

SLIDE 1

Many regions in the world confront outbreaks of major violence and continuing conflicts between ethnic communities. In these situations humanitarian agencies try to ensure that the basic needs of the affected population are met: in short we help them to survive. But with a changing nature of conflict a question arises: is providing assistance enough, when people are being exposed to violence and abuses? In how far does humanitarian aid provide such protection?

SLIDE 2

First of all we have to ask ourselves “what is protection?” ALNAP (Active Learning Network for Accountability and Performance in Humanitarian Action) defines protection as “*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*”. Others define it with “reducing the vulnerability through protective procedures and devices” (Humanitarian Practice Network, 2000). Also providing health service or education is part of protection (UNHCR, 1999).

To the same degree the nature of conflict has changed, protection and security for the affected population have become more complex to deal with. It is therefore impossible to give simple solutions to new challenges related to protection.

In the past being present or visible as a humanitarian organization on the ground was already a guarantee for the safety and protection of the civilian population in crisis. Agencies were able to provide assistance and the civilian populations were able to access the goods and the services. This has changed.

SLIDE 3

Conflicts have many facets, as I said earlier. To give you some examples we have faced as MALTESER International: in North Darfur the presence of aid agencies is not fully able to ensure the protection of the refugees. Militias continuously harass the civilian population while the UN is trying hard to get the mandate for a military intervention. MALTESER had no other choice than to stop the activities in so called “no go areas” in order to protect our own staff. In Afghanistan the security situation became increasingly precarious, three colleagues were ambushed. The consequences were that we reduced our staff to a minimum. The long term conflict in the DRC, led to a permanent crisis situation especially in the eastern region of the country: mainly civilians suffer from the ongoing violence as a part of daily life. A recent study by Birthe Steiner and MALTESER has shown that sexual violence is still at a high rate. The fact that most of the perpetrators are Congolese soldiers demonstrates clearly that the state and its institutions are not only unable to protect the populations but the presence of the military is an additional threat to the people.

SLIDE 4

In comparison to former times, today there are many actors and factors to consider which have a major impact on the protection of the civilian population: the sovereignty of states, the national interest and the interest of various political groups or militias, the interest of the international community and many others.

Hence, there arises the following context for humanitarian action:

- Firstly, the merge of military, political and humanitarian relief response has brought along an insecure and complex environment where little space is left for those who want to provide neutral, impartial and independent assistance for the people in need.

- Secondly, the changing nature of wars with an increasing number of targeted attacks on the civilian population and organizations themselves puts both, aid workers and the people at risk.
- Thirdly, the increasing number of political factions and stakeholders brings civilians and aid agencies in a “sandwich position”. This enhances vulnerability to political instrumentalization.
- Finally, the pressure by donors to deliver the assistance according to many requirements and standards are high. Humanitarian assistance nowadays is a permanent balancing act. Accountability towards those who have a right to humanitarian assistance needs to be equally important as administrative accountability towards donors.

The “humanitarian space” or what is left of it, raises in the first place essential operational questions: in fact, to find pragmatic ways to the “status quo” we have to understand the cause and the complexity of it and the risk which is coming along. In some situations we have experienced that it is imperative to enable a dialogue with all actors in order to share our mandate and aim. In these situations we were able to set the norms for engagement and to create the ground for humanitarian access; but in some cases the only solution was to withdraw from a crisis setting – leaving behind a population in need. Hence, this rises questions on general policies and principles.

The four main questions are: where, when and how should NGO’s go beyond their mandate of pure relief assistance and do not we fill gaps which are in the responsibility of political actors?

Supporters of a stretched mandate point out that humanitarian action cannot ignore violence and the violation of human rights and needs to address those problems.

I would like to add some opposing arguments to the discussion:

- The humanitarian imperative implies to intervene in response to suffering. The guiding principle of our work is to respond to urgent human needs, unaffected from any political interest. Humanitarian action is supposed to be independent from any influence. Only compliance with this principle for example enabled us to deliver aid in Thailand and Myanmar. Providing assistance at the border not only to refugees in camps, but also to the host population and to migrants from Myanmar living in Thailand raised confidence of both governments in our neutrality. Consequently we were allowed to work and protect people also inside Myanmar where the scale of suffering is even higher. Therefore we believe that the humanitarian principles of impartiality, independence and neutrality are crucial for protection.

We also believe by stretching our mandate into a more political role we enhance the risk of loosing our neutrality. To be neutral does not mean to remain insensitive or loosing site of the context. It is about to understand the interaction between our intervention and the context and to use this understanding to avoid negative impacts and maximise positive results.

Regarding protection, the international humanitarian law does not give an unconditional right to receive or provide humanitarian assistance anyway. The primary responsibility to provide such assistance in times of conflict rests with the state or the occupying power. Only, when the state or occupying power is unable to satisfy populations needs it is required to facilitate relief schemes by states or by “impartial humanitarian organisations”.

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The dilemma of aid agencies sets in as soon as they do not only fill the gap of insufficient local resources but take a protection role the responsible state is unwilling to play. Agencies are not in the position and clearly do not have the mandate to implement state responsibilities.

This conference gives us a great opportunity to discuss this important subject further and I am looking forward to the contributions of my colleagues.