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ACCESS DURING HUMANITARIAN CRISES:
BARRIERS TO PROTECTION AND ASSISTANCE

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P R O C E E D I N G S

MS. FERRIS: I think we'll go ahead and get started. Welcome to this afternoon's event on humanitarian access. My name is Beth Ferris. I'm a senior fellow here at Brookings and co-director of the Project on Internal Displacement.

We've got a dynamite panel for you this afternoon talking about controversial and difficult issues. And we're going to begin with Ambassador Claude Wild, who is from Switzerland, from the Department of Foreign Affairs, and has worked for many years in this field. Actually, he started out working with you in peacekeeping and then worked as a diplomat working primarily on finance and trade issues until last year I believe it was that you came to assume your new post as head of what they call DP4 or human security.

So we'll begin with Ambassador Wild, who will make some introductory comments, and then I'll introduce my other colleagues here who will talk about what humanitarian access means on the ground from different organizational perspectives.

Ambassador Wild. It should be on.

MR. WILD: It should be on? All right. Is it?

Okay. Thank you, Beth.

Representatives of the Brookings Institution, representatives of the United States authorities, members of the diplomatic court and international organizations, distinguished friends, panelists, ladies and gentlemen. It's indeed a great honor for me to present to such a distinguished audience the Swiss views on how to address the challenges that humanitarian actors face to get access to civilian populations in armed conflicts.

As you know, humanitarian access is a fundamental prerequisite for

effective humanitarian action in situations of armed conflict. Without this access, ladies and gentlemen, it is often almost impossible to protect and assist those in need. That is why the 2009 Report of the U.N. Secretary General on Protection of Civilians rightly identifies humanitarian access as one of the five ongoing core challenges to the protection of civilians. And as I speak, access is in fact either limited or not guaranteed at all in many regions where a lot of civilians need assistance -- in the Democratic Republic of Congo, in Sudan, in Sri Lanka, in Afghanistan, in Myanmar, in Colombia, in Somalia, or in Gaza, just to name a few examples.

Maybe let's start today's discussion with the definition of what is meant by humanitarian access. For that I've been inspired by the World Food Program definition. So let me just quote to you this definition. Humanitarian access involves the free and unimpeded movement of humanitarian personnel to deliver relief services. It also implies the free and safe movement of humanitarian agencies to reach civilians who are trapped, unable to move, or detained because of armed conflict, natural disasters, and other difficult access situations. Humanitarian access allows assessment of the needs of the population at risk and the delivery of assistance to respond to those needs. Access is therefore a precondition for humanitarian action. That's the definition.

But despite such a definition, humanitarian access is often misperceived as humanitarian intervention, which is seen as a threat to the sovereignty of a state or to the dominant position of a non-state armed actor in a specific region. In fact, access constraints have existed since humanitarian aid is delivered by third parties, but today it is a problem more difficult to handle than in the past. Why? Because contemporary armed conflicts pose new and increasingly intense challenges to security and sustaining humanitarian access to civilians.

These challenges are the following. I'm just going to mention the main of them. First one, the preponderance of internal armed conflicts since the late '80s. This has resulted in the more frequent need to engage with the multiplicity of non-state actors. Secondly, the proliferation of emergency relief and humanitarian aid actors. This implies increased negotiations and coordination efforts with more actors than in the past. Third, the engagement of military forces in relief and aid operation. This has in some context tended to blur the lines between humanitarian and military actors. Fourth, the active targeting of humanitarian personnel by conflicting parties. And fifth, the use of private security contractors for military or security operation, for protection of economic activities by multinational companies, as well as for protection of humanitarian aid delivery.

On top of these challenges there are in the field also very concrete external constraints on humanitarian access. Like, for example, destruction or lack of infrastructure, ongoing hostilities or otherwise insecure settings, denial of the existence of humanitarian needs, violence against humanitarian personnel and facilities, presence of minds and/or unexploded ordinance. These constraints are often complicated by administrative hurdles which are a consequence of a lack of clarity between national authorities, non-state armed groups, and humanitarian actors about the normative framework pertaining to humanitarian access.

And on top of that you have the internal constraints to humanitarian actors, which also limit humanitarian access. For example, the simple lack of funding for doing an operation or the security requirements which are not met. That means that they cannot go out to deliver humanitarian aid.

Now, ladies and gentlemen, faced with all these access difficulties encountered by humanitarian actors, what can a donor country like Switzerland do in

order to help find solutions to the problem? Well, let me say that first there must be a political will to be active in this field. The Swiss government has been taking action to overcome challenges to humanitarian access by focusing on its humanitarian traditions, obligations, and commitments, and by making the issue of protection of civilians a central component of Swiss foreign policy. Thus, over the last decade the protection-related activities have been increased, and in 2008, Switzerland even adopted a four-year strategy on the protection of civilians in armed conflict.

And this protection strategy defines humanitarian access as a priority domain of action. That is why the government of Switzerland started by convening in 2009 an international meeting of experts on humanitarian access in situations of armed conflicts. From this meeting two main conclusions emerged. On the first hand, the need to develop practical instruments to improve humanitarian access. On the other hand, the recognition that there is a lack of clarity with regard to the existing legal obligation under the relevant body of law about the criteria for denial or constraint on access for humanitarian actors. This conclusion convinced Switzerland to launch an initiative on humanitarian access in armed conflicts. The initiative was launched in cooperation with the ICRC, the Red Cross, and the United Nations' Office for the Coordination of Humanitarian Affairs called OCHA.

The initiative aims to develop two products. First, a handbook on humanitarian access, which will lay out the normative framework to humanitarian access. This publication will be oriented to a broad audience, including state actors and national authorities, international organizations, and humanitarian organizations. The second product will be a field manual on humanitarian access, which will contribute to the improvement of the operational response and for which the primary target audience will

be the humanitarian actors themselves. The two instruments will be finalized by a field validation process starting in Afghanistan and Pakistan next March. We very much hope to be able to present publicly both instruments in the second part of the year.

Now, another concrete Swiss action in the field of humanitarian access stems from the fact that the United Nations' Security Council had requested continued monitoring and reporting on access constraints. This should allow situations of grave concern to be brought to the Security Council's attention along with appropriate recommendations for timely action. As you know, multiple types of constraints on access are often simultaneously present in a single context and will typically fluctuate over time and affect different sectors of humanitarian activity in various ways. We are dealing with complex situations. A good understanding of the trends and dynamics of these constraints and their consequences is essential for developing tools and skills for gaining better humanitarian access. To address these particular issues, Switzerland chooses to support U.N. OCHA, which could develop a new framework and new tools to enable the analysis and reporting of trends in humanitarian access through systematic monitoring.

Now, a third type of action by Switzerland are its own concrete proposals for better humanitarian access in specific crisis contexts. One of such proposals concerns humanitarian access to Gaza. Since the closure of the Gaza Strip in 2007, Switzerland has in fact proposed several practical mechanisms. In particular, last year Switzerland developed an access regime that would allow a normalized access of humanitarian goods, as well as good necessary for the reconstruction of Gaza while safeguarding Israel's security interests. This proposal retains its relevance and Switzerland is ready to share its technical expertise with the international community in this important matter.

Let me now conclude by quoting a senior Swiss humanitarian advisor who had been working for over three decades in the field. He said that humanitarian access is like happiness: it is hard to reach and extremely difficult to sustain. That is why in addition to the three types of action which I described, Switzerland is also promoting humanitarian access on a daily basis through its bilateral dialogues, through meetings, through the marches and protest notes to state authorities. But we also look for other new avenues to reach the civilian victims, namely by engaging in humanitarian dialogues with non-state armed actors.

Ladies and gentlemen, in order to make sure that protection of civilians and humanitarian access are guaranteed to all individuals and human societies in need of it, we must make sure that armed non-state actors get an understanding and an ownership of the humanitarian norms. Switzerland therefore chose to be open for humanitarian dialogues even with difficult partners and even if some of them are listed as terrorist groups by some states. In our role as depositary of the Geneva Conventions, we strongly believe that all civilian victims of armed conflict have the same right of protection and humanitarian access, irrelevant of who controls the territory in which they live.

Thank you very much for your attention. And I'm glad to now let the floor to my colleagues.

MS. FERRIS: Thank you very much, Ambassador.

We will now turn to representatives of four different humanitarian actors. And we've asked each of them to comment on how problems with humanitarian access affect their operations.

And we'll start with Martin de Boer from the International Committee of the Red Cross, kind of following the Swiss line that we've heard. Martin is Deputy Head

of the regional delegation here in Washington. He's served in a number of places, including Gaza, Nepal, Sri Lanka, where humanitarian access questions are not just an abstract concept.

We'll then turn to Buti Kale from the United Nations High Commissioner for Refugees. He, too, is Deputy Head of the office here. He's worked in the Great Lakes, Tanzania, Burundi, Cote d'Ivoire, Canada, the U.S. and other places.

We'll then turn to Gerry Martone from the International Rescue Committee, who has a very full and active humanitarian background, having served as director of emergency operations for IRC for many years.

And finally, we'll look at the response of the state where access questions have been quite serious, Afghanistan, and we're delighted to have Ashraf Hadari with us from the Ministry of Foreign Affairs of Afghanistan. He has worked with the embassy here but in previous life was himself a refugee, an IDP, and has worked for humanitarian organizations such as UNHCR and World Food Programme.

So we'll start with you, Martin. You're welcome to sit there or to walk up to the microphone.

MR. DE BOER: If I could do it sitting.

MS. FERRIS: Then you need your mic if you're going to sit there. Okay.

MR. DE BOER: That way you don't see my cheat sheet as much.

First of all, thank you very much. Thank you for the invitation, Beth. Ambassador. I think also thank you very much for this definitely concise but also very concrete presentation on the definitions and the framework. I hope you'll forgive me. There will be terms that will be repeated. And my colleagues here will have it more difficult as we go along probably.

First of all, I just want to say most of you know the International Committee of the Red Cross, but for you that don't, we're an international humanitarian organization, neutral and independent. We are mandated by states to protect and assist victims of conflict and other situations of violence. We're also mandated as guardian of the Geneva Conventions and to promote respect of international humanitarian law. And I think that mandate, I will come back to it but it's important.

We are also part of the Red Cross and Red Crescent Movement with the International Federation of Red Cross and Red Crescent and 186 national societies which together is about more than 90 million volunteers, members, and staff. I think I will come back to that as well.

First, some of the obstacles. And the Ambassador already mentioned plenty. But to phrase it very simple and practical, those with guns control humanitarian assistance. You have to get past the person with the gun. And humanitarian access or negotiating humanitarian access has never been easy. During the Franco-Prussian War in 1870, during World War II, the Biafran War, Balkans, Afghanistan, it's always been difficult. But there are certain trends who not only make it difficult but actually make it also more risky.

Proliferation of non-state actors was already mentioned. They have less clear hierarchy. Some have criminal intent. We're looking at Somalia, Chechnya, Mexico, where it's not so clear who you're talking to and how you should be talking to them, and under what criteria they might be targeting you or not.

Third is sovereign states. Who wants to promote their version of humanitarian action and do not necessarily agree with outside humanitarian actors being involved in it. Also, states and non-state actors questioning international humanitarian

law. That states issues about humanitarian access and question the presence of humanitarian actors. For instance, we have states who clearly told us Geneva Convention is all fine but it's Geneva and it's Western and it's colonial, and therefore we don't necessarily need to abide by it.

The rejection of humanitarianism is also a byproduct of policies to integrate humanitarian action into political and military strategies. And I just want to quote U.S. military who at some point mentioned NGOs. Those are the guys who are going to win the war for us. Reaction? Taliban accredited to Mullah Omar saying know your enemies. Jews, Christians, U.S., Britain, U.N., and all aid groups. That for us poses a serious problem.

Military has a role. It even has a responsibility for humanitarian action. The Geneva Convention says so. Other regulations do as well. But when humanitarian action becomes part of strategies aimed at defeating the enemy, the risk for aid agencies increases exponentially.

When humanitarian action becomes subsidiary to political and military strategies, funding might become an issue as well. And I'm referring here, for instance, to anti-terrorist legislation. More recently, the Holder v. Humanitarian Law Project is an example of that. All these lead to deliberate attacks of civilians, as well as humanitarian workers as part of a strategy, and this has unfortunately become more and more commonplace. Afghanistan is an example. DRC. But one that I was much more closely related to and I want to mention, in 2006 when 17 staff members of the Action Against Hunger were killed in Muthur in eastern Sri Lanka or a few months later when two people of the Sri Lanka Red Cross Society were taken away from the train station in Colombo and were brutally murdered as well. Those are very concrete examples of where

humanitarian action becomes extremely risky.

How do we as ICRC try to deal with it? Of course, we have our mandate. We can remind armed actors of their obligation under IHL and to allow humanitarian action to allow humanitarian access. That's maybe a head start or a foot in the door but it doesn't get us all the way. Usually, we actually often negotiate more on local social norms or on reciprocity on issues. If we are allowed to help civilians or your wounded soldiers, you should allow other wounded soldiers and other wounded civilians to be helped as well.

Following the principles with great discipline, consistently trying to be neutral and independent is the only way we can build trust. And trust is essential to get access to victims. You could say we are fundamentalists in our use of the terminology, but the inconsistency creates problems of perception and creates distrust. For us it's important that we are not seen as part of military assistance in Afghanistan, nor in Haiti. It's all linked together. For us neutrality is not taking sides. It doesn't mean equal assistance. We helped people that were affected by bombing in Gaza differently than we did in Sderot on the other side of the fence in Israel because the facilities were different and the needs were different. The support systems were different on one side than the other.

Confidentiality is another crucial aspect for us to be able to access victims. Even at times of WikiLeaks we feel we need a confidential dialogue to build trust and to allow for pragmatic incremental improvements. Detention. Our work in detention is a good example of that.

Building relationships. As I mentioned, the ICRC is mandated. It's mandated to talk to all armed actors. And this is crucial to be able to do from the onset

to, again, access the person with the gun who can give us access to the potential victim. An example, in southern Kivu we talked to 40 different armed groups. It not only shows the proliferation but it also shows that we really try to access all armed groups.

Not taking acceptance for granted, it's a daily negotiation. It's a daily struggle. It's not automatic. When I was in Afghanistan in 2005, we had been there since the '80s. Many people knew the International Committee of the Red Cross. Still, when the riots happened our office was ransacked along with 23 other international organizations and government offices. Our cars were burned. It's not something you can take for granted ever. You always have to negotiate it.

Matching words with deeds. Under commit and over deliver is one. And it's becoming even more important. Beneficiaries have access to media, have access to communication means in which they can check if what you said you would deliver, that you actually deliver. Also, groups -- armed groups have access to global communication. An example, in Nepal the Maoists initially didn't want to talk to us and didn't talk to us because they felt linked to the shining path in Peru and were blaming us for something we did at the embassy hostage crisis in Peru. Those links are there.

Another way of guaranteeing access, and unfortunately one that is becoming more and more reality, is decentralization of humanitarian assistance. And there this movement, it becomes crucial. Somalia is a very good example where we work very closely with the Somali Red Crescent organization. Pakistan is another one where with the Pakistani Red Crescent we can access certain areas that we as white-faced foreigners might not be able to access.

Lastly, in terms of our approaches, I think humanitarian action is only possible because all parties to the conflict know the ICRC. We have been in many of

these conflict countries for decades, for years and years and years. And we hope that our actions will install trust with the armed actors that are happening there. An example, Colombia, where the misuse of the emblem for the freeing of some of the hostages was definitely something that harmed the ICRC and we needed months to regain trust. But we were able to do so because we had been in Colombia for 30 years.

Suggestions? The political and military decision-makers seriously have to seriously confront the far-reaching consequences of making humanitarian aid an integrated part of counterinsurgency by other political and military means. I think that's something we ask here in the U.S., that we ask all over from states to do.

Secondly, humanitarian organizations to be self critically and debate the consequences of their choices to define neutrality, impartiality, and independence and how to operationalize it. They are not just buzz words but a central means, means to an end to access victims in a safe manner.

Thank you very much.

MS. FERRIS: Thank you very much, Martin.

We turn now to the United Nations High Commissioner for Refugees with Buti Kale.

MR. KALE: Thank you very much, Beth.

Mr. Ambassador, Mr. Ambassador, ladies and gentlemen, all protocol respected to avoid having to repeat your ranks and such. Thank you very much for having invited UNHCR to this important gathering on Access During Humanitarian Crisis: Barriers to Protection and Assistance. And I would like also to take this opportunity to acknowledge the presence of the panelists, two of whom have already intervened. And like Martin said, it's going to be more and more difficult for the other panelists to have

anything original to say about the subject matter. And I think it has already started. And that is to say that I endorse a whole lot of things that the two preceding speakers have already said about this important subject matter.

I hope it's not presumptuous on my part to say that UNHCR no longer needs to be introduced and that you do know what UNHCR is, because just a few days ago we turned 60. That was in December 2010. And that we are going to continue again this year to celebrate the 60th anniversary of this important document, the 1951 Convention Relating to the Status of Refugees that we use as well in order to have access to persons of concern to UNHCR. And the other important document is that of stateless people. The 1961 Convention on the Reduction of Statelessness and like I said, this was entered into force in 1961, so it's 50 years old. And we are having anniversaries to that effect this year.

Now, as it has been said, there are several factors that impede humanitarian access to beneficiary populations. These populations, like Ambassador Wild had said, find themselves in a vulnerable situation, and most of them have even lost their livelihoods. They have no access or very limited access to land and therefore cannot fend for themselves. And their support and protection networks have also been fractured by forcible displacement. So they depend in most cases entirely on the assistance that they can get from the international community, from the local host communities before the intervention of the international community, and with no access by other humanitarian actors this could be a disastrous situation for the individuals concerned.

From the perspective of UNHCR, an agency that is called upon to provide protection and assistance to refugees and now to those who have fled a situation

of natural disaster to some degree, it's a pilot project for this year but also those who are fleeing conflicts within the borders of their own country. Now, for us the following are some of the factors that constitute barriers to protection and assistance to those that we care for.

I know that you do have an array of these factors but I have limited the number of those because of time constraints to about four of them. One of them is security and safety as it has already been mentioned by those who intervened before me. The other one is remote and inaccessible locations where persons of concern are found. The third one is the perception of partisanship that usually leads to restrictions. Let me limit myself to those three.

But as I am intervening to make it more likely and more concrete, I will also be drawing upon my experience from the field. Before I arrived here in the U.S. I was based on Cote d'Ivoire where I served UNHCR for about three years and at a very interesting period because the country was at a crossroads and we were hoping that we were going to go through the crisis and usher in a new era of reconciliation and development for the country. But unfortunately, that never came to pass.

Safety and security. Talking about personal experiences, in 2009, just as we were leaving Duekoue, west of Cote d'Ivoire, which is still a problematic area today for humanitarian workers, we were driving on to Man to the airport to catch a U.N. flight in order to go back to Abidjan. We were stopped dead in our tracks by villages who informed us that (speaking in French) or highway robbers just a few meters away who had stopped a bus. Unfortunately, they dispossessed the passengers of all that they had. They killed a few people. They raped women. And unfortunately, that paralyzed the crucial access that in fact allows humanitarian workers to go to the IDPs not very far

from that very place where the incident had taken place.

Now, while recommendable efforts were made to facilitate the return of IDPs, in this particular region, that is the western part of Cote d'Ivoire, that was having at that time -- for those who are aware, Cote d'Ivoire at the peak of the crisis, had about 700,000 IDPs, 65 percent of whom were based in the district of Abidjan but others were still in the western part of the country. So efforts were made in order to facilitate the return and reintegration of these people. The post electoral crisis in the country has further caused the displacement of about 38,500 Ivoirians. And a good number of these people are again in the western part of the country where access to IDPs is not that very easy.

Insecurity is a constant barrier to protection and assistance for persons of concern with which UNHCR and other humanitarian actors have to grapple. To date, more than 260 humanitarian workers have been killed, kidnapped, or seriously injured in attacks across the world. Martin did say it, and it's not like the days of yore where you used to wave the flag and they would wave you in. Today it has become even more dangerous unfortunately to be waving a flag. And I am about to expatiate on that point.

UNHCR has 31 employees killed in the line of duty since 1987, the last colleague of ours having fallen, unfortunately struck by a stray bullet just a week ago in south Sudan in a place called Malakal. And two years ago, the international community decided to honor those who have fallen by declaring a World Humanitarian Day, which is I believe on the 20th of August or something to that effect.

The most challenging operations for humanitarian actors, including UNHCR in terms of access are in Afghanistan it has been said, in Pakistan, and Somalia. For instance, in 2009, three of our colleagues were killed in Afghanistan. This being said,

the source of insecurity varies from operation to operation. In the Cote d'Ivoire experience, the highway robbers were armed groups that operated and unfortunately still operate in that access and they wreak havoc. Like I said, they do commit a whole lot of sexual and gender based violence. They disrupt economic activities and impede the delivery of assistance and protection to IDPs who are located in a province called Danané for those who speak French. UNHCR and other humanitarian workers have got to deal with the phenomenon of highway robberies not only in Cote d'Ivoire but in many other African countries, including the eastern part of Congo, especially in places like Ituri, the province of Ituri or Olweli, Balwili and some other places where these people are preying on humanitarian workers as they delivery assistance to those who are in need.

Now, what do we do? We find ourselves in a situation where we've got to resort to military escorts. But I was talking to the ambassador from Switzerland and the group that met today, telling them how it has become almost impossible for humanitarian actors in the eastern part of Congo to deliver aid without the assistance of the peacekeeping mission in that country. In 2009, according to statistics, military escorts had to be resorted to in 94 percent of the time. So they needed to use these escorts in order to give access to people who are in need.

The peacekeeping forces, therefore, are crucial to guaranteeing humanitarian actors access to beneficiary populations. The difficulty with that, unfortunately, is that some humanitarian aid workers prefer due to their own organizational principles, to not rely on military escorts to access beneficiary populations. In the case of Cote d'Ivoire, military escorts, that is the United Nations peacekeeping mission in Cote d'Ivoire, may no longer be an asset in areas that support President Gbagbo as the U.N. Peacekeeping Forces in Cote d'Ivoire are considered an enemy

force.

President Gbagbo had instructed UNOCI to pack and leave the country but obviously as we're talking now they decided that they were not going to move because of reasons that they gave. The president had also ordered the Licorne, which is the French troops in Cote d'Ivoire to leave the country, but again the order was not respected as such. In many African countries, governments are saying to all these peacekeeping missions it's time for you to pack and go. But unfortunately, these are the same peacekeeping missions that are making access to persons in need possible. Without them it is going to become highly difficult.

Insecurity is not only en route to beneficiaries camps or settlements but it is also regrettably a problem that we have to grapple with inside refugee camps or IDP camps unfortunately because among the various people that we are serving there is a small group, a vociferous, very powerful group of people that are making sure that humanitarian access does not reach those in need because they are pursuing a particular political agenda. For example, those who want to be resettled to the U.S. may impede access to humanitarian actors in order to make a point which is we are struggling here. We don't have any aid from the international community. Therefore, prospects of integrating locally are very dim and resettle us to the U.S. or to any other country.

And access can also be a problem that is caused by certain refugees who occupy UNHCR offices. A week ago, or not more than 10 days ago, our office in Abidjan was occupied by 100 women and children who were there saying we need you to help us because otherwise we are going to be entangled in this political imbroglio in Cote d'Ivoire. Help us to go back. But we did facilitate the return of a number of Liberians. And by the way, we have about 26,000 Liberian refugees in Cote d'Ivoire.

Insecurity, especially when it reaches a certain level, could also trigger a significant reduction, partial or full relocation or evacuation of so-called nonessential staff. And that also has a negative impact on those that we are trying to assist.

Remote and inaccessible locations. Now, here let me give an example of a refugee camp of southern Sudanese who were in Samwanja, which is in the northeastern part of the Central African Republic. They were there and there about 36,000 or so refugees, and UNHCR was having difficulty having access to these people because of the rugged terrain, impossible to transport aid from Bangui, the capital, right up to Samwanja, within a few hours. It would take us about 10 hours to do so. So what simply happened was that UNHCR said we are going to have to relocate all these refugees. Take them from Samwanja to Bakari, which is pretty much in the south center part of the country where the location was relatively accessible.

The third thing and the last point is the perception of partisanship that leads to restrictions. Humanitarian workers oftentimes find themselves criticized by protagonists to the conflict of taking sides. The intervention of humanitarian aid workers based on the principles of neutrality, independence, impartiality, etcetera, as expatiated by Martin, may not always be welcome in a highly politicized and highly polarized environment. Some of the activities, albeit inundated, could be perceived by parties to the crisis as being biased. Again, getting back to the Cote d'Ivoire situation, the U.N., because of its certification role, is perceived by President Gbagbo as having taken sides and it's therefore the other presidential contender. And that is posing enormous problems of access for the U.N. system as a whole, particularly for UNOCI, which has got the mandate to protect civilians. And what has happened is that the U.N., UNOC, has decided to use unmarked vehicles in order to augment its freedom of movement. It has

become extremely difficult with military checkpoints to go unhindered. They are stopped all the time, they are searched, and that delays the work of UNOCI.

And once again, what President Gbagbo did was that he forbid the filling stations from providing fuel to UNOCI cars, and that also included the U.N. agencies and NGOs. But restrictions for the U.N. agencies and the NGOs were lifted after negotiations with President Gbagbo's camp. And U.N. flights find it very difficult to land now in airports in Cote d'Ivoire and now they have got to use roads and roads that are filled with military checkpoints. And that compounds the access problem for those who are working and particularly for those who are working in the west.

A few measures have been adopted by UNHCR and by the entire U.N. system. What is it that we're trying to do? We are trying to look at one, the security of personnel. Making sure that all the minimum operations, residential security standards are respected. For the offices the standards are respected as well, and to ensure that all those who are supposed to be going in and out do declare that to those who are responsible for the system. And there has been a review not only by UNOCI, an internal review on the safety and security of personnel, but also by the U.N. system at large.

The issue of remote and inaccessible locations. Again, there's -- we try and circumvent the problem by relocating refugees, but it is not always something possible to do and therefore you've got to try and make these places as accessible as possible.

The last thing that I would need to make mention of on the issue of security and working with the military is that the U.N. is reviewing its collaboration with non-U.N. security forces. In Congo, for example, the U.N. Peacekeeping Force MONUSCO has been helping the state authorities to try and bring some peace and

stability in the troubled regions of eastern Congo. But unfortunately, the U.N. there has been helping the state army that has also been criticized for having committee violations -- human rights violations and they have also violated the international humanitarian law principles. And that has been posing problems. That is the introduction of a concept called conditionality, which is we help you on the condition that you abide by these international principles.

It is not easy, obviously, for an organization that is meant to be humanitarian, that has got a nonpolitical and humanitarian character, to be working in a very hostile environment. And this is how we try to make sure that we have access, more or less like the ICRC. We are using the fact that we have been in certain operations for quite some time. We are known to the protagonists and perhaps the credibility of the organization would assist in facilitating access to beneficial populations.

Thank you.

MS. FERRIS: Thank you very much, Buti. The problem (inaudible) Gerry Martone is going to introduce a note of optimism into our discussion.

MR. MARTONE: Thank you, Beth. Thank you, my colleagues.

I want to point out first of all that the problem of humanitarian access is not a new one. It's been with us since the beginning of humanitarian assistance. You might recall there was a great study by the World Health Organization, a report on human violence and it said the 20th century was the most violent moment in human history. There were more failed states, interstate warfare, ethnocide, enormous population displacement since man has walked on this planet. And contemporary warfare, as we know, is rarely fought by professional armies. It's rare -- they're as rare as the war in contemporary times that are fought by militaries that are trained in the Geneva

Conventions, international humanitarian law, the covenants of fighting wars. And most of these wars are not fought for any cohesive political ideology or objective; they're more crime than war. And what we see as a result of that is a tremendous disproportionate suffering on civilians. The burden is being carried by civilians. They're consistent braches of the conventions of war. Terror tactics, mutilation, forced migration, deliberate starvation, rape as a weapon of war, proliferation of lightweight weapons. So we're seeing a very brutal kind of warfare being enacted.

In the '90s, as a professional aid worker, we often thought that our passport to unhindered access was our good intentions and our political ignorance and that very much has changed. And certainly now we're seeing still problems of diminished access. By the 21st century the reasons for them, the problem has not changed, the reasons for them have. One cause that we can think of right away is the global war on terrorism, this fear, this attack on extremism has really created an anti-foreign, anti-Westerner sentiment and a view by many of the communities we serve of suspicions of aid as a pretext for occupational western domination. And this is a real problem for us. Right now the overwhelming beneficiary of humanitarian assistance around the world is Muslim. How well do we understand the needs of that community?

Another change that has happened is it used to be that refugees far outnumbered internally displaced people. That has really changed. IDPs now outnumber refugees. Most of the wars in the world right now are internal conflicts, less wars between states. So there's a challenge to sovereignty. We're an unwelcomed presence in a sovereign state. Our objective in the past was to bring people to safety; now it's to bring safety to people. Part of that is the notion in aid work called presence is protection. The presence of foreign aid agencies provides some type of protection, but

we're not there as access has really diminished.

Now, with diminished access there are questions about the quality and accountability, the monitoring and evaluation of aid programs. This is an unfortunate effect of this diminished access at a time right now where the biggest issue in professional aid work is aid effectiveness. We're harshly criticized in the media. There's a lot of charity bashing and cynicism about good intentions.

What's interesting that's happening now in the craftsmanship of aid work is something called remote management or remote control. This notion of implementing programs where you don't have direct presence. Sometimes across a border, sometimes across a province. So there's remote management, managing programs from afar. They go by many names. Remote control, remote management, remote partnership, aid on the run, give and go, hit and run, long arm programming. There's a lot of terms that are used for it but if you look at the locations like Somalia, Chechnya, Iraq, Afghanistan, Pakistan, Myanmar, you can see these are places that are not conducive to good access.

Now, there's a good news part of this. Part of what -- and I'll talk a little bit more specifically about this remote control. What actually does this mean? But by delegating the implementation to local actors, partners, communities themselves, local nongovernmental organizations, it's not far from our ideal in aid work where you want refugees to be empowered and to design, participate, implement, and even monitor their own projects. So this is in a way an interesting acceleration of the evolution of what aid wants to accomplish anyways.

The bad news is that the lack of our direct oversight, direct targeting of beneficiaries and evaluation of what we're doing. And it's starting to take a toll on our donors. Our donors, major donors, have started to withdraw funding from dangerous

environments because of the fear that aid could get in the hands of the wrong people. Now, in a place like Somalia, that is a matter of life and death. In Somalia, victims are further victimized by the withholding of aid as a result of that.

In the old days, in the '90s, I can recall in Rwanda, Bosnia, Kosovo, the presence, the high visibility of aid groups. We used to refer to it as the humanitarian theme park. One of my colleagues said it was like a NASCAR race because of all the signage, logos, flags, vehicles, t-shirts. We really did a lot to sort of promote our programming. Now people refer to our programs in the field as stealth programming or black ops operations. We're very clandestine, low profile. People do not use visibility material. We do not mark our cars. It's a very different profile than what we've had in the past.

Now, as I mentioned, this kind of remote management is not a new phenomenon. It's existed as long as aid has been done. If you recall during the Cold War, solidarity agencies that provided aid to resistance movements in Eritrean, Ethiopia, Afghanistan, did so the same type of technique across borders, in different locations, far removed, remote from where the actual programs took place.

I mentioned that there's a whole area of practice now called remote management. What's interesting for me at the International Rescue Committee, we have programs all over the world that are doing programs, delivering services, many times remote from the beneficiaries that actually are receiving the services. What we discovered was that each of our country programs were independently innovating, developing policies and protocols and ways to do this. We weren't sharing them across different countries.

Recently, in our headquarters in New York, we formed a working group

on remote access to kind of perfect our craftsmanship, to centralize, standardize, institutionalize the best practices. Perhaps even develop minimum standards and policies of how to do this. So our working group is composed of our country directors from Iraq, Afghanistan, Somalia, Pakistan, and we're codifying our practice and sharing our policies and looking at the different ways of doing remote management. And the cascade of different levels of remoteness and control from the most constricted of remote control to remote management model to remote support where you're providing -- where you're only doing control of finance and resources and monitoring the quality of programs to remote support where you're providing field teams in another country with coaching and training in how to run programs themselves.

I just got back from Haiti and it was really interesting. Unfortunately, most of the time I was there we were in lockdown because of the election violence, yet our staff in Haiti who had just come from our other country programs were dizzy with excitement with the access we had. Here we were in hibernation, the term we use for lockdown, and they were excited about the fact that you can go anywhere in Haiti because you have access because they had been so jaded from all these other countries where IRC works where we don't have consistent access to populations.

Globally, aid programs around the world, each year the number of programs that are closed or suspended doubles as a result of security hazards. An internal report at IRC cited -- this is a bit of a poorly derived number but that in 2008, 59 percent of IRC programs had diminished access that we were running those programs. That's more than half of our programs that we are running remotely. Remote control has become the dominant implementation methodology. It is the state-of-the-art of aid work oddly enough right now.

Now, this is not surprising. We know that aid work is very dangerous. In 2008, the fatality rate for aid workers exceeded U.N. peacekeepers. There was a recent Department of Labor study that looked at on-the-job death rates of the 10 most hazardous civilian occupations in the United States. Aid workers came in at number five behind loggers, pilots, fishermen, and structural ironworkers. So it's the fifth highest on-the-job death rate for an American citizen. It is the only one where the cause of death is intentional violence.

When I started in this work many years ago we always thought of ourselves, aid workers, as a protected species. I now think we consider ourselves an endangered species. What's changed is in the past we were attacked for what we had. It was theft, diversion of supplies. Now it's about who we are, who we represent. It's more ideological. And as I mentioned, we're looking to techniques to sort of delivery services from across a border or across a province, and it really questions an ethic of are you transferring a threat to local populations, local partners? Are you outsourcing the risk, transplanting the danger? Is there an implication there that the local staff are expendable?

We debate this in our internal working group and we don't feel that they carry the same risk but there is definitely an ethical question that I think we raise. Another issue that many of us are aware of is in a couple of conflicts in the world right now. The United States military does a large amount of humanitarian assistance. That presents a problem of blurring of the lines. Will populations that are antagonistic to foreigners see aid workers, civilian aid agencies as part of a military effort, and we have real questions about what that does.

If you remember in the early '90s the term technicals. Do you remember

this in Somalia? Somali rebel groups, war lords, would steal the white vehicles of the NGOs and put a machine gun, tripod on the back of them. It was a very dark day for humanitarian assistance but it created these new types of aid methodologies called Smart Aid or Africa Light and the Do No Harm approach where we stop looking at -- we're realizing that the reason why we're being attacked is we were seen by merchants, by the illicit commerce, as competing by bringing in so many commodities. So it was more entrepreneurial, not ideological. More greed than grievance. In the charity paradigm we always ask who is harmed by war. In Somalia we are saying who is harmed by peace and how can we involve them in a peaceful implementation of humanitarian assistance.

And you saw real innovations in tighter monitoring, better enlistment of communities in what we were doing, commodity substitutions, replacing expensive grains with less expensive grains, such as substituting sorghum for maize, bulgur for rice. Distributing seeds rather than food. Field workers are notorious for being able to innovate in the field.

I remember where I spent most of my time in West Africa, simple innovations like poking an occasional hole in plastic sheeting destroyed its resale value and stopped the theft of it. Painting our radios pink stopped rebels from stealing them. In one project a lot of protein rations were being stolen and one NGO relabeled those as women's biscuits and apparently put an end to that theft.

There's a security paradigm, NGO security paradigm called the security triangle where we look at three things -- deterrents. These are counter threats. Legal, economic, political sanctions -- deterrents. Protection or hardening the target. These are simple things like barbed wires, gates, walls, traveling in convoys, armored vehicles.

That's protection or hardening the target. And the last one which we really work hard at is the part of the triangle called acceptance. This is rapport, becoming familiar with communities, being trusted by community leaders, cultivating contacts. And this is very important.

In Afghanistan, our programs in Afghanistan have fairly good access, and part of that is intense rapport with the communities we work with. We have a dedicated community outreach team that has a highly respected mullah on staff. He visits different communities and he talks about Islamic teachings and the Holy Qur'an and how that what we're doing is consistent with local social norms as Martin mentioned in his comments.

We also, in Afghanistan, sign an MOU, a memorandum of understanding, with each community that outlines our responsibilities and their responsibilities. Access it not an entitlement to aid groups. It is the right of affected communities and we must work together in struggling to have access to services. They have to be part of it. Most of the, in my opinion, the innovations of remote programming are coming out of Afghanistan and Pakistan and, of course, it's no surprise these are the most experienced aid workers in the world, the national staff in Afghanistan and Pakistan have been doing this for over 20 years. And we see this in our programs in hard to reach areas in Uganda. The same thing. Hiring local leaders as monitors. In Chechnya, also working, hard to gain trust of local authorities. Training community leaders in protection and rule of law concepts. A lot of rapport building.

In Kisangani in the Congo a couple of years ago there were street protests and rallies against the international community. Our staff there cleverly painted on the compound walls of the IRC office pictograms, pictures of IRC In the field, what

we're doing. Building wells, providing shelter, providing medical care as a way to visually illustrate what actually this organization does. Interestingly enough, a crowd of -- a mob had walked right by the IRC compound and no harm came to us.

In Bosnia during that war, the old IRC logo, you might be familiar with our new blazing yellow and black arrow, our great now logo. In the old days it was what's called a green onion. It was a green globe. But that was -- green is a color that the Muslims use and as a result Serbs often felt that we were a bit partisan so we even had to change our logo. So we look at ways of modifying our visibility.

Lastly, a big part of this is beneficiary monitoring. Why do we need to monitor? Why don't beneficiaries monitor themselves? And we try to have regular communication with elders, women, youth, and disabled. We provide communities with telephones and cameras, and we have planned field visits. We also use GPS, use random calls with different community leaders to say, to find out if distributions have taken place. We even do public radio broadcasts to announce what is being distributed and when and by who and make it transparent and public so people are expecting it and there are questions asked if it doesn't happen.

In Somalia, our country director there really had some cutting edge innovations. They were using video Bluetooth from one phone to another at various water points. They took GPS readings so you could actually see what was happening. They used Skype video, asset numberings to track where our supplies go. And other photos also that come labeled with GPS coordinates on them. We do more cross border health projects training paramedics in Afghanistan and in Thailand. They go into Myanmar.

Then, lastly, looking at indigenous philanthropy. Aid is not only provided

by foreigners. It is not a notion unique to us. There is not a society in the world that does not have a legacy of self-help and altruism and we need to tap into that.

I remember in Ache, in Indonesia, several years ago being stopped at a checkpoint surrounded by a group of youth and it was really quite frightening, only to find out that they were doing a fund-raiser for a local IDP community and they were asking for donations. Our programs, IRC has great programs in education and nonformal education in West Africa. I was interested to find out when visiting those programs they were not started by IRC. They were started by PTAs. That parents in the refugee and IDP camps came together, found a location for schools, started setting them up, called volunteer teachers, and just approached IRC for help with some resources on that.

If we look in Albania when the Kosovoans were fleeing, how many Albanian families took in Kosovoans in Pakistan during the floods. Over a million IDPs were hosted by other Pakistani families. So the people we're helping are not passive violated objects. They do help themselves. They do help each other. We need to find ways to support that.

In Sarajevo during the siege of that war, at that point IRC was doing food distribution, massive food distribution. Of course, as it crossed Serbian checkpoints it was taxed. It was tolled. One-third of everything on the convoys had to be removed. Our staff got smart to that. They started shipping in seeds. The Yugoslav Army did not want seeds. They let them go. We started shipping in sheet metal so they could open up factories to build stoves. We started brining -- rather than winter clothing and boots, which the Yugoslav Army took as a tax, we started bringing raw material -- pallets of rubber, glue, stitching material, leather.

Then some of you might be familiar with a technique in aid work called

cash transfers. This is a notion that rather than give people things you give them cash, small amounts of cash, and in many famines this is state-of-the-art famine relief. As we know, there's never been a famine in history where food is not, in fact, fresh and readily available. The problem is the price. It's an economic problem. If people could only buy it. So they look at that as well.

Lastly is our health programs we well. Health programs are very commodity-intensive. They require a great deal of supplies. But one of the things we know about health, particularly as Westerners, right? The most important factor in our longevity and health is not medical technology or medicines; it's health behavior. It's things that we do. This is no different in developing poor countries. There's an axiom in epidemiology that says there is no such thing as a tropical disease. These are only diseases of poverty and ignorance. And if you think about every tropical disease you see in the tropics, they did exist in the United States at one point. So we really focus on health education, hygiene promotion, health awareness. This is the most important thing we're doing.

So in the end, this challenge of diminished access and this new technology of relief work of remote management has actually had an interesting side effect. It's spawned a lot of innovation. It's accelerated best practices, but it's also promoted a principle that's dear to humanitarian aid, and that's beneficiary participation, survivor involvement, and community ownership. That's been a good side effect of it.

Thank you.

MS. FERRIS: Thank you very much, Gerry. Lots of ideas and different ways of approaching.

We turn now to Ashraf. I note that we've got a little time problem here

but let's hear how the Afghan government deals with problems of humanitarian access.

MR. HADARI: I think everything that I was going to say has been said so I'll keep it very short based on what I've prepared which I also discussed at lunchtime today.

I would like to thank Dr. Elizabeth Ferris and the Brookings Institution for continuing to bring attention to Afghanistan's ongoing complex humanitarian crisis. I'm grateful to Ambassador Wild and the Swiss government for your generous humanitarian and development assistance to Afghanistan for many years now. I also wish to thank the distinguished panelists for your humanitarian efforts and accomplishments around the world.

Indeed for someone who is not knowledgeable about Afghanistan it would be shocking to learn that some eight million of our people remain in acute need of humanitarian assistance, but a close look at the chronic complexity of the challenges having faced Afghanistan over the past three decades would easily explain why our country remains an ongoing humanitarian crisis. It's not that we have this crisis this year or last year. We have had this as long as I remember in Afghanistan.

The fact is that our entire population consists of vulnerable groups. There are destitute peasants needing alternative livelihoods to poppy cultivation. Refugees and internally displaced persons needing reintegration aid to rebuild their lives. War victims needing welfare to escape psychosocial degradation. Youth needing jobs to avoid resorting to crime and violence. And women and children needing health care services to survive. And some desperation and vulnerability characterize the Afghan nation as we've been caught in the crossfire of imposed conflicts during my lifetime. And besides, insecurity that has impeded Afghanistan's development, we are a landlocked

country with an extremely rough and inaccessible terrain. This is compounded by our prewar status as one of the least developed countries, meaning that even during its peaceful times Afghanistan was suffering from recurrent humanitarian crisis due to frequent national disasters like droughts, flooding, earthquakes, avalanches, pandemic diseases and so forth which continue to hit the country hard.

So from an Afghan perspective, humanitarian access is best ensured through long-term investment in our country's sustainable development, including an institutional capacity building so that Afghans increasingly own the process. Of course, I'm not saying that availability of resources and institutional capacity and higher levels of development can always ensure humanitarian access or negate the need for it in the first place as we know from the crisis of Katrina, but it makes a substantial difference in preventing saving millions of lives when disasters hit. We know this from the recent cases of Haiti and Chile, both of which experienced destructive earthquakes last year.

The two cases are self-explanatory in that while Haiti is a less developed country, much like Afghanistan, and is ill equipped institutionally to take preventive measures to manage a disaster and coordinate aid efforts for easy access to those in acute need once a disaster happens, Chile is a developing country and thus far better prepared institutionally to handle humanitarian crisis and to help those in need. Developing societies, as we know, tend to have higher degrees of civic duty, stronger social coping mechanisms, functioning markets and a constructive civil society, all of which help reduce the impact of natural manmade disasters and certainly ensure easy humanitarian access to those in need.

So the strategic solution to humanitarian access in Afghanistan is not more of the same. That's a multitude of competing relief organizations trying to find more

trucks and safer routes to deliver more food handouts or drinking water to an ever increasing number of destitute people in Afghanistan. Eight million. That's the size of a nation.

So consequently, I'm not sure if these aid organizations can ever make it to reach that number of people in need in the long run. Therefore, the strategic solution to humanitarian access is prevention through an institutional capacity building and investing more of foreign aid resources in the socioeconomic development of Afghanistan. The government of Afghanistan from the Tokyo conference in 2002 to the Kabul conference just this past year, last July. We've been asking the donor community to help us build an institutional capacity and to comply with the objectives of our own need-based development strategy which takes into full account our humanitarian situation so we can incrementally over time do it ourselves. We continue to call on the donor community to stop bypassing the government and to deliver under pledge and the Kabul conference to channel at least 50 percent of their aid resources through Afghan state institutions while ensuring that their independent aid efforts comply with the priorities of our developmental strategy which we presented to the international community last July.

And I'd like to conclude here as someone who suffered as an IDP, as a refugee, who received aid, but also someone who works with UNHCR, with WHO, and I've closely worked with a number of international NGOs in the field, not only delivering aid to Afghans but also to refugees from Tajikistan in the early 1990s. Unless we really invest strategically in the state institutions of the government, in our case, of course, Afghanistan, and to help them increasingly design and implement and deliver aid and services to people that Afghanistan will always remain a humanitarian crisis situation. In

other words, it's time to, unfortunate or fortunately, 10 years on in the process to put Afghan hands on the process of rebuilding and development. Not so much Afghan's face. So far, as we all know, it's been about Afghan's face. Had us do it. We bring the governor or district administrator or an Afghan official from some -- an institution which not only lacks capacity but the resources to kind of rub it and go away.

But the question that we must ask and the aid organizations that have been in Afghanistan for 20-plus years, like ICRC, what happens when a strategic interest in Afghanistan over time diminishes and we, of course, either leave a state very much which we found when we were engaged in Afghanistan in 2001 in the fall -- in the wake of the fall of the Taliban, or a state that is very much on its own feet to take this process over from the multitude of international NGOs and family of United Nations agencies and the foreign private sector. I think that's a key question and that's why I didn't focus so much on or perspective on access because we, at the end of the day, increasingly given our past and of course moving forward as we see the conditions on the ground, we measure aid effectiveness, access to people in need based on how much the international community has helped us gain the capacity and the capacity to deliver it to those in acute need.

And with that I'll take your specific questions later. Thank you.

MS. FERRIS: Thank you very much, Ashraf. And thanks to all of our panelists.

(Applause)

MS. FERRIS: I know we're running out of time but let's take at least a few questions because I think that the issues that have raised have been a real diversity of response.

I think we'll start here with Bill. One, two, three on this side and then we'll move to the other.

Adam. Sorry, can you wait for the microphone? Here it is.

SPEAKER: You mentioned that one of the things that impedes access is perhaps those who are not invested in peace or stability. And it was also mentioned that access is oftentimes controlled by people with guns.

Ambassador, are states like yours and other states engaged enough in monitoring, stopping illegal transfers and transfers of small arms as a preventative measure to the access for humanitarian issue?

MS. FERRIS: Thank you. And we had a woman. Yeah, I guess there.

SPEAKER: Do you want all the questions now?

MS. FERRIS: Yes. We'll take several questions at once. Please stand up. And if you could introduce yourself.

MS. BRADFORD-FRANKLIN: Hi, I'm Sharon Bradford-Franklin with the Constitution Project.

One of the speakers mentioned in the long list of barriers just referred to in passing the U.S. Supreme Court's decision in Holder v. Humanitarian Law Project. And I'm curious if any of you could address whether among all the other very serious obstacles that the Supreme Court's decision that it is, in fact, possibly criminal activity to provide training to groups that have been designated as terrorist organizations, even if it's fully peaceful training, can be -- you can be criminally liable for that. To what extent you are aware of any groups actually impacted by that.

MS. FERRIS: Thank you. Next question right here in the aisle. This is to keep you running there.

SPEAKER: I'm (inaudible). I'm from Burma. I work at the (inaudible) New York.

My question, I would like to ask the question to Mr. Martin from the ICRC. I think you all noticed that in Burma, Myanmar, all the fighting that's still going on, especially in the border areas. It never stopped. And then the political prisoner situation. There was none and we have 2,100. In 2007, ICRC has access to these situations and now ICRC has no access. I would like to know if ICRC has any other way to get access. These kind of situations. Or still ICRC always needs to get permission from (inaudible) to all these kinds of problems.

MS. FERRIS: Thank you. Is it okay with the panelists if we take maybe three more quick questions and then give you each a chance to respond? We'll hear this gentleman here and then that gentleman in the back.

SPEAKER: Thank you the panelists for that thrilling discussion about humanitarian assistance. I'm Tom Iam.

MS. FERRIS: Could you introduce yourself, please?

SPEAKER: I'm Tom Iam and I serve in the Peace Corps in the Africa region as a fellow. Conflict program and training.

My question is (inaudible) but I'm looking at the changing faces of conflict and to directly go to Mr. Buti, Ashraf, and Ambassador. Have you and your organizations (inaudible) looked at the idea of mediation support in teams that are intervening in humanitarian assistance? Thank you.

MS. FERRIS: Thank you. And the gentleman in the back.

MR. BODAKOWSKI: My name is Michael Bodakowski from the World Faiths Development Dialogue.

In looking for avenues to more effectively access inaccessible humanitarian zones one actor that had limited mention is religious actors or religious institutions. I know that speaker from the IRC mentioned the role of mullahs in Afghanistan but local religious leaders often have the trust and acceptance of the communities. They're often present in remote and inaccessible locations, and also are in areas that may be insecure for outside actors to intervene. So I'd be interested to hear your experiences dealing with religious leaders and also how they've been included in policy discussions. Thank you.

MS. FERRIS: Thank you very much. And we'll have Alison here the last question and then we'll start with you, Mr. Ambassador, in terms of responding.

MS. GIFFEN: Alison Giffen with the Stimson Center.

I think Martin began to speak to these issues but I'm wondering if both Martin and Gerry could perhaps talk about reflections on the evolutions that have happened within humanitarian agencies over the last decade or so and the impact that that may have had or might be having on access, in particular the move into work on protection from physical violence and also into recovering development activities so that there are more dual mandate type activities going on sometimes in humanitarian areas and the problems that might have for perceptions of actors on the ground, development being political rather than humanitarian.

MS. FERRIS: Thank you very much. I think we'll just start from this end and perhaps, particularly to respond to the question about the Holder case.

MR. WILD: The first question on small arms, I thank you for that question because as some of my colleagues mentioned, the one who holds a gun is the master. He didn't say the one who holds a tank. And that's the problem of today's

conflict. It's small arms. Yes, you're right. If we don't address these questions we are only doing half of the job as a donor.

My division is the humanitarian security division of the Swiss Federal Ministry of Foreign Affairs. That means I deal with our operations of peace, our operations of human rights, of humanitarian policy, and of migration issues. And in the pillar of peace we look -- we are actually funding the small arms survey based in Geneva and we have taken a number of initiatives to try to put the regime on tracing small arms. Incredibly difficult because here you're competing with industry or lobbies of armed producers. And I can only follow you and say we have to advocate about humanitarian access but we have to do advocacy also about doing something about the number of small arms that go for so cheap into these countries.

And here we are addressing the issues through programs of the small arms survey but also we have an initiative called Armed Violence and Development. We are having a ministerial summit this year. We have 108 countries that have signed to think about how can we design programs, how can we address the issue of armed violence, which is not only conflict, it is also urban problems. By the way, I would love to have the U.S. sign the declaration, too. It's still not part of the 108 countries that have signed this. And we're going to work on having their signature because how can you not want to recognize that there is a problem.

I don't have a definite answer. I can only tell you we have recognized the program and we are starting working on it parallel to our humanitarian activities.

Do you want me to answer now on the Holder case?

MS. FERRIS: Go ahead.

MR. WILD: Okay. Thanks for the question on the Holder case. It is of

concern to us. Of course, it's a sovereign justice decision of the U.S. But we are asking ourselves, because as I said in my speech, for us, the center is the people in need, the people who suffer. And if these people live in areas controlled by terrorist groups, we are not leaving them alone. We're going to try to access them. That means we're going to engage and discuss with these groups, even if they are terrorists. It doesn't mean that we share their views. We care about the people under their control.

Now we've asked ourselves with this Holder case here, are our diplomats that engage with these terrorists going to have problems the next time they come to Washington? Because in a way they engaged with terrorists. Yes. They don't support it. The idea for us in engaging armed non-state actors is really to try to educate these movements about responsibility to the civilians they control. And we believe that we can make a difference through that. It's a longstanding effort but, you know, often these groups -- and I have to say that we have an initiative where we invite confidentially these groups to Switzerland and we discuss with them issues of humanitarian norms. And if we are going to be no more in a position to do it because our partner, the U.S., will think that this is against law and that we are supporting terrorists, we are going to have a problem.

We are now discussing the implication. I cannot say that I've seen that on the ground there is already movements that have suffered from that but what we are a bit afraid of, because it's a justice decision, it means any U.S. citizens can go to the court and use that case. We are not so much afraid about the foreign ministry of the U.S., the Department of State, but we are a bit afraid about lobbies. If they know that somebody is discussing with some groups and they don't like it, they might make a case. You never know what will be the conclusion of a justice's decision.

So this creates uncertainty and this is not helping in access, in our work to access the victims. But I'm not judging. I'm just saying very openly that yes, it challenged our work in (inaudible). It challenged our humanitarian dialogue because we don't know at the end how it will be interpreted here and what will be the next step.

MS. FERRIS: Thank you. Buti, would you like to comment on any of the questions?

MR. KALE: Just on the question that was asked about mediation support. I'm not very sure that Tom, I got your question correctly. But let me put it this way. There are two ways of approaching the issue, at least for the UNHCR's perspective. When we are in an integrated mission, and here you're dealing with an eminently political situation, it is not up to UNHCR to directly be involved in any mediation of any sort.

Let's take, for example, what happened with the Ouagadougou discussions for the resolution of the Ivorian crisis. UNHCR was indirectly involved through the U.N. country team that is led by the humanitarian coordinator who was one of the key players in the negotiation team of the special representative. So because it is by nature a political problem, UNHCR being a humanitarian and nonpolitical organizational agency of the U.N., we are not going to directly get involved.

The second dimension of it is if the problem has got deep-seated IDP or forced displacement dimensions, UNHCR will step in and provide its expertise, which was the case with regard to the Ivorian problem because you had not only refugees who were and still are outside the country, but you also had at that time, like I stated, 700,000 people who were displaced within the country. So we made it a point that in the Ouagadougou agreement there was going to be something on those who were forcibly

displaced. And I think it must have been article six that referred to the issue of displacement, finding a solution to the return in dignity and security of those who are outside the borders of Cote d'Ivoire, as well as those who were displaced within the country.

MS. FERRIS: Thank you very much. Gerry.

MR. MARTONE: I think it was on Bill's question about arms. I mentioned about that I think to some extent we have a flawed paradigm where we look at who is harmed by war. We need to ask the question who is harmed by peace. Look at the war economy notion that most of the wars in the world right now are not ideological confrontations. It's more greed than grievance. There are illicit economies. We're not looking at mercenaries but really mafias. It's not a war zone. These are crime scenes. And we need to look at the control of natural resources -- bauxite, oil, tin, hardwoods, coal, tin. These are not, you know, when we come in as a foreign aid agencies; we have enormous infusion of resources. We need to find ways to make that a divided toward peace, not furthering the war or intensifying competition for people that are meant to harm us.

MS. FERRIS: Thank you. Martin?

MR. DE BOER: Yeah, there's a few questions I wanted to answer. One, of course, the question directly to us about our access in Myanmar. The ICRC does always work through the acceptance of the armed groups. That's a standard. And as Gerry mentioned, as part of, you know, your physical protection and acceptance, and acceptance is the one that actually hopefully can guarantee you safety without needing the physical protection.

That also applies to states. That applies to any armed group. However

small, big, non-state or state. In a conflict situation you have a Geneva Convention and a clear mandate that can sort of enforce that or can help you and the international community force that upon a certain state. If you have a situation of violence that either is not recognized as a nonconflict, then you have an offer of services which the ICRC then does. And states can accept or not accept. Myanmar, case in point, where we -- since 2007 -- and continue to negotiate to be able to access places. But at the moment that's where we go. And it will have to be on acceptance by the government.

Now, how you negotiate, there are different ways to do that but it will have to be with the exception of the government.

Maybe the other thing -- there were some interesting questions about the religious actors. I think indeed it is -- the religious groups or religious actors are indefinite -- are definitely very large humanitarian assistance players. And Gerry alluded to it. My own experience in Sri Lanka, for instance, where both the Christian church, as well as the Muslim groups, were very important humanitarian access. They were local. They were present. They were accepted, and they had access to a lot of places that maybe some of us wouldn't have access to.

Unfortunately, they were also not included in any coordination. Because they were local they didn't speak English. That's a simple fact but a big hamper to coordination. And so they almost ran a parallel humanitarian assistance to, let's say, the coordinated outer cluster or otherwise coordinated systems. So I do think recognizing their importance is definitely -- and it's not only the religious groups but victims themselves.

And that comes to the other question about the evolution of the humanitarian organizations and the protection of civilians. I think one of the evolutions

has been to see victims more as actors and not purely as victims. These are not poor people sitting there waiting for you to come. No, they're actors. They're active in trying to resolve their own problems as much as possible. And I think within protection of civilian population that has been a big trend, to recognize that, to work with it, to work on Brazilians of groups to be able to protect themselves. So maybe a little bit bringing -- it was bringing people to safety and safety to people. Maybe it's going back a little bit. People to safety, that would be good.

And I think does that lead us to more development and therefore politicized? Because development by default is politicized. That depends a bit on the areas you focus on. If you take health, that is often within a conflict, less controversial than an education program which is indeed much more political. So it doesn't say that you cannot do all of it but you have to, as an organization, to be very clear on what you start and what the consequences might be. If as an organization you decide to go into education because it feels and empowers people to then better protect themselves because they can understand and read, etcetera. You also have to realize that that's a political or a politicized action most likely. Or people feel that your involvement in education could lead to political involvement, rather than health, which they more often don't see as threatening.

But that's choices you make and you have to realize the consequences before you make them. I think those are the questions.

MS. FERRIS: Thank you, Martin. Last word, Ashraf.

MR. HADARI: I think on the importance of involving local leaders, especially in the case, particularly tribal and religious leaders involving and engaging their net worth of mosques. That's where, of course, Afghans -- whose identity is very much

based on Islam and, of course, the various cultures and customs in Afghanistan, it matters very much, enlisting their support. And especially the Afghan government has tried and we have done so in terms of public information campaign against opium poppy cultivation. It is really (inaudible) results at times. But, of course, when we haven't delivered on the promise of delivering alternative aid, that some of these poor peasants have gone back to opium poppy cultivation. And also I think on the insurgency terrorists and engaging them and negotiating with them, I think it is important to come up with innovative approaches, such as the National Solidarity Program in Afghanistan and through its various community development councils, which is reaching 20,000 plus villagers across Afghanistan, benefitting, including populations who are under the firm control of the Taliban or influenced by the Taliban.

And yet CDCs work very much under the Afghan government with, of course, partnership with the Afghan people and with the NGOs serving as implementing partners. Where NGOs have tried to engage the Afghan people and the Afghan people aid has been effectively delivered. And where they have failed to do so, unfortunately, it has been more or less patronage resulting in kinds of projects that have not been even demanded to begin with. And there are certainly interests as we know based on experience that with the exception of some, good NGOs with substantive experience in the case of Afghanistan over the past 20 years or so, that a lot of NGOs are also in business in Afghanistan, including regional and local NGOs that they try to perpetuate their role as much as they can, of course, staying away from the government and engaging the local people.

And light weapons. I think that is a major problem in Afghanistan, in part because of privatization of security and that's why our government called on putting an

end to the private security firms in Afghanistan, directing the resources into the Afghan National Police and the Afghan National Army so that this problem is arrested.

MS. FERRIS: Thank you. And thanks to all of our panelists for raising too many issues to cover in this session. And thanks to you all for your patience.

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CERTIFICATE OF NOTARY PUBLIC

I, Carleton J. Anderson, III do hereby certify that the forgoing electronic file when originally transmitted was reduced to text at my direction; that said transcript is a true record of the proceedings therein referenced; that I am neither counsel for, related to, nor employed by any of the parties to the action in which these proceedings were taken; and, furthermore, that I am neither a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

/s/Carleton J. Anderson, IIi

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