THE BROOKINGS INSTITUTION

NEGOTIATING HUMANITARIAN ACCESS:

HOW FAR TO COMPROMISE TO DELIVER AID

Washington, D.C.

Thursday, January 26, 2012

Introduction and Moderator:

ELIZABETH FERRIS
Senior Fellow and Co-Director, Brookings-LSE
Project on Internal Displacement
The Brookings Institution

Panelists:

MICHAEL NEUMAN
Research Director, Centre de Réflexion sur
l'Action et les Savior Humanitaries
Médecins Sans Frontières

WILLIAM GARVELINK
Senior Advisor, U.S. Leadership in Development
Center for Strategic Institution Studies

MARKUS GEISSER
Deputy Head of Regional Delegation
International Committee for the Red Cross

RABIH TORBAY
Vice President for International Operations
International Medical Corps

* * * * *

P R O C E E D I N G S

MS. FERRIS: Okay, everybody. Let's go ahead and begin.

My name is Beth Ferris. I'm a senior fellow here at Brookings and co-director of the Brookings LSE project on internal displacement. We're delighted to organize this panel together with Médecins Sans Frontières -- MSF -- on "Negotiating Humanitarian Access: How Far to Compromise to Deliver Aid."

The impetus for this program today came from the publication by MSF of their book that you probably saw as you came in called *Humanitarian Negotiations Revealed: The MSF Experience*. This book was published in part to commemorate MSF's 40th anniversary. But you know, a lot of organizations, when they publish something on their anniversary, do so to highlight the achievements and the accomplishments and the impact of the organization. But this book, it takes a much more self-critical perspective in looking at the experiences of MSF over the years in terms of compromises that need to be made in order to deliver assistance.

And so we thought that the book is kind of a starting point for a broader discussion of some of what can be considered as ethical issues related to decisions about how far to go, what compromises to make to ensure that people in need receive the assistance they deserve. The book looks at a diverse set of case studies from Afghanistan to Yemen, Sri

Lanka, Iraq, Gaza, Afghanistan, and so on. And we've asked a diverse group of people to comment from their own experiences about this issue of access compromise. To what extent are humanitarian principles of neutrality, impartiality, independence, which are always somewhat aspirational, but to what extent can those be compromised in order to make sure that the aid gets through?

So we'll begin with Michael Neuman from MSF, Médecins Sans Frontières, and all of the panelists have extensive bios that are included in your packets and I won't repeat them. But he'll talk about some of MSF's experiences over the year in this question of access and compromise. We'll then turn to Bill Garvelink, who has a very distinguished career in a variety of settings, both with the U.S. Government and think tanks and others, who will make particular reference to his time in Eritrea and, of course, any other situations you would like to interject.

We'll then turn to Markus Geisser from ICRC, who has come to Washington from southern Afghanistan, certainly an area where compromise and working with a diverse set of actors is necessary in order to deliver needed assistance.

And finally, we'll hear from Rabih Torbay, who is with International Medical Corps, who will talk about the tensions between the need to deliver lifesaving assistance and principles of humanitarianism

with particular reference to the cases of Sierra Leone and Iraq.

Each of our panelists is going to face the daunting challenge of speaking for only 10 to 12 minutes covering a wide range of issues, but that will allow us time for questions and interactions with all of you. So thank you all very much for coming, and we'll turn the floor over now to Michael.

MR. NEUMAN: Thank you very much, Elizabeth. Thank you very much also for being here.

I won't say much about the book. Elizabeth mentioned it already a little bit. It's on display. It will be, I think, available for sale very soon in the U.S. It's the result of about 18 months' work and research about conditions in which MSF negotiates access not only to places of conflict but also in public health crises. It's born from a desire to evaluate the relevance of the usual humanitarian principle that we claim as being so imperative to the work we do. I won't go into details in many of the studies that are in the book. I will mention a few, in particular Afghanistan and Somalia and Sri Lanka.

In 2004, five of our colleagues in Afghanistan were killed in the Badghis province. The Taliban were not responsible for those murders but they claimed the responsibility. They explained that NGOs, such as MSF, were serving U.S. interests. And MSF took the decision to leave the country saying that independent humanitarian action which

involved armed aid workers going into areas of conflict to provide aid has become impossible. A few weeks after, a scholar close to the Bush administration and wife of the then-ambassador of the U.S. and Afghanistan stated in an op-ed in the *Wall Street Journal* that the principal champion by Doctors Without Borders is now part of our nostalgic past. It was at the time where Colin Powell was calling NGOs "force multipliers" and there was a strong feeling within MSF that it was becoming more and more difficult to operate in crisis situations. A number of NGOs actually made the Taliban's arguments easier by affiliating themselves to the war effort to the struggle for democracy in Afghanistan.

To MSF, what made all efforts possible to try and distend itself from the war, it looked a little absurd and there was that feeling that the killings were somehow a mistake, that it wasn't fair. And we remembered that a year before, and I think Markus will get back to it, a year before the assassination of a delegate of the ASEAN in Afghanistan had already proven that the principles were in no way a guarantee to access population in war settings.

In the years that followed those killings MSF experienced a number of difficulties and very tragic events. We had three volunteers killed in Somalia in 2008, one volunteer killed in Central African Republic in '07, expulsion in Darfur, suspension of the work in Niger. We had to confront very strong authoritarian states who wanted to control our actions

in Sri Lanka, in Ethiopia, in Yemen. We had to, let's say, suffer pressure over our public communication again in Sri Lanka and in Yemen. And with a bunch of other NGOs, if not the whole community, we tend to explain those difficulties by saying that the humanitarian space was shrinking. To back up this analysis we called on the blurring of the lines that were heightened after 9/11 and the intervention in Iraq and Afghanistan, the development of international criminal justice. The reform of the U.N. were put together as an umbrella explanation of the difficulties that NGOs were facing.

And that's the starting point of the book. That's where we started thinking, well, I mean, we need to go back and explain those difficulties, maybe taking a different angle. There is no question that the usage of the humanitarian rhetoric by belligerents had an impact on the work we do that we encounter specific difficulties in settings where international forces are deployed. But their impact on operations is pretty much arguable. I mean, looking at the volume, the evolution of the budget allocated to humanitarian assistance that was multiplied by 10 in the space of 20 years between 1988 and 2008. Looking at the numbers of aid workers that are spread around the planet providing assistance, make little sense to maintain the assertion that there would be such a thing as a shrinking of humanitarian space. And also there would be shockingly underplaying the difficulties that the humanitarian actors encountered in

the past in the ’80s in Afghanistan, in Ethiopia. The expulsion that we had to suffer from Western Sahara in the ’80s, the kidnapping of staff in Somalia in ’87 show that difficulties are part of the work we do and such trends of growing difficulties can be seriously challenged.

So our assertion was that rather than calling on a kind of abstract space, our experience tells us that it’s the power games, the interest seeking that makes humanitarian action possible. If MSF is able to work in authoritarian states, such as Sri Lanka or Zimbabwe or even confronting health crises in South Africa, being able with a lot of difficulties as you’re all well aware in Somalia, it’s not so much because we are truly humanitarian but it’s because we are of interest to the political parties. We bring something to the table that is interesting to them. Because of the services we provide, medical care in the instance of MSF, the expenses and the taxes that we pay, expenses will contribute. We’ll be discussing the Somalia example if you want. And also our contribution to the positive or negative image of (inaudible). All those elements appear to be to us the main reason why actually we are able by authorities to work in any given territory. And so these processes require constant negotiations that result in compromises. And we thought that it would be interesting to examine those compromises to see how far an organization who claimed to be guided by principle would tolerate, would accommodate.

So in 2009, after five years, and five years after our

colleagues were killed, MSF returned to Afghanistan and we launched programs in Kabul, Bernoni (phonetic), also in Helmand province, which is one of the most disputed areas in the country. So what made that return possible? We argue that the evolution of the dynamics of the conflict played a huge role in that. The way the powers, the Gaza government, the Taliban, could see an interest in having us working there is the main element that made our return possible. We can make the supposition that if we were targeted in 2004 and if the Taliban claimed responsibility for that incident, it's because at the time they were only looking to spoil the piece. They were having no interest of governing population. And in a way, MSF personnel appeared to the insurgents more useful dead than alive. And that changed for many reasons that you know and I won't be coming back in details. The ambitions of the Taliban changed and the context pretty much then enable us to reestablish the relevance of MSF's services.

In 2009, at a time where the Taliban were then much stronger they were looking for an (inaudible). I mean, they were looking for help in providing services, medical services in the population that were living under the control, and MSF could offer them that. And in a subtle change of situation we became more useful to them alive than dead. And as much as we made ourselves available for the discussion actually, I think that they made themselves available to discuss with them. And

Markus will probably also talk about that but the ASEAN has been a key player in that renewed relationship between MSF and the Taliban.

What made the discussion possible was, of course, also the distance that MSF has established between its own ambition of treating patients and savings lives and those ambitions of the coalition, establishing peace in the government. But this is only one limit. And it's not because we simply became or would have become more neutral, super independent, traumatically more impartial that we were able to work and reestablish a presence in Afghanistan. There is much more to it than that. It's pretty much the same approach that enable us to intervene in Mogadishu in 2007 at a time where the Ethiopian Army was basically destroying all medical capability able to accommodate the opposition and the Islamic fighters. We were able to identify converging interests between parties that were very strong enemies to each other -- former war lords and the dismantled ICU Islamist opposition -- that enabled MSF to establish an (inaudible) project. So identifying this logic of the actors is something that is paramount to creating that space rather than raising the flag of principles that are a useful guide but in no way key to any doors of significance.

Saying that, I don't want to say that identifying interest or converging interest is always easy. I mean, there are instances where we cannot identify any of those, and the Sri Lanka example is typical of the

situation. Despite feeling that it had a pretty good reputation in Sri Lanka, MSF has faced the huge frustration to be absently unable to work after the conflict renewed in 2006. First, to provide care in the conflict areas because of the logic of total war that animated the (inaudible), the LTT and the Sri Lankan government. But also after that where MSF was never in a position to escape being either a tool of propaganda for the LTT or an agent of the government pacification policy.

And in 2009, it found itself to be nothing but health auxiliaries to other regimes in the Tamil displaced groups, displaced camps maintaining a live population that were maintained behind barbed wires. In that case, in retrospect, we feel that we completely lacked a diplomatic backup, civil society support, that maybe there was nothing that could be done in Sri Lanka for reasons that we can discuss further later. But we were doomed to accomplish a policy of lesser evil, recalling that no media pressure could have any effect over the region and found ourselves in a very difficult situation that is still very highly debated internally in MSF with a lot of questions on whether we should have gone there working in these camps or just like leave the country and leave these people on their own. This is definitely one of the toughest choices that MSF had to make over the past few years.

So to conclude, the real issue about the shrinking space (inaudible) is that it frees humanitarian actors from their responsibility of

conquering and defending their own sphere of activity and I think what we're trying to do in this book is to make sure that -- argue that actors have the responsibility. They could not just victimize themselves. That they have a role to play, a political role to play. Just because there are no legitimate (inaudible) to humanitarian action, that would be valued at all times and in all situations. There is a space for negotiations, power games. And the lesson for us, one of the main lessons for us after we conclude the research for the book was that the issue for MSF is not so much to distinguish itself within the humanitarian community and like do the police of words like, you know, saying you are a humanitarian, you are not, we are the true humanitarians, only with the ASEAN, all the rest are just a bunch of I don't know what.

What was important is to think through our capacity ability to negotiate with actors, political authorities, and the results of those negotiations being what could help us access population needs. Whatever the powers we're talking about. I mean, they could be states, nonstates, civil society actors, anyone. And because negotiation is not just a process by which you recognize that you talk to everyone, it's also a process by which you recognize you bring something to the table. And I think that was the second conclusion to the work is that the political exploitation of it is not a misuse of its vocation but it's the principal conditions of its existence. And I think it's an invitation for MSF and for the

humanitarian community as a whole to re-interrogate or re-question the way it's been framing the debate around politicization of it.

The issue for MSF is not so much achieving total freedom of action like above and beyond politics but being able to choose its alliance according to its mission. And its mission is to save lives with no allegiances to anyone and no concerns about loyalty. And that is the third conclusion for us. In this respect, MSF is going to be -- is going to keep being, I think, an unreliable and unfaithful partner with two horizons or landmarks or reference points: saving as many lives as possible and making sure that its assistance does not serve primarily the tormentors.

Thank you.

MS. FERRIS: Thank you very much, Michael.

Those of you standing in the back, there are seats up front if you'd like to be more comfortable.

We'll turn now to Bill and maybe you can talk about some of the difficulties in negotiating access in Eritrea and elsewhere.

MR. GARVELINK: Not elsewhere. I'm just going to focus on Eritrea.

MS. FERRIS: Okay. Your choice.

MR. GARVELINK: I'd like to talk about the Congo but that would be too much for the next few minutes.

But just to go back to Eritrea, I would like to focus on that for

just a couple of minutes. It's not some place that comes to mind right off the bat but it has been one of the most difficult places for NGOs to operate and for humanitarian operations to take place. From its very beginning in 1991, I guess, when it separated from Ethiopia until today my involvement with Eritrea is I did a lot of assessments there with the EPLF in the '80s and was the aid director there for a few years from '99 to 2001 during the war with Ethiopia. And that's the period I'd like to focus on.

And for those of you who don't know a whole lot about Eritrea or haven't focused on it I would just mention two or three things that kind of help characterize Eritrea and how it operates with the rest of the world. And as you know, they had an independent struggle for 30 years in the 1960s until 1991. They had very little help from the outside. They remember that very clearly so they have a big emphasis on self-reliance and I think a mindset that has evolved from that war largely by themselves is you do it our way or you don't do it at all and they're very controlling government. If you look at Eritrea itself, it's a very fragile area. It's always bordering on a humanitarian crisis. It depends on agriculture that's rain-fed. Rain is very unreliable there so they're always in a difficult situation. And then finally, there was a war with Ethiopia from 1998 to 2000 that had a dramatic impact on Eritrea. A lot of the fighting took place in central and southern Eritrea in their agricultural area and it had a major impact, causing hundreds of thousands of displaced people and a major

problem for the Eritreans.

And throughout all of this to today, one of the ongoing problems is there's always been tensions between the government of Eritrea and the NGO community. So if we go back to 1997, for example, as tensions became rather high, they threw all the NGOs out of the country. I got there in 1999 and began discussions with the Eritrean government about the return of NGOs. First of all, the discussions had to involve what an NGO was. They were not that familiar with NGOs, and during their rebel period they pretty much dominated the NGOs that worked there. So we explained that the U.S. Government funds NGOs but the NGOs are not part of the United States Government. They determine where they work and what they do with the government and host communities of the host country and their decisions are largely based on assessment and on need, not on political decisions of the government. And we went on to suggest to them that to get the NGOs to return to Eritrea it might be useful to start with those handful of NGOs that worked with them in the 30-year struggle they had with the Mengistu regime. And that made sense to them. And that was Norwegian Church Aid. I think Oxfam. There were a couple others. CRS, CARE, World Vision were involved during that period. And those are the first ones to return to Eritrea. So we were successful in our negotiations. And in 2000, the NGOs were invited back in and this group started to return and began to

initiate projects.

Now, the tensions again resumed almost immediately. The Eritrean government began telling the NGOs that came back where they were going to work and what they were going to do and they had this funny sense that they did not like NGO assessments because they didn't believe NGO assessments. They thought they would be self-serving and they quite often didn't agree with what the Eritrean government wanted to say publicly. So they were not fond of NGOs carrying out assessments in their country.

But there was a really large need in Eritrea at the time in '99 and 2000. That's the time of the war. There were hundreds of thousands of displaced people. There was a drought going on and they needed assistance in a very big way. And so they agreed. That's how they agreed to allow the NGOs back. They also wanted to approve every budget and wanted to approve everybody hired and they wanted to control the travels of the NGOs. And we said no to that in concert with the NGO community. We had a lot of meetings with the government and some of the worst or most difficult provisions of their agreements to allow the NGOs to operate in Eritrea were set aside at that point.

So we were making quite a bit of success and just sort of in the relationship between the NGO community and the government, the United States, for example, the government has an important role to play

to assist NGOs in their negotiations with governments and access to the areas where they want to work. The donor government has a convening authority which NGOs usually do not have to be able to have meetings with the government and with other donor agencies. And it has the ability working with the host government to help create enabling an enabling environment so that the NGOs can, in fact, operate. And that's pretty much what we did to get the NGOs back into the country and to set aside some of the more onerous provisions of the Eritrean government's view toward NGO operations.

And so from 2000 to 2004, about 30 to 40 NGOs returned to Eritrea and began operating in the central and western part of the country where the need was biggest and to some extent in the eastern part of the country as well. And we thought we had, you know, kind of finally reached an agreement with the Eritreans so that this would be -- the NGOs would have a normal operating environment and could continue on their way. Then things changed in 2005. They instituted some rather harsh requirements for the NGOs. Each NGO, international NGO had to deposit $2 million in a local bank. They would renew their applications yearly. They could not hire military-age individuals, that's 18 to 50. They had to pay tax on their activities and their equipment, and they could only have one expat per NGO. And those were some of the basic provisions that they laid out.

We worked with the government and talked to them. We got a few of them set aside. We got a couple of them postponed but eventually they were all -- they insisted on all of them. And we had a lot of discussions with the NGOs about whether they would accept this or leave the country. Most of them that were there agreed to accept most of these provisions and most of the NGOs did because of the need. And they were allowed to work still where they wanted to and in sectors where they had established programs and they thought they could put up with these sorts of demands of the Eritrean government as long as they could continue to do their work. And the U.S. and the Italian government and the Danish government and a few others were very supportive of this.

In July 2005, it got much more complicated for us. they threw AID out of the country. So we had to do everything long distance from Washington to be helpful. One of the things that had been very helpful in these early years is that the organization that worked with the NGOs for the government was the ERRC, the Eritrean Relief and Rehabilitation Commission. That was dismantled in 2005 as well. And all these issues were turned over to the Ministry of Labor, which, and the folks who ran the ministry had not a clue what an NGO was or did or had even less interest in all of this. So it got much more difficult by mid to latter 2005. And they also did a very pernicious thing. They had a public relations campaign in Eritrea criticizing the NGOs and blaming them for all

the problems in the country and sort of turning the general public, making them more hostile toward the NGO community. It was a very nasty campaign and they would characterize NGOs as the agents of a new colonialism by the international community and it was a very hostile environment. I went back and forth from Washington a few times to meet with the Eritreans to try and work this sort of thing out and it was not very successful.

And here's where donors are a very mixed blessing. One of the things that was going on at this time is the war had concluded with Ethiopia and there was a decision that the international community, the United Nations would put together a border committee that would delineate the disputed areas between Ethiopia and Eritrea and decide who would get the disputed property. Both Ethiopia and Eritrea signed an agreement with the U.N. that they would abide by the decision of this commission. The commission came down on the side of Eritrea. The Ethiopians rejected the decision and the international community and the Eritreans minded particularly the U.S., said nothing. And in fact, for all intents and purposes side with the Ethiopians.

So I think the most visible thing they could do without fully breaking relations was to throw USAID out of Eritrea and I think some of that international baggage was attributed to the NGOs as well. And they were treated in a much harsher fashion. Not just the U.S. NGOs but

Italian NGOs and others. So the changes in diplomatic relations do have sometimes unexpected consequences for humanitarian organizations and how they do business in the country. So I think at that moment in time we were not particularly helpful to the NGO community trying to operate in Eritrea.

And so we were tossed out. Several other governments were tossed out. It became very difficult for the NGOs to operate. The regulations that were instituted in 2005 became much more intense. Travel was restricted. Fuel that was allocated to NGOs was very much limited. And by 2008 there were about three or four NGOs left. And again, they continued to stay and their judgment as we talked to them was that they could actually work -- they were restricted now to working only in three sectors as well -- health, water, and sanitation. And the NGOs who remained were satisfied with that because those were the areas of greatest need at this time in Eritrea but it's my understanding that by the end of 2011 even those NGOs had left. So the negotiations by governments and NGOs sometimes just don't work.

And I'll stop there.

MS. FERRIS: What a cheery story. My goodness.

Okay. We'll turn now to hear the experience of ICRC, which has always had a kind of unique perspective. Markus.

MR. GEISSER: Yes. First of all, we may give the

appearance that MSF and ICRC has carefully choreographed these presentations because yes, of course, I will talk a little bit about Afghanistan, but we have not done that.

Back in October 2009, myself, as head of Mission ICRC in Southern Afghanistan, traveled to Tarin Kowt, the capital of the Orūzgān province in Southern Afghanistan, the aim was to open an ICRC office there. Tarin Kowt has become a place full of emotions for the ICRC. It was on a trip from Kandahar to Tarin Kowt on the 27th of March 2003, one of our colleagues, Ricardo Munguia was executed. The man who killed Ricardo had an ICRC prosthesis. The man who actually gave the order also had an ICRC prosthesis. They knew the ICRC perfectly well. They decided to separate him from his Afghan colleagues, asked him -- I mean ordered him to go to a ditch, and that's where he was killed. Ricardo was the first foreign aid worker who was killed in Afghanistan since the attack by the U.S. Government in October 2009. His tragic death was in a way a turning point for the humanitarian community as a whole, but for the ICRC in particular. The message was clear: no one is immune to attack. We all know that since 2003 in many parts of the world managing local threats directly emerging from the global polarization along the main frontlines, the many frontlines of the so-called global war against terror has become a fact of life for humanitarian aid workers.

The ICRC certainly agrees with Marie-Pierre Allié in her

introduction in that particular book that we are also somehow discussing here, eventually states that in the post-9/11 era, denying the use of humanitarian rhetoric by conflict parties is a futile exercise. For the ICRC, soldiers as providers of aid is nothing contradictory. The 1907 Hague Regulations and the 4th Geneva Convention 1949 obliged occupying forces to deliver food and medical supplies to the population. What is more ambivalent is the increased permanency of the military performing as aid organizations. In some of the battlefields of 9/11 wars, humanitarian aid efforts and national security have merged, according to some. Mark Duffield, a British author I understand, labeled it as the new humanitarianism.

It may be useful to remind here that it is not a debate that started after 9/11. The merger of security policies and aid is reflected in the contemporary history of the international humanitarian law which is the essential framework for humanitarian action. I refer here to Hugo Slim, leading scholar in humanitarian studies when he states, “The military and political leaders prefer humanitarian values to be rigidly controlled to prevent them from becoming an excessive threat to the war efforts. In fact, aid remains an injection in the political, social, economic environment. Aid affects society, economy and power and vice versa. It is indeed futile to deny this.”

I think all of us in this room agree that the work of

humanitarian aid workers is contradictory. In an environment ruled by humanity and violence, aid workers are supposed to uphold humanity and peace. David Rieff commented in his afterward in this publication that we discussed this afternoon that humanitarian organizations providing assistance in conflict zones cannot be as absolutist and human rights organizations serves as a helpful reminder that indeed humanitarian action is, according to Rieff, based on negotiation compromises with the relevant actors. Navigating through those forks of compromise are challenging tasks and indeed requires a kind of a compass. For the ICRC, four core principles are essential to define humanitarian action.

Neutrality, yes, involves not taking part in military operations and neutrality here is really an operation of posture. Humanity stands for respect of human beings. Impartiality means assisting those most in need with no discrimination. And independence is the obvious operation of predisposition to act along these principles. While these principles are relevant to the ICRC, they are different approaches and for the ICRC not to speak that our approach is the only one. Our approach is the (inaudible) approach. There are others. The Wilsonian pragmatist according to some who advocate for liberal peace building. There are faith-based organizations. There are for-profit organizations, so-called contractors. For the ICRC, the (inaudible) principles of neutrality, humanity, impartiality, and independence are of moral values. Again, they

are, in a way, operational principles.

The ICRC action in the domain of health in Southern Afghanistan serves me here as an example of what a humanitarian action along these (inaudible) principles actually looks like. Following the killing of Ricardo in 2003, ICRC was in a state of shock. The ICRC basically closed down its operation. The institution questioned whether the principles of neutral, independent impartial humanitarian action could actually be upheld in the era of 9/11 wars. Rather than abandon a neutral stance, ICRC reached out to all sides of the conflict. It reinforced networking, reaching out to all conflict parties. It started networking not only with Taliban outside prisons but also inside prisons. They have a comparative advantage because we do visit some of these individuals. And we also focused -- the ICRC focused on reestablishing family links to bring an added value to families whose members were actually currently held in prisons. What's more, the ICRC revised its operation and put a particular focus on its very origin, providing and assisting wounded and sick.

Let me talk very quickly how this could be done. To transport wounded and sick, the ICRC basically established a taxi network of locally-based taxi drivers who would arrive to the ICRC delegation that you can see here on this slide. These are private cars operating as normal taxis when not transporting wounded. They would be given some

money when they bring wounded and they would have to bring those wounded to clearly identified hospitals. There are, of course, plenty of challenges to run this program. Intimidation of drivers, physical protection of drivers when moving around, avoidance at checkpoints, arrests of individual drivers for short, sometimes even longer periods of time, and sometimes the drivers themselves caused us problems.

The assistance to facilitate transport of wounded and sick goes beyond just this taxi program. The ICRC, for example, in 2011, gave technical support to the Afghan Ministry of Public Health of Kandahar when they decided to purchase a thousand or so new ambulances through the U.S. SERP funding. The ICRC provided here technical training to the MOPH staff which is part of the ICRC's usual support and training program for the authorities in Kandahar.

Excuse me. I forgot to -- yes, this would be one of those ICRC taxis with the ICRC driver. They would carry these ICRC identification cards that would actually help them to go through checkpoints.

ICRC has also other activities in the field of health where we assist medical structures. The ICRC for the past almost 20 years now has assisted the Mirwais Regional Hospital at Kandahar which has now become the favorite hospital of all Afghanistan. It's a program where the ICRC gives technical support, where the ICRC also gives direct support in

case of mass casualty influx. But also here the ICRC realized that assisting only the Afghan MOPH structures would not help because you also have areas in rural zones where there are no Afghan MOPH structures. For this reason the ICRC decided to put up so-called first aid posts. This is one of those pictures. You see a clearly identified, more or less identified civilian structure where the ICRC gives assistance along the baselines of the Afghan Minister of Public Health. The challenges here are entry by armed actors creates the perception and actually creates outside risks for health staff to be part of the conflict, threats of arrest and also outright arrests at times by various armed actors of our staff who actually work in these structures.

Ladies and gentlemen, after this brief overview, and it was really very brief, let me come to the conclusion. Southern Afghanistan is a context where the ICRC and other humanitarian actors who operate like MSF in Helmand have faced some of the toughest challenges. When I read Xavier Crombé and Michiel Hofman's contribution, "Afghanistan Regaining Leverage," yes, I noticed and not for the first time, there's a strong resemblance between those two organizations. The principles of neutral independent and impartial humanitarian action have certainly helped the ICRC to regain the humanitarian space after the killing of our colleague, Ricardo, in 2003, a slow process of confidence building and transparent dialogue. If all the parties to the conflict have allowed ICRC to

gain this acceptance, tolerance, respect to carry out its mandate, that respect should never be taken for granted. I also agree here with David Reef in his afterward when he says that when playing the game of making compromises, changes must be expected. The current proliferation of armed actors to the creation of de factor militias in Afghanistan poses a challenge to aid organizations that seek acceptance and respect from armed carriers.

What's more important, I think, or what's equally important is that a dialogue about these principles is not enough. It has to be paired with meaningful action so that people, be it beneficiaries, state authorities, non-state actors, or international military forces see that ICRC can make a difference. Building up respect through operational relevance is at the core of the matter when we discuss excess and acceptance of humanitarian action. In the end as humanitarians we should also be judged by our action on the ground and not just our declaration of principles.

Thank you.

MS. FERRIS: Thank you very much, Markus. Certainly lots of things to think about here.

Before I open the floor for discussion we'll hear from Rabih.

MR. TORBAY: Thank you. My colleagues covered quite a bit of issues here when it comes to negotiations and compromise. I'll talk

briefly about our experience in Iraq and I'm not going to touch on Sierra Leone because of the time.

International Medical Corps went to Iraq in 2003, in the early days of 2003, and we didn't know what to expect. As most organizations, they had no presence in Iraq. When we arrived to Southern Iraq, in Nasiriyah, we arrived to a clinic and that was my first experience inside Iraq negotiating an Iraq (inaudible) clinic in Nasiriyah, and at that time Nasiriyah was still really a war territory. It hadn't fallen completely. And when we got to the clinics there were some sheiks, some imams in the clinics and we arrived there with a lot of medicines and supplies and the first thing that we noticed was that the sheiks were all over the clinics. And initially we thought that's great, you know, at least they're involved in helping the communities. And when we told them what we're all about and who we are, obviously, you know, the fact that we're a U.S.-based organization didn't help us too much at that time. But they immediately gave us conditions saying, okay, great, give us the medicines, give us all the supplies, we will look after our own people. And we've never had to deal with a situation like this where we gave all of our medicines to non-medical personnel to start with.

So we started negotiations with them to find out why they want to take the medicines. What is it that they're after? And they would just tell us, you know, these are our people. We know how to look after

them. We do not want any NGO to be here or any organization to be here. The word “NGO” was very strange to them. And we want to care for our people. So we told them, okay, we’ll get back to them in a day or so about our decision. So we went and discussed internally and we came back and it was a heated debate and we decided not to give them the medicines. And we got into a big argument with them. Why you do not want to give us medicine? People are suffering. There are no medicines in the warehouses.

And you know, you look at the situation. You have people that are suffering that are in need of medicine but also at the same time you need to look at the bigger picture in terms of if we give those clerics the medicine is it going to be a repeat of Hezbollah or Hamas in terms of them taking the medicines and providing for the people and in a way getting all the people on their side and alienating any international intervention or any NGO, even the government of Iraq that didn’t exist at that time. That was in April of 2003. And we refused and we walked away. It took us about a week negotiating with them. Eventually they saw that we were not going to budget and there was no other NGO at that time in Nasiriyah. They allowed us to operate in a couple of the clinics but they did not give us access to the main hospital or some of the other clinics or hospitals where they kept it to themselves.

And that was at the beginning of our 10 years or eight years

of negotiations in Iraq where nothing happens without negotiation and a compromise. We established ourselves in Baghdad and at that time in 2003 the situation was still okay before the bombing of the U.N. building and security was still okay. And there was no sectarian violence yet between the Sunnis and the Shiites. Moving forward a few years, Sadr City or Thawra, it's an area of about 3 million Shiites that were controlled by al Mahdi army, as you know, was an army established by one of the clerics that is very close to Iran. And the Iraqi government decided that they want to take that area because it was causing a lot of instability and it was a major cause of tension between the Sunnis and the Shiites and the sectarian violence there.

So the Iraqi army, with support from the U.S., completely surrounded the area and started attacking. We tried to negotiate with the Iraqi government access to that area. They refused. We're talking about 3 million people that are completely surrounded. No food, no water, no medicines, nothing. We spent about a week negotiating with them. They agreed but they gave us a lot of conditions whereby we're not allowed to take any vehicles in. And we're talking about a very big area here. We're not allowed to take -- we're not allowed to employ people for Sadr City, so we have to get people from outside of Sadr City and make them walk on foot when bullets are flying everywhere into Sadr City. And they have to search every single thing and they will dictate what is is that we can and

we cannot take. They said medicine is okay. Water is okay. Food was not okay. Non-food items out of the question. I don't know if they thought that the non-food items might have dual purposes but they would not allow us.

After we negotiated with the Iraqi government and with the Iraqi army, now we had to negotiate with the al Mahdi army so they would allow us access into the population. It was the same negotiations. They said no Sunnis, absolutely no Sunnis. And we weren't going to send any Sunnis into a Shiite area at that time. And they said nothing that's supportive of the prime minister. You know, how can we tell who supports the prime minister or not? We're not going to go around screening everybody and do a polling exercise to see who they're going to vote for. Eventually we reached an agreement after about two weeks and we acquired a very good nickname. We were called the wheelbarrow NGO because they would not allow us to take vehicles in so we had to load all of our supplies on wheelbarrows. We had to buy about 600 wheelbarrows that did not even exist in Iraq. We had to get them from Kuwait and Jordan and get medicines and water on wheelbarrows.

It was one of the most difficult situations because once we came back, once, you know, there was a cease fire -- that took a while to compromise -- once we came back, the backlash about us working in Sadr City was even bigger than, you know, the negotiations just to go in.

Coming back and trying to work in some of the areas, trying to work in Ramadi and Fallujah and some of the Sunni dominated areas was impossible. We were not allowed to go in there. And at that time as well, you know, the year before and during that time there was a lot of push to control some of the Sunni area. If you guys remember there was Al Sahwar which is the Sunni tribal leaders in Ramadi and Fallujah that were trying to take back their areas from al Qaeda. And we could not negotiate access in there because we supported the Shiite, because we worked in Sadr City.

At that time also we were seen as, you know, we're coming behind the U.S. military and the Iraqi army to clean up the mess after them. So, you know, going back to what Michael said about being a force multiplier, we were perceived as a force multiplier because you see the Marines come in and then you see IMC come in after them. Now, that goes back to the bigger picture that was asked. Is that the right thing to do? Do we want to be seen or perceived as a force multiplier or do we want to stick to our neutrality and impartiality in terms of service delivery as well as the perception? And, you know, obviously all of these take a lot of discussions but at the end of the day we decided to go in after the Marines and to set up camps and provide medicines and provide medical supplies. We could not go into the areas themselves. We have to stay outside as the military was going on. And that definitely compromised our

acceptance.

Now, as an NGO we were in the red zone in Baghdad, in the civilian area. We were not in the green zone. We had absolutely no protection from any side, the military or the police. And we suffered a lot in terms of access, in terms of acceptance. Everything that we've done in terms of our work from 2003 to 2008 within two months of work in Sadr City and then afterwards in the Ramadi area, all of that was compromised within two or three months of action.

Now, was it the right thing to do or the wrong thing to do? You know, I personally believe because I made the decision, I personally believe it was the right thing to do. I'm not going to say I made a wrong decision. But at the end of the day it's what we're all about. We're there to help people and you have to weigh the pros and cons. Do you do more damage by sitting back or do you do more damage by actually getting involved in helping people? As an organization our mission is similar to MSF's mission which is saving lives but also building capacity. We're there for the long run. We're there for the development phase as well. And we focus quite a bit on the idea of saving lives. You know, we do what it takes to get in there and set up the clinics and hospitals and try to save as many lives as possible. We have the tendency to keep very quiet in terms of no press releases, no communication, no advocacy. And we get a lot of flak from not being an advocacy-oriented organization, you

know, be it in Sudan and Darfur or Iraq or Afghanistan. And in a way sometimes we see a lot of things that we should be talking about but we compromise that in order for us to be able to serve our people.

Is this the right thing to do? I don't know. Every organization is different. But that's how we go about doing it. And it's not just Iraq. You know, if you look at Darfur it's the same thing. Many organizations were asked to leave. We're one of the few that wasn't asked to leave Darfur. By us staying do we support the Sudanese government in terms of what they're doing? I don't believe so but we had 230,000 people that we were caring for and we were the only health provider for 230,000 people. And we were not going to walk away just to be loud and talk or witness something or talk about something that we witnessed. There are many ways to get the information out without us talking about it.

So, you know, when you listen to all four of us, we all come from a different perspective. We all have a different way of doing things but at the end of the day we're unified by one mission which is really trying to negotiate in order to help people. And there's no right or wrong. After being in the NGO world for too many years -- I'm not going to say how much because you'll know my age -- but after being in the NGO world for too many years I don't believe there's any right or wrong. There's always a right approach for any specific situation or a wrong approach for any

specific situation. And if there's anything that you should leave with it's that approach needs to be dictated not by something that's written on a paper that was written 20 years ago in your mission statement but based on what you see on the ground and how you react to what you see on the ground.

Thank you.

MS. FERRIS: Thank you very much. I think all four of you have raised a number of important issues about how far you negotiate that access.

I remember one of my first humanitarian experiences was in Somalia in the early 1990s where NGOs and others agonized over do you hire technicals, armed guards to keep your staff safe even when by doing so you're putting money and actually prolonging the conflict. I mean, aid sometimes is not neutral. It is an economic resource in a lot of these situations.

We'll open it up now and hear your questions. You can direct them to any individual or just toss out general ideas. If it's okay we'll take three or four and then give you all a chance to respond. We have a microphone. Yes, please. In the very back there. And if you could introduce yourself.

MR. LAU: Sure. My name is George Lau (phonetic). Question for anybody who wants to answer.

So the typical NGO's job is to alleviate suffering. Whose job is it to keep it from happening again or to keep it from happening in the first place?

MS. FERRIS: Okay. That's an easy question. Yes. Next question.

MR. AL-TIKRITI: Nabil Al-Tikriti, University of Mary Washington and MSF, as well.

The focus of the book is primarily field-oriented and the focus of the panel has also been primarily field-oriented. In other words, how do you negotiate humanitarian access "over there," wherever "over there" is. But I'd like to turn it on its head a little bit and ask the panel since we're here near the center of the beast, namely Washington -- that's a bit of a joke -- but is there something that the U.S. Government could consider doing to help NGOs attain access globally? Because some of the reasons that limit humanitarian access are also because of policies that are driven in D.C., namely the comment of the force multiplier is one example. The argument of humanitarian intervention to engage in conflict is another example. Some issues with trade and access to drugs is a third example. So it's an open-ended question. Is there something that Washington could change that could open up access in the field?

MS. FERRIS: We'll have this woman right here.

MS. GUINANE: Kay Guinane, Charity and Security

Network.

I would add to the list of the gentleman on my right the anti-terrorism laws and the sanctions that forbid transactions and may forbid negotiations are counted as material in support of terrorism.

MS. FERRIS: Okay. Why don't we start with those three questions. The first is the tension between addressing the cause and stopping the violence and alleviating suffering. What can the U.S. do to help secure access globally? And third, more specifically, the impact of the anti-terrorism sanctions on humanitarian action.

Who would like to start?

SPEAKER: Those were no easy questions.

MR. NEUMAN: I will start with the second and third one.

I don't think there's any global message to the U.S. Government or any government for that sake, but there is no question that those comments by Colin Powell or Condi Rice's comments that the tsunami was a wonderful opportunity to show the generosity of the American people, for instance, or the anti -- I mean, the criminalization of that and the anti-terrorist regulations don't help NGOs in securing access.

We, at MSF, being privately funded, are most, I mean, the huge majority of the funding comes from private donors. Help us navigate through those constraints. But I think there are a few things that we cannot ask the government. I think we cannot ask the governments or the

U.S. Government to stop being politicians or drawing policies. This is their job. This is what they do. If the U.S. Government wants to integrate assistance in their portfolio of activities it will be very difficult for us to denounce that provided that, as Markus explained, I mean, there are provisions that clearly establish a responsibility of governments to do so.

I think there is a lot that -- a lot lies on the shoulders of the humanitarian actors themselves to define their own policy of humanitarian action separate from what the U.S. wants to do, separate from regulations and I think that's, you know, a very important message that I think we want to get across.

The anti-terrorist regulation is something different. I think there may be, and I think the debate is pretty open, there may be real serious consequences on individuals who work in Gaza, in Somalia, in Pakistan, in places where they are de facto in contact with individuals or groups considered as terrorists. And this is something that will need a very strict clarification from either the political authorities or the legal system. And we have not been seriously yet confronted to that but I think this is something very serious and they may be like here on that particular subject when you have collaboration between different NGOs, including MSF.

Then on the first question, NGOs actually, I mean, some NGOs may very well be designed to work in the field of not only alleviate

suffering but work for peace and development and conflict prevention. I mean, some do so. But by doing so they condemn themselves not to be able to operate in certain areas. And I think that's where the core issue is. I think that when groups take the decision in conscious to work, to follow the Marines (inaudible) or to subscribe to the agenda of state-building in Afghanistan, they take a risk. They take a risk of being unable to work should the situation evolve. I mean, by basically betting that the victor would be the U.S.-led coalition in Afghanistan, a lot of NGOs created the difficulties that they faced today to operate in Taliban-controlled areas. I think that's the core issue here. By sticking to a mandate or a social mission that is in the case of MSF or saving lives or it could be building schools, I think we prevent ourselves from being -- of not being able to pursue our mission. And I think that's what is important.

MS. FERRIS: Other comments? Bill, do you want to jump in and then Rabih?

MR. GARVELINK: Sure. I guess being the government person here.

SPEAKER: Sort of.

MR. GARVELINK: I'll comment on a couple things.

What can the U.S. do to open access worldwide? I'm not sure I quite understand the question. I've worked for the U.S. Government for 30 years for all kinds -- Republicans, Democrats, all different

administrations -- on humanitarian issues. And there's a major commitment of this government to provide humanitarian assistance worldwide and to support humanitarian organizations. I'm not sure what the U.S. Government can do beyond that. Most of my career has been in an organization called the Office of Foreign Disaster Assistance. We have been -- when I was there, I never had an instance where we could not provide assistance to a particular group or a particular country. The rest of the U.S. Government did not say you can't do that, they're not our allies or they're not our friends. It never came up. We could go anyplace we wanted to and assist any population we wanted to.

I think the United States has an enormous commitment to providing humanitarian assistance worldwide. And I'm not sure, I think that's fairly well known. It's one of the planks of the foreign policy of every secretary of state and every president if you go back at least as long as I've been doing this business. So I think it's pretty clear that the United States puts a very high priority on providing humanitarian assistance and promoting humanitarian access and humanitarian space. I'm not sure I believe there is such a thing as humanitarian space. To me IMC has to negotiate its humanitarian space. There isn't any.

That's an intangible thing just like unfortunately right now we talk a lot about these principles and I guess I'll state my views from where I've been in this business. I think neutrality and independence have long

gone. There is no such thing as that. If you're a U.S. organization you're stuck with U.S. baggage if you work in a Muslim country and you're a suspect. You're never neutral. You cannot be neutral. You may think yourself neutral but the people you're working with don't. And if you miss that, that's your peril.

I think hopefully everybody can provide assistance impartially so that it goes to the people who need it as opposed to those who don't. I think the U.S. Government does that quite well within the context of U.S. foreign policy. And I think every NGO does that similarly within the context of their mandate and their operating procedures. But if people really think they're neutrality, I don't care. There is no such thing as neutrality. Not in the world today. It's a nice thing to hope for but I don't think it really exists. And I think you take your life in your hands where we work these days if you believe that.

The next question, the anti-terrorism laws, I'm looking right now where I'm sitting a lot at Somalia. I don't think the U.S. is ever going to get rid of those anti-terrorism laws but it's interesting when you get a group of people together and talk about them, everybody is so confused they can't figure out who's on first to understand there are the laws from the Treasury Department which is OFAC and the Patriot Act. And I think it's incumbent upon the U.S. Government to clarify those things so everybody understands exactly what they mean. And to my sense they

haven't done that yet.

MS. FERRIS: Great. Rabih.

MR. TORBAY: Bill covered almost everything. Thanks for taking the government question as well. That was a hot one. (Laughter)

On the terrorism, on the no contact, have you ever tried to negotiate with someone you can't talk to? Just imagine. This is the situation that we're facing in places like Gaza where we have a no contact policy. We cannot sit down and negotiate with Hamas or talk to them. So obviously we have to do it through a third party, mainly the U.N. We talk to the U.N. The U.N. talks to Hamas or we could implement our program. We cannot hire any of their staff. We cannot invite them for training. So it's extremely difficult. But it's feasible. It's possible. But it takes a lot of effort. It takes, you know, it takes a longer time to achieve something that you could achieve in half an hour over the phone. It might take you a week or two, especially if you rely on the U.N. because you know they're extremely fast in getting things done. (Laughter) Any U.N. personnel here?

MS. FERRIS: Probably.

SPEAKER: They'll let you know after.

MR. TORBAY: Here goes our funding. (Laughter)

On the first question, in terms of who's responsibility it is to prevent suffering, this is, you know, it's everybody's job. It's the

government's job. It's the host government's job. It's the NGOs. It's the media. It's the Brookings of the world. I don't think there's any single body that's responsible for this. And I think all of them need to work together much better in order to actually start preventing some of the suffering that's taken place. This is too big of a question for me to answer. I don't think anyone has got the perfect answer for this one.

MS. FERRIS: Markus, do you have the perfect answer?

MR. GEISSER: In regards to the second question, very quickly, I think what's important is that the government should always accept an organization's mandate. I can only talk in the name of the ICRC and perhaps to our relationship with the U.S. Government. Yes, we do have talks about acceptance of our mandate and I think that's important. There is this dialogue and that doesn't only count for the ICRC but in general I think. A humanitarian aid organization is not a political actor in my opinion.

Where else can they help humanitarian actors' success? Well, yes, indeed, as a donor, yes. And I think it's still recognized that the U.S. Government is a key donor to many humanitarian aid organizations, including the ICRC. In regards to the anti-terrorist regulation, here it goes back a little bit to what I just said about acceptance of one's mandate. The ICRC has this mandate given by the Geneva Convention, signed by the states. And so we do, indeed, have kind of an obligation to talk a little

bit to everybody. Yes. And non-state actors or state actors also there's an understanding for that. As an ICRC delegate, of course, I also didn't have to make sure that when we operate in certain areas where indeed these regulations get to be tricky, Somalia, for example, that we have to explain to our donors very well how we use their money and how we operate in certain areas to make sure that indeed the assistance goes to the right people. This is the professional attitude of a humanitarian aid organization.

Question one, yes. I think all has been said. It's the responsibility of all of us in this room. Yes.

MS. FERRIS: And how do you react to Bill's comment that the days of neutrality are over if they ever existed? Is it possible to be neutral in these situations, asking ICRC?

MR. GEISSER: Again, for us, neutrality is an operation of posture. For us, neutrality is not to get involved in politics. If you look at neutrality from that particular point of view it is absolutely possible. Yes, I would say so. Yes. I think it's an important -- it's the principle. Sometimes it's difficult. Sometimes it's less difficult but at least we should strive for that. Yes. Again, we look at it really as an operation of posture, not as a moral value. It's an operational posture. That actually helps us to deliver and I think that will be agreed on impartiality to indeed give aid to those in need. Neutrality is indeed a way to reach people. Yes.

MR. GARVELINK: If I could just add, I think if there's one organization that can do that it is ICRC.

MS. FERRIS: Right. Let's see. We have another round of questions. I have, oh, a lot now. Can we take these two young women here? If you could stand up and introduce yourself.

MS. OSWALD: Rachel Oswald. I'm a journalist.

Playing devil's advocate, this isn't necessarily something I agree with but it did just strike me. If the operational mandate is to provide medical care, why not then just give the medicines to Hezbollah and allow them to give them to the people and allow Hezbollah to enjoy, you know, the boost in public popularity if the operational mandate really is, you know, provide medical care?

MS. FERRIS: Okay. Good. Next question.

MS. ALTALINE: Hi. My name is Jennifer Altaline (phonetic). Most recently at Qatar on a USAID Afghanistan Stabilization program.

My question is regarding managing perceptions and each of you has spoken a bit to this and your broader strategy formation. I know that many humanitarian aid NGOs such as yourselves operate on the principle of, you know, relying on your local friends, your local drivers as your security, as your protectors. And as we've seen in Afghanistan, no matter how neutral you can be in your operating mission or how well you can have relationships with local actors, at the end of the day there is this

much stronger in many cases perception that you are affiliated with the U.S. Government, you are affiliated with other U.S. or international forces, particularly with the contract mechanisms that we often have in place as opposed to grants. So I would just ask you both on sort of an operational individual organizational perspective but also broader for the entire humanitarian aid industry what can our strategies be to manage this? Because at the end of the day you can't ignore it such as what Bill has just stated earlier. But yet at the same time we're still relying on those sort of older ways of operating to survive literally. Thank you.

MS. FERRIS: Thank you very much. We'll have the gentleman right back here and then right in the back.

MR. MANNA: Hello. My name is Arian Manna (phonetic). I have a question to basically the aid organizations here. What would interest me is by what criteria do you determine the countries you offer your services in, and if it's maybe not better to use a utilitarian approach of just saying well, we'll offer our services in the countries that are showing themselves more cooperative and thereby helping actually a greater number of the people?

MS. FERRIS: Thank you. Here in the back.

MR. GRZELKOWSKI: Hi. I'm Brian Grzelkowski from Mercy Corps. And this is a question for Michael and, I guess, MSF.

Building a little bit on the second question, I'm curious in

your reexamination of the humanitarian principles and how they relate to your operations and negotiating access, if it's caused you to reexamine your security models, and in particular in relation to say armed security in certain environments or in certain environments where certain parties, like governments, might require armed escorts and that kind of thing. So how far is that examination followed through into kind of security operations as well?

MS. FERRIS: Great. Are there other questions right now? Right here.

MS. McKELLY: Thanks. Margaret McKelly from the State Department, Refugee Programs.

Hopefully you're speaking to a fairly tuned in audience on all of this and I'm wondering, it's a lot of nuanced presentations. If we're dealing with sort of the public at large that we're looking to for support for activities and that kind of thing, is there any way to simplify the message of your book that can just resonate with someone that doesn't deal with all of the nuances one way or another?

MS. FERRIS: Thank you very much.

MS. McKELLY: Maybe a little more than a yes/no on that.

(Laughter)

MS. FERRIS: Okay. Let's have some responses. Do you want to start, Michael?

MR. NEUMAN: Okay. I'll be quick and I may pick and choose the questions that I'm going to answer so I don't talk for 10 minutes.

Why not give the money to Hezbollah or anyone else? I think we're not a donor so that's not what we do. That's the simplest answer I can give. I think there are some guarantees that should go with what we are, you know, and why people give their money to us and don't give it to Hezbollah directly because they could do that then also. They want, and we want to make sure, to make as sure as possible that the right people get the right treatment. We want to invest in the quality of the care we provide. And this is something that we want to do directly and being able to do it directly. We want also to be put in a position where we can also, if it makes sense, if it serves the purpose, to report what's going on in a given situation. Okay, so I think it does make sense as a service provider and not a money provider to do that, although there is a lot of discussion about the role of cash distribution and why not link cash. That's another topic of discussion but it probably connects a little bit to your question.

Then how to manage perception and relating to the question about security. I think there is -- the image is important. The image is a condition so we need to work on image. There has been a lot of discussion about like how much the origin of funding affects perception. I

think, for instance, there is too much weight on that. I think coming from myself it's a little bizarre but I think most people actually don't really care where the money comes from. What's really important is the service that is provided. ASEAN is funded by all governments. Their Somalia operation is heavily funded by the U.S. Government. Correct me if I'm wrong. And I think that does not affect per se their operation or ours if it would be the case.

I think the perception is heavily linked to the quality of the operations you make. Quality for the population and quality relating to interest for the political powers and authorities in your working environment. Now, as our work led to reflection on security management and not directly, the book is serving a lot of purposes internally in terms of trying to guarantee that there is space for discussion about this topic in the organization, to make sure the emphasis is on compromises, like the political aspect of the work is cut in the field. They know how to confront the authorities better. I think this is the first objective of the book.

We talk a lot about Somalia in the book. I wrote that chapter. Somalia is one of the very, very few places where we've been using armed guards since the early '90s for no other reason than there is absolutely no choice. Everybody does it. If you don't, you're dead. Sadly enough, even if you do you may be killed as showed recently by the tragic incident in Mogadishu that affected MSF Belgium.

So I think this look at the usage of armed guards is going to be looked at on a case by case basis always as it has been. I mean, Somalia is the exception but we used to use armed guards in Afghanistan and Eritrea. When working from Thailand into Burma we were not using armed guards per se but we were definitely being escorted by the guerilla members, the Karen, either the Karen or the Kachin or all these groups. So there is no dogma about the no use of armed escorts. There is a most preferred approach that can be bridged if we feel that the conditions impose that choice on us.

And maybe the last question by Margaret about how to -- I mean, this book was primarily written, or let's say was born as I said from internal discussion and we wanted the book to be really used internally. First, in MSF; also for the, let's say, humanitarian community so that maybe they realize that there is a little more to the reality that usually is passed to the public. And I think it's important for an organization to show that it is self-conscious of the choices it makes and that's the message that we want to provide the public with. We don't expect the public I think to understand all the nitty-gritty, all those negotiations and processes. I think it's for transparency sake that we say, look, I mean, this NGO you are actually giving money to is not that filled with moral purity that you think. We are shaking hands with the devil. You should know it. That's how we are trying to make sure that your money is best utilized. And we

are very well aware that there are instances where there are doubts and there is diversion and there is taxation. And if you and a little money can go and, yes, fuel the war, does it mean that we contribute usually to conflict? The answer is no. This is obviously evidently extremely marginal but it's of no purpose to deny what's obvious to all of us here. And I think that's maybe the one message that we're trying to explain to the public.

MS. FERRIS: Okay. We're running short on time so I'd ask the other three panelists to respond briefly and any closing remarks you'd like to make.

MR. TORBAY: Just a response since I brought up the Hezbollah thing. I will start with this one.

There are many reasons why we can't and we shouldn't. First of all, we need to look at the bigger picture. If you go back to the early '90s in Somalia where aid was used as a weapon of war by certain militias, we need to be careful not to fall into that and suddenly the good intention ends up actually harming people rather than assisting. So that's one thing.

Accountability is a big thing. Our donors trust us with the money that we buy the medicines with. We need to make sure that it does get to the right people; it doesn't end up in somebody's pharmacy being sold on the street. So those are two things.

Again, in addition to the fact that groups like, you know,

Hezbollah and Hamas are groups that we're not even allowed to deal with, but I think just being careful that our aid doesn't become a weapon of war and accountability are really big.

The criteria for intervention. Somebody asked about the criteria for intervention and why don't you support a government that's doing okay because we'll have more impact. Our criteria for intervention is based on needs. And usually if a government is doing okay the needs are less. So there's needs. There's impact. Are we going to have any impact or are we wasting our time and money? There's access. Do we have access to that population? Are we going to do more harm than good if we access them? And there's something that we cannot deny although, you know, we tend not to talk about it. Funding. Is there funding to do any work? If there's no funding you go in there and say we will be helping this population but you don't have any money to help. Well, you're pushing away somebody that actually might have the money to help. So this is the way we look at it.

I think simplifying the message, I think that was handled pretty well, Margaret. You know, assessing the situation, determining the needs, looking at the greater good and obviously looking at the do no harm, you know, that we do not cause harm when we do an intervention. And really, you know, I wouldn't say reinventing the wheel every time but sometimes you go into a situation where you just have to improvise and

see what's the best approach to any specific situation rather than the cookie cutter approach, you know, that's written and our policies that were written 50 years ago.

MS. FERRIS: Bill.

MR. GARVELINK: Just a couple of quick comments. One of the -- going back to managing perceptions, which I think in the world today in the humanitarian business is a really important factor. And I think we have our own perceptions of what we're like with our organizations and government and we go into an area. But when any of us as an organization go in with dollar resources into a resource-poor area it becomes political very, very fast. And whether we like it or not it's going to be and we've seen that in every humanitarian situation I've ever been involved in. So we have to be very careful about how we act and how we use our resources because we are perceived very differently by the folks on the ground than the folks sitting in this room.

And your comment about depending on local staff for security and that sort of thing, frankly I've had too many friends who did that and they're not living anymore. It's very important not to put local staff in that sort of position. They can be pressured very easily and threatened themselves if someone has an interest at getting at some humanitarian workers. And it's very wrong to put the local staff in the position of either defending his or her family or defending the place he or she works. That's

just not appropriate.

On criteria, at least from a donor government from my experience, and we're providing humanitarian assistance around the world, there are a number of factors that always came into be. One is the need. The second is access. The third is what other people are doing, what other donors and other agencies are doing there, and if assistance from us will help or it's not necessary. And then the capabilities and the commitment of the local government. If there is no interest like Eritrea, it's really tough to justify putting resources there where you could go to another country which would be very supportive of your initiatives. So those kind of factors all work into the decisions.

MS. FERRIS: Markus.

MR. GEISSER: In regards to managing perceptions, all that has been said, I would like to add that an organization that works in a conflict zone has to be predictable and transparent. That is very important. Okay. And as we are engaging with indeed actors who do not know us as it has just been said. For example, the ICRC's engagement with actors from the Islamic world, I mean, spiritual actors, actors -- sorry, not spiritual actors, specialists in Islamic law. Yes, of course, you have to engage with these people because they do have a lot of perceptions and misperceptions and maybe misperceptions that we'll never be able to get out of the air. But I think engagement is very important and transparency

and predictability to do exactly that is certainly needed. In regards to criteria, yes, I think any humanitarian action has to be condition-based. Yes, I think conditions-based means you have to go to the field and see the realities with your own ground, even if someone tells you in a capitol that the situation is okay. Maybe I misunderstood that question. I apologize for that. Yes.

In regards to the first one, Hezbollah, why yes, I thought it was also providing to aid to Hezbollah. It was only providing money to Hezbollah. Yes, I agree with my colleague. Providing aid and money is slightly different. Yes.

MS. FERRIS: Okay. Well, thanks to all four of the panelists. And please join me in thanking them.

* * * * *

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.

Carleton J. Anderson, III

(Signature and Seal on File)

Notary Public in and for the Commonwealth of Virginia

Commission No. 351998

Expires: November 30, 2012