Access constraints only serve to exacerbate the situation. With the internal displacement of over 1 million people, coordination platforms have been stretched, but are nonetheless imperative to ensuring principled humanitarian assistance.
The humanitarian civil-military coordination structure is one of the most important to deconflict challenges to allow humanitarians access. NGOs are still challenged by ad-hoc decision making and by limited flexibility of the platform. An inclusive dialogue must prevail to develop country guidelines for response. The structure is key for humanitarian access. Three takeaways on access from the country workshops include: first, that humanitarian coordination works in favor of enhancing access and preventing the escalation of access constraints; second, humanitarian negotiations should be prioritized as the tool to enhance access to the most vulnerable communities and lastly, humanitarians require more support, by creating more opportunities to bring operational concerns to a higher, more strategic level of discussion.

Panelists also discussed the importance of engaging with all parties to the conflict and ensuring they are aware of their responsibilities under international law. The security situation in the region is filled with a variety of threats due to the operational environment, but also because of the variety of modus operandi of armed groups. Non-state actors must be engaged because their activities have an impact on those humanitarian aid workers on the front line, including volunteers. In order for all parties to engage seriously, there is a level of trust that must be earned. Equally important is to contribute to creating a culture of respect for international law and acknowledgement that peace comes from courageous acts during war, including by respecting IHL and its norms. COVID-19 has exacerbated the situation by introducing new efforts for containing the virus.

Humanitarian access and civ-mil coordination are also instrumental in combating food insecurity. The number of people requiring food assistance has more than doubled to 13 million people. Quality and principled access is paramount to be able to access populations in need. The nature of armed conflict in the region has increasingly targeting civilians and humanitarian aid workers. Many of these groups may mistrust humanitarians and may have ideological differences; or they may not understand the mandate of humanitarian organizations. To be able to strengthen humanitarian access; the humanitarian community must invest in local context analysis and mapping of actors to build confidence and trust. The humanitarian community must also make efforts to ensure that our only objective is to support the most vulnerable people, based on need. The best advocates for the humanitarian community are the local communities themselves. But this requires some time to build trust and for us to understand the local context. Supporters of armed groups are sometimes embedded in communities. Secondly, government policies sometimes prevent humanitarians from accessing areas where non-state armed groups are located without armed escorts. Governments also are concerned with politicization of assistance. This makes the commitment to principles even more critical. Humanitarians must continue to work to maintain that trust through dialogue with the parties to the conflict. The use of escorts can lead to the perception of partiality, which makes it all the more important to only use them as a last resort. Humanitarians must be able to make it clear that they are not a party to the conflict. This is done through strong civ-mil coordination with the government. Lastly, while the humanitarian community seeks to adhere to humanitarian principles, the community must be aware of the perceptions of its work. Peacekeeping forces also have a role to play in addition to their mandate for the protection of civilians.

Key messages of the side event:

Several key messages from the panel are in line with the recommendations of humanitarian organizations from the country workshops held in July. The key takeaways include:

• All parties and all actors must commit to respect for and uphold international humanitarian law and humanitarian principles that aim to protect and preserve humanitarian assistance.
• Where required to aid populations in need of assistance, humanitarian actors should be enabled to negotiate humanitarian access with all parties to the conflict, including non-state armed groups;
• Practical proposals such as establishing mechanisms to support reporting on serious violations of humanitarian principles should be considered, and additional resources to support humanitarian actors to reach hard-to-access areas, such as humanitarian air services, should be allocated.
• Humanitarian civil-military coordination capacities should be strengthened at all levels, in countries and on a regional basis, ensuring sufficient resources are available to and deployed by OCHA to facilitate meaningful engagement of all humanitarian, civilian and military actors in established coordination structures.
• Peace-focused activities should incorporate a peace-building approach removed from military efforts and be grounded in community-based conflict mitigation and social cohesion strategies. Such social cohesion perspectives should be integrated into humanitarian and development responses.
• Military forces are invited to limit their emergency social actions in the field to quick impact projects or infrastructure projects and be clearly distinct from humanitarian efforts. Humanitarian principles should be respected in all
communications materials to avoid associating humanitarian organizations with statements in support of armed forces or a State.

- Overall, structured dialogue is needed between States, their development partners and organizations engaged in humanitarian, development and peace-building work to clearly define expected cooperation, make clear distinctions where required, and establish red lines for action by all parties, particularly within the peace pillar, where they co-exist. Within the Burkina Faso context, for example, there is a system-wide commitment within the framework of the SG’s Planning Directive on Burkina Faso, to be guided by humanitarian principles and modalities wherever humanitarian action is required.

**Main points raised during the discussion with participants:**

During the question and answer session, a lively discussion ensued with participants from Member States, non-governmental organizations and other partners sought to clarify what methods exist to strengthen civil-military coordination, improve humanitarian access and how to increase compliance with international humanitarian law. Panellists described efforts to engage partners at capital, headquarters and field level and efforts to strengthen information sharing. Perhaps more key to achieving these goals would be to invest in increasing trust between communities and humanitarians. Moreover, participants underlined the importance of rebuilding the social contract which requires a strong nexus approach and engaging the civilian part of the state. It has been noted that the military is not the only local asset that can be utilized to provide support from the side of the state. Sending local teachers, nurses, doctors and others in response to the basic needs of the population would be a key action. Participants also discussed the importance of compliance with international humanitarian law. This discussion confirmed the need for humanitarians to continue to engage seriously with all parties to the conflict, including non-state actors to ensure their understanding of their obligations under IHL.

[Justin Dittmeier and Ahlam Shaker/ERPS]
[16 September 2020]