**INTER–AGENCY STANDING COMMITTEE WORKING GROUP
57th MEETING**

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**Humanitarian Action and Human Rights: Summary Report of the IASC
Workshop on Human Rights and Humanitarian Action, 22 & 23 April
2004, Geneva**

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*****NOTE: This Summary Report is still a draft. The report will be shared with
workshop participants for their comments before finalisation. The
recommendations at the end will also be further elaborated before finalisation.*****

I. Background

On 22 and 23 April 2004 the IASC Task Force on Humanitarian Action and Human
Rights convened a workshop in Geneva. The workshop, which was organized jointly
by UNICEF, ICVA, and OHCHR, brought together a broad range of specialists, as
well as practitioners from governments, the United Nations, non-governmental and
other humanitarian and human rights organizations. The Government of Canada
provided financial support, as well as the venue for the workshop, which was the
Permanent Mission of Canada in Geneva.

The aim of the workshop was to further sharpen the thinking and clarify the links
between human rights and humanitarian action. More specifically, the aim of the
workshop was to explore commonalities and differences in the approaches to human
rights in humanitarian action of various organizations and consider the range of
strategic choices, possible joint actions, as well as obstacles and potential risks
involved in pursuing a rights agenda in a humanitarian context.

The workshop should also be seen within the context of the Secretary-General's
reform programme of the United Nations, in particular the so-called "Action 2"
process, which requests OHCHR, in cooperation with the United Nations
Development Group (UNDG) and the Executive Committee on Humanitarian Affairs
(ECHA), to develop and implement an action plan aimed at "strengthening human
rights related UN action at the country level". In addition, the broader political
context for humanitarian action and human rights, including the peace and security
agenda of the Security Council and the increasing politicization of humanitarian
action and human rights, is another element indicating the need to clarify issues and
positions.

The workshop consisted of a number of presentations and discussions in plenary and
in working groups (see attached agenda). Participants jointly identified four topics for

the four working groups as follows: Two thematic groups on 1) Protection; and 2) Obstacles and Opportunities for Moving Forward; and two groups focusing on a broad range of issues while dealing with two specific country situations: 3) Sudan; and 4) Indonesia.

From the outset it was made clear to participants that the Chatham house rule would apply, and that the report of the workshop would reflect the various views expressed without attributing them to the individual participants.

II. Overview of substantive discussions

The various themes, questions, and problems addressed and discussed during the workshop can roughly be divided into the following three groupings: conceptual issues; operational and institutional issues; and the political context.

1. Conceptual Issues

Among the key topics addressed here were the relations and interaction between humanitarian and human rights actors, and the mainstreaming of human rights into humanitarian action.

Generally, the participants agreed that there is a considerable shared ground in terms of the relationship between human rights and humanitarian action. Many participants felt that there exists a "shared agenda of concern" between human rights and humanitarian actors, while at the same time it is recognized that these actors have different mandates and approaches.

Participants stated that this "common agenda of concern" was the bottom-line message to country teams, operational agencies, and HC/RCs. In other words, this agenda represents the absolute core of the abuses/violations with which all actors in a country must concern themselves, i.e. serious violations of international humanitarian law, international human rights law, and refugee law. Examples of such violations would include crimes under international law that are war crimes, crimes against humanity, genocide, right to life, torture, slavery, denial of humanitarian access, denial to means of subsistence, non-*refoulement*, etc. This does not exclude, of course, that where possible and appropriate, HCs should go further towards full implementation of the relevant bodies of law.

As one participant put it, humanitarian and human rights organizations could be said to share the same general goal, namely the security of marginalised people and the realisation of their rights. There was also broad agreement on the principle of non-discrimination as a fundamental principle for all actors.

However, some participants noted that this approach of a set of "core concerns" would run the risk of establishing a hierarchy of rights, which would contradict a key human rights principle about the interdependence and interrelatedness of all human rights. Ultimately, participants agreed that this was not intended to create a hierarchy of rights, and that what was most important was the establishment of priorities for action on the ground.

Participants also recognised that at some point, it is necessary to accept that the humanitarian and human rights agendas do differ on many points. The objective of "reducing suffering" should not necessarily be seen as connected to realizing or protecting rights. Humanitarian and human rights organizations might disagree on whether there is a general obligation on the part of all actors to bring perpetrators to justice. In the same way that human rights and humanitarian organizations can have different goals, they often have different strategies for achieving those goals. Human rights organizations, for example, rely more on advocacy and denunciation, while humanitarian organizations are more likely to provide direct services to affected populations as a way to redress the suffering caused by human rights abuses.

Many participants welcomed the work done in the context of the *Sphere* project as useful in further linking human rights with humanitarian action.

It was noted by some participants that the efforts to mainstream human rights into humanitarian action may in fact have de-sensitised communities to human rights. In other words, in bringing human rights language into the bureaucracy of large humanitarian organisations, humanitarians may have stripped this language of some of its power. The "bureaucratisation" of rights language by humanitarian organisations may have resulted in greater alienation between humanitarian organisations and the populations they serve – and may even have contributed to discrediting human rights language as the language of empowerment.

In terms of protection, it was noted that the so-called ICRC definition of protection was generally helpful as an overarching common understanding of protection, with which most actors could agree.[1] Furthermore, it was suggested that protection should not only be seen in legal terms, but also from a people-centred approach as "protecting people from something" or as a response to the question "protecting who from what?" There was consensus that grave violations of human rights cannot be ignored, and will require all actors – human rights or humanitarian actors alike – to take appropriate action. Hence, the need for a "common agenda of concern" as defined above.

Participants stressed the need to respect the legal protection mandates for those agencies that have them, but also the need to approach protection in a non-competitive and collaborative way, recognising that an effective approach requires the involvement of a wide of actors, operating at different levels (global, regional, national, sub-national, district, community, etc.).

2. Institutional and Operational Issues

Participants generally agreed that there is a need from the outset to recognize the multiplicity of mandates of the broad range of humanitarian and human rights organizations, while also affirming their complimentarity. In other words, there appears to be no immediate need to bring everybody in-line to follow the same operational approach, but it is rather a question of improving cooperation and coordination through better understanding. The process initiated by the Task Force

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[1] Giossi Caverzasio, S. ed. (2001) *Strengthening Protection in War*, ICRC, Geneva. Protection is here defined to encompass "all activities aimed at ensuring full respect for the rights of the individual."

through its two workshops and other products was considered helpful in this regard, and could assist in clarifying operational issues.

At the field level, much could be achieved through closer cooperation, coordination, and dialogue between human rights and humanitarian actors. Currently, human rights and humanitarian actors were indeed "co-existing" but there was a need to enhance better coordination and cooperation. Participants stressed the pivotal role of the Humanitarian Coordinator in the context of ensuring appropriate attention and action with regard to human rights. The draft guidelines on human rights and humanitarian action for HCs were welcomed, with some suggestions for further sharpening and simplifications in some instances.

The workshop recommended that the Humanitarian Coordinator take a more active role in facilitating the interaction of various agencies on human rights and humanitarian action issues, and also ensure that proper attention was given to human rights in the humanitarian planning and programming phases. Some participants suggested that it was sometimes counterproductive to appoint one person as both Resident Coordinator, as well as Humanitarian Coordinator. This involved both practical problems in terms of an excessive burden on one person, and could even be politically problematic. Furthermore, the Humanitarian Coordinators need to be provided with human rights training, as well as adequate resources and support to carry out their job effectively. It was also suggested that it should be required of the Humanitarian Coordinator to establish, as a minimum, a protection working group.

With regard to the appointments of Humanitarian Coordinators, it was suggested that a core set of qualifications should be required, and that basic human rights knowledge/awareness/experience should be included in this set. At the same time, there are limits to what HCs can do – their role is to exert influence over those who are either perpetrating the human rights violations or those who are in a position to stop the violations. For this reason, HCs need to be strategic about **how** they exercise their influence, over **whom**, and with **what** intended results.

It was also noted that humanitarian organisations can have a tendency to substitute for the government or local authority in terms of service delivery, sometimes too quickly, thereby allowing the government to renege on its responsibilities to its people. Under a human rights approach, the "contract" between the state and its people – as defined in international and national human rights law – becomes more important. In such a context, the appropriate role of humanitarian organisations may not be as clear.

Within the UN context, participants welcomed OHCHR's participation and chairing of the IASC Task Force and urged stronger OHCHR presence and involvement in the humanitarian context in the field. Generally, there is an urgent need to better institutionalize and "operationalise" human rights in humanitarian emergencies and crises. It was recognised that this "operationalisation" could not and should not be the responsibility of OHCHR or the HC – it must be a shared responsibility and accountability of the country team, and of local and national authorities.

Advocacy was a key issue in the debate. There was general consensus that advocacy included a broad range of activities, and was not limited to public advocacy in the media. Quiet diplomacy could often be a more effective form of advocacy than public

condemnation. ICRC's differentiation of action was useful in this regard (e.g. persuasion vs. denunciation). An agreed upon division of labour within the country team, and at different levels, could be useful in achieving results. Due attention would be required to security concerns of staff in the field, etc. Again the pivotal role of the HC in demonstrating leadership and courage was underlined in this regard.

In terms of programming, needs assessments and analysis, participants generally welcomed the new common needs assessment framework currently being piloted in the inter-agency context. This initiative provides a general framework for joint needs-assessments in the context of CAPs and CHAPs and has a significant human rights component. There was a call for strengthening further the human rights dimension of the CAP, and in particular the CHAP, and to achieve a more complete human rights mainstreaming in the CAPs, which now had a tendency to consider human rights issues only in the context of protection. Participants noted the important role human rights could play in the context of situation analysis, and suggested that a study should be undertaken of various approaches.

With regard to peace-keeping and integrated missions it was noted that in some cases human rights had been neglected in the humanitarian context since the human rights components were located in the political pillars of missions. The role of the SRSG could be critical in ensuring that human rights are not marginalised in one pillar, but are in fact integrated into all aspects of the mission's work. As with the Humanitarian Coordinator, there is a need to ensure the SRSG's adequate training in, and knowledge of, human rights and humanitarian issues.

It was also noted that NGOs could – and are already – playing a key role in integrating human rights in humanitarian action. The comparative advantage and often longer history of many NGOs in this area could be built upon by those actors with less experience in this area, and lessons could be shared amongst the various actors more systematically.

Participants stressed the importance of close contact and dialogue with beneficiaries. Approaching this dialogue from a rights-perspective was often helpful. This would mean, for example, involving affected populations in processes and decisions that affect them from the outset, rather than just consulting them on a narrow range of issues or subjects.

3. The Political Context

Participants devoted part of the workshop to discussions related to the political and security dimension of human rights and humanitarian action, which has gained prominence over the last few years. The humanitarian and human rights space is increasingly affected by political considerations, and some might argue, even becoming politicized. Often the objectives set for humanitarian action are dependent on political action; yet humanitarian actors have a limited ability or even mandate to influence those actions. The key question, therefore, is how can humanitarian actors re-claim their space, and clarify the misperceptions that now exist regarding the roles of various non-traditional actors, e.g. the military, the private sector, etc. in humanitarian action.

A further problem was that human rights language is now being co-opted for political purposes by political actors, and no longer serves the aim of empowerment of beneficiaries. This further compromises the possibility of non-politicized human rights and humanitarian action. Participants welcomed the Good Humanitarian Donorship initiative as a positive step towards helping to ensure the non-political character of human rights and humanitarian actions.

A key problem is that often the political, humanitarian, and human rights agendas are competing with, rather than complementing, each other: a typical example would be the tensions that exist between supporting a tentative peace process at the expense of insisting upon humanitarian access or respect for human rights. Participants noted the problems related to the situation in the Darfur region of the Sudan. In this context the political imperatives of achieving a successful outcome of the peace-talks in the South are seen by many as having prevented effective advocacy and action with regard to the gross human rights violations in the Darfur Region.

III. Recommendations

Note: These recommendations are still in draft form pending consultation with workshop participants.

The key recommendations emerging from the workshop were the following:

Related to Humanitarian Coordinators
- Finalise and actively disseminate the draft guidelines on human rights for Humanitarian Coordinators. (Action: IASC Taskforce to finalize draft and IASC Working Group/Principals for clearance later in 2004)
- Develop training materials on human rights for Humanitarian Coordinators, including on the various types of human rights advocacy, as well as clear selection criteria in terms of minimum human rights knowledge and an accountability framework to ensure HCs are exposed to this training in a systematic manner. (Action: IASC Task Force on Training with the IASC Task Force on Humanitarian Action, UNDP, OCHA and Human Rights)
- Establish protection working groups at country-level, reporting directly to the HC/RC. Groups should be charged with, *inter alia*, developing a coherent, agreed protection strategy for the country team. (Action: HC/RCs; IASC Task Force, OCHA and UNDP to provide support, guidance as appropriate)
- Develop a coordinated advocacy strategy on human rights within country teams. Determine, with appropriate actors, roles and responsibilities related to various functions related to human rights, e.g. monitoring, documentation, private advocacy, public advocacy, etc. (Action: HC/RCs; IASC Task Force, OCHA and UNDP to provide support, guidance as appropriate)

Related to the CAP and CHAP
- Revise CAP guidelines and contingency planning guidelines in order to ensure that they comprehensively include human rights consideration.
- Ensure that a protection strategy is part of the CHAP. (Action: CAP Sub-working Group and Task Force on Humanitarian Action and Human Rights)

Related to Integrated Missions
- Produce a study to clarify the role of human rights with regard to humanitarian action in integrated missions. (Action: One IASC Member in cooperation with DPKO)

Related to Publication and Research
- Produce a publication containing the discussion papers and a summary note on the workshop. The aim of this publication would be to serve as a reference point on the conceptual aspects on the issue of integrating human rights into humanitarian action. (Action: OHCHR to follow-up in cooperation with all members of the Task Force.)
- Map protection activities undertaken by all agencies on the ground (This would supplement activities undertaken in the IDP field; i.e. Protection Survey and Matrix). (Action: IASC Task Force).
- Undertake a study on situation analysis methodologies, in particular human rights-based ones. (Action: IASC Task Force)

Related to Capacity-building
- Strengthen understandings of protection of staff at all levels in human rights and humanitarian organisations. (Action: all IASC members)
- Promote existing HR and HA tools and resources more vigorously among organisations and among country teams. (Action: IASC Task Force; all IASC members)
- Broaden the discussion on HR and HA by making a greater effort to involve donors and other governments. (Action: IASC Task Force)

IASC Task Force on Humanitarian Action and Human Rights

Workshop on Humanitarian Action and Human Rights

Agenda

Geneva - 22 and 23 April 2004

Day 1: Thursday, 22 April 2004

8h30-9h00	Registration of participants
9h00-9h30	Welcome by workshop conveners (IASC TF on HA and HR); Nici Dahrendorf, UNICEF

Presentation of workshop objectives - context-setting
        Matthias Behnke, OHCHR

Welcome by facilitator of meeting. Outline of agenda and explaining process
        Jenni Wolfson, UNICEF

9h30-10h45   Presentation of background papers (10 min each + 30 min discussion in plenary)

1) General overview paper
    James Darcy, ODI (*background document*)

2) A UN human rights-based approach to humanitarian action
    Geeta Narayan, UNICEF (*background document*)

3) An NGO approach to HA & HR
    Luis Morago, ActionAid (*background document*)

10h45-11h00   *Coffee/tea break*

11h00-12h15   Presentation of background papers - continued

4) Draft Guidelines on Human Rights for Humanitarian Coordinators
Michael O'Flaherty, University of Nottingham Human Rights Law Centre (*background document*)

5) Protection and assistance – brief inputs by OCHA, WHO & UNHCR (*background documents*)

Challenging the Trend
David Petrasek, Centre for Humanitarian Dialogue

12h15-13h30	*Lunch*
13h30-14h15	Plenary discussion to identify topics/themes for the four working groups
14h15-14h30	Distribution of participants into the four working groups
14h30-16h45	Discussions in working groups (including coffee break)

Each group will be asked to address, *inter alia*, the following questions:

• What is the relevance of the topic/theme for humanitarian action and human rights?

• What are the key issues to be addressed/resolved by humanitarian organisations within each topic?

• What are the obstacles preventing progress on this issue - conceptual, political, operational, institutional/mandate driven or simply false or mistaken obstacles?

• What concrete actions do the UN, humanitarian and human rights NGOs and donors need to take in order to overcome these obstacles?

• What concrete guidance needs to be given to HC/RCs on protection and human rights in humanitarian situations? (Working groups to provide comments on the Draft Guidelines on Human Rights for Humanitarian Coordinators)

16h45-17h15 min)	Plenary: Group 1 - Presentation (10 min) and discussion (20
17h15-17h30	Review of the day and comments

Day 2: Friday, 23 April 2004

9h00-11h00	Plenary: Working Groups 2, 3 and 4 - Presentation (10 min) and discussion (20 min)
11h00-11h15	*Coffee/tea break*
11h15-12h30	Plenary Discussion: The political and security dimension of human rights and humanitarian action Intro by Nici Dahrendorf, UNICEF
12h30-14h00	*Lunch*
14h00-14h45	Plenary discussion on recommendations/next steps for UN, humanitarian and human rights NGOs, donors and IASC Task Force, in light of the workshop objectives. Intro by Michael O'Flaherty, University of Nottingham Human Rights Law Centre
14h45-15h00	Closing by workshop conveners Ed Schenkenberg, ICVA