

INTER-AGENCY STANDING COMMITTEE WORKING GROUP

XXXIVth MEETING

Geneva, 19-20 November 1998

Item 5: Protection for Humanitarian Assistance to Refugees and Others

Paper prepared by OCHA

IASC-WG/XXXIV/5

SECURITY COUNCIL ACTION ON PROTECTION OF HUMANITARIAN ASSISTANCE TO REFUGEES AND OTHERS IN CONFLICT SITUATIONS

Introduction

1. As outlined in earlier correspondence on the above subject, a report of the Secretary-General (S/1998/883, 22 September 1998) was the basis of an Open Debate in the Security Council on 29th September. A copy of the Presidential Statement emanating from this debate, a summary of key points made by different delegations during the debate, and the Recommendations contained in the Secretary-General's report were distributed to all IASC members under cover of a memo dated 1 October by Mr. Vieira de Mello.
2. As noted in the Presidential Statement "The Security Council affirms its intention to review thoroughly and promptly the Recommendations of the Secretary-General with a view to taking steps consistent with its responsibilities under the Charter of the United Nations ..." Some informal consultation has occurred between interested members of the Security Council but no concrete action has been decided on as yet.
3. In order to facilitate and promote Security Council action, it was decided to put this item on the IASC Working Group agenda in order to determine ways in which the IASC can support this process. In this connection, it is worth noting that four NGOs (CARE, MSF, OXFAM, SCF) met with the Security Council in connection with the Sudan on 26th October and helped increase interest in the need for a political solution to this crisis.

Potential Measures to Support Security Council and other Action on Protection of Humanitarian Assistance

Following are a series of proposals on individual Recommendations. These proposals are put forward for review by the IASC Working Group with a view to having IASC member perspectives conveyed to interested SC members by the Emergency Relief Coordinator.

A. *Accession to International Law Instruments*

4. Call on Security Council members, or aspiring Security Council members, to ratify Conventions of specific interest to the humanitarian community including, for example, on the rights of the child, security of personnel, landmines etc. The IASC Working Group may also wish to consider monitoring, and periodically reporting on, progress on ratifications made by SC members.

B. *Dissemination and Advocacy of Humanitarian Principles*

5. Identify specific measures which can be taken by the UN and others to support ICRC dissemination work, and training of humanitarian personnel and their local counterparts, on humanitarian law and its application in conflict settings.

C. *Mechanisms to Ensure Compliance with International Law*

6. Identify ways in which the IASC can engage more effectively with the Security Council so that the Security Council takes appropriate and timely action in the face of attacks and other violations against civilians including, in particular, starvation as a method of warfare, forced displacement, and deliberate obstruction of humanitarian action.

7. Identify ways in which combatants can be held financially liable when they deliberately target civilians.

D. *Measures to Improve Security and Access*

8. Identify measures and resources necessary to separate combatants from civilians seeking refuge in encampments (both refugees and IDPs) taking into account work already done on this issue by HCR and DPKO.

9. Identify the circumstances, and operational modalities, whereby the use of armed guards or civilian police could be expected to provide security to humanitarian operations.

10. Support efforts geared to identifying in which circumstances, and under what conditions, "Safe Havens" are a useful option.

11. Promote the imposition of arms embargoes on all authorities who abuse civilians.

E. *Safety of Humanitarian Personnel*

12. Promote the elaboration of an additional Protocol, to cover all humanitarian personnel, to the 1994 convention on the Safety of United Nations and Associated Personnel.

13. Call on Security Council members and others to contribute to the ACC-established Trust Fund for Security of UN staff in the field.

F. *Security Council Involvement*

14. Call on the SC to request more systematic briefings by the Emergency Relief Coordinator and others, as appropriate, on situations of concern to the IASC.

15. Call on the Security Council to consult with the ERC whenever it is planning SC action with potential implications for the humanitarian endeavour.

Proposed Action by the IASC Working Group

16. It is proposed that the IASC Working Group review the foregoing proposals in order to determine which measures it wishes to take with the objective of advancing Security Council action on the Protection of Humanitarian Assistance. Specific advice on some of the proposals, for example on the conditions and circumstances in which "Safe Havens" can be considered an appropriate option, will require research. Thus, the objective at this point, is to identify a broad outline of measures which could be taken to strengthen and advance Security Council and other action which will enhance the protection of humanitarian assistance.

17. If additional consultation is required on these proposals, the IASC Working Group may wish to establish a Sub-Working Group with the purpose of finalizing deliberations and presenting these to the Emergency Relief Coordinator. Alternatively, and taking into account the need to maintain momentum and dialogue with SC members on this issue, additional proposals or comments on proposed IASC action could be conveyed to OCHA prior to the end of November, 1998.

18. It is proposed that the ERC, on the basis of this IASC Working Group review, meet with interested Security Council members as quickly as possible and convey to them IASC proposals and to report back to IASC members.