

NGO Policy Dialogue III
Protecting Human Rights in Complex Emergencies
May 14, 1998

The discussion, held at the American Red Cross headquarters in Washington, was the second on the interface between humanitarian actors and human rights concerns. It was attended by 14 officials from 7 US and Canadian NGOs and InterAction. Two foundation representatives and 7 staff and consultants from the Humanitarianism and War Project were also present.

The meeting began with a recap of developments since the January 15 meeting. NGOs mentioned such events as a workshop at the recent InterAction Annual Forum; the launching of case studies on the interface with human rights concerns in four countries (CARE-US); activities in Liberia to support an interfaith mediation effort to end the conflict (LWR, CRS); and training on the UN Convention on the Rights of the Child for Swedish peacekeeping troops (Save the Children-Sweden) and OAU peacekeepers (International Save the Children Alliance). MCC noted that DPKO training exercises in Guatemala and Paraguay (undertaken with Southcom) have expressed an interest in NGO participation.

The H&W Project noted the establishment of a focus group, which is currently working toward consensus on a definition of “protection.” Facilitated by consultant Mark Frohardt, the group is a vehicle for ongoing interaction on the interface set of issues. The Project has entered into an exchange of letters on shared research interests with the UN Commissioner for Human Rights and is participating in an initiative by the UN Office for the Coordination of Humanitarian Affairs to clarify the interface issues. [Out of the exchange with the Commissioner came research by Karen Kenny, published in Occasional Paper 38, as *When Needs are Rights: An Overview of UN Efforts to Integrate Human Rights in Humanitarian Action*.

The bulk of the meeting was devoted to a discussion of issues identified in three draft chapters of a forthcoming Project monograph, which had been circulated in advance: *A Humanitarian Practitioner’s Guide to International Human Rights Law*, by William O’Neill. (O’Neill served as a resource for the discussion.) The monograph’s formulations were generally well received, with the Project encouraged to strengthen the existing focus on creating a product of practical utility to operational agencies. Special attention was requested on “establishing the relevance of international law to operational realities” and on innovative approaches to operational problems encountered. A number of suggestions are being incorporated into the next iteration of the study prior to publication in the Watson Institute’s Occasional Paper series in the fall.

Major issues raised in the discussion included the following:

- the need for greater clarity and precision as regards relationships between human rights and humanitarian action in terms of legal frameworks, conceptual understandings, and operational activities.
- the importance of defining the concept of protection inclusively, encompassing not only legal but also physical protection. The necessary commitment to “developing a context in which people are protected” implies engaging in and/or supporting a spectrum of activities ranging from the preventive to developmental, from operations to advocacy.
- whether the concept of “protection” or the more sensitive and potentially inflammatory concept of “human rights” should be used by humanitarian agencies. A number of persons encouraged the use of the latter and advocated an approach which involves promoting as well as protecting human rights.
- the need for clarification of whether the heightened challenges faced by humanitarian organizations are a function of (a) the fact that post-Cold War conflicts are more complex than their predecessors or (b) changes in the global geopolitical context and in expanded expectations of and by such agencies. The analytical conclusion reached has major strategic implications for humanitarian actors.
- the importance of clarity about whether and when humanitarian assistance should be withheld in response to abuses of human rights. The issue was seen as fundamental to the integrity of humanitarian principles and operations. Some expressed concern that the increasingly acrimonious debate in Europe about the legitimacy of withholding assistance in an ostensible effort to “do no harm” might soon spread to North America.
- the extent to which humanitarian and human rights law is binding on political and military authorities (including non-state actors such as insurgents) rather than being simply “aspirational” or “optional.” The relation between law and principles also requires clarification. Is it accurate to say that law is binding on states while principles should guide humanitarian organizations?
- the need to clarify the differing missions, styles, and approaches of various actors in the protection arena (UNHCR, UNCHR, ICRC, NGOs). Concern was expressed that UNHCR, the major UN operational player, was often a “poor partner” to NGO in their efforts to hammer out concerted strategies on human rights concerns. While “rescue” may seem outmoded in an era of eroding international political will, shouldn’t NGOs perhaps revive the idea?
- the desirability of approaching human rights issues in ways which enlist those local institutional resources already present, but often overlooked, in crisis situations.

The Project was encouraged to continue to monitor the issues at the interface between relief assistance and human rights and to involve human rights groups themselves in its work. It was also suggested that, given the ferment among human rights organizations themselves, analysis and strategies for collaboration should distinguish between organizations that function by embarrassing the authorities and those that are more collaborative, engaging in capacity building at the local level.

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May 25, 1998