



Discussion Paper

Humanitarian Engagements

Independent Commission on Multilateralism

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The preservation of human dignity and well-being and the desire to reduce human suffering are at the core of the contemporary international system. They underpin all three pillars of the multilateral system anchored in the United Nations: peace and security, human rights, and development. It is therefore not surprising that conflict prevention and resolution, as well as international cooperation in solving international humanitarian problems, are among the main purposes of the UN system.¹ Nor is it surprising that international treaties aimed at preserving human dignity and preventing human suffering, including in war, are among the most widely ratified international legal instruments.²

Yet never before has the international community witnessed humanitarian needs on such an epic scale and in so many simultaneous crises around the world. And never before—in spite of record levels of humanitarian financing—has the gap between needs and international humanitarian capacity to respond to those needs appeared greater than it does today.³ This paper aims to identify the main reasons underlying this reality and to trigger a discussion on how the multilateral system anchored in the UN can better prevent and respond to humanitarian crises in the twenty-first century.

Contemporary challenges to humanitarian action are discussed in relation to the international community's capacity in three areas: (1) to stem the needs arising from humanitarian crises; (2) to reach the victims of these crises and deliver relief; and (3) to provide for adequate, timely, effective, and sustainable responses to humanitarian needs.⁴ Each section is accompanied by a set of questions. Many, if not most, of the challenges—many of which will be discussed at the World Humanitarian Summit⁵—are far from new and have affected the international

¹ Charter of the United Nations, Art. 1.

² See, for example, the 1948 Universal Declaration of Human Rights (adopted by consensus by the UN General Assembly), the 1951 Convention 1967 Protocol Relating to the Status of Refugees (ratified by 145 and 146 states, respectively), the 1966 International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights (ratified by 168 and 164 states, respectively), the 1949 Geneva Conventions (universally ratified) and their 1977 Additional Protocols (ratified by 174 and 168 states, respectively), and the Rome Statute of the International Criminal Court (ratified by 123 states).

³ Global Humanitarian Assistance, *Report 2015*, available at www.globalhumanitarianassistance.org/wp-content/uploads/2015/06/GHA-Report-2015 -Interactive_Online.pdf; ALNAP, *The State of the Humanitarian System 2015*, available at www.alnap.org/pool/files/alnap-sohs-2015-web.pdf; UN Office for the Coordination of Humanitarian Affairs (OCHA), *World Humanitarian Data and Trends 2015*, available at https://docs.unocha.org/sites/dms/Documents/WHDT2015_2Dec.pdf; OCHA, *Global Humanitarian Overview 2016*, available at www.unocha.org/stateofaid/; International Committee of the Red Cross (ICRC), “ICRC Presents Record Budget for 2015 to Meet Vastly Expanding Needs,” November 27, 2014, available at www.icrc.org/en/document/icrc-presents-record-budget-2015-meet-vastly-expanding-needs; ICRC, “ICRC Appeals 2016: Key Data,” December 2, 2015, available at www.icrc.org/en/document/icrc-appeals-2016. See also the annual reports of the UN secretary-general to the General Assembly on “Strengthening of the Coordination of Emergency Humanitarian Assistance of the United Nations.”

⁴ In light of the ICM’s mandate and focus, this paper focuses on the international community’s humanitarian response capacity. Specific challenges related to ongoing refugee and migration crises and to global health crises are addressed in separate ICM Discussion Papers, available at www.icm2016.org/new-discussion-paper-forced-displacement-refugees-and-migration.

⁵ Key documents for the summit are available at www.worldhumanitariansummit.org/key-documents.

community's capacity to respond to humanitarian crises for quite some time.⁶ Yet the inability of the multilateral system to adjust adequately to these challenges has more likely than not contributed to the protracted and recurrent nature of many humanitarian crises and the increased strain on the international humanitarian response system. The paper concludes with a set of conclusions and draft recommendations submitted for public consultation.

I. Stemming Humanitarian Needs

It has been demonstrated over and over again that preventive action is more efficient and overall less expensive than any reactive response to a crisis can be. Preventing disasters and armed conflicts is not only the more humane course of action, and as such a moral imperative, but also remains the most efficient and cost-effective way to stem humanitarian needs when crises inevitably break out. Moreover, investment in disaster and conflict prevention and in capacity for operational crisis management significantly reduces the long-term and often devastating impact of humanitarian crises on efforts to achieve lasting peace and sustainable development.

Strengthening Disaster Risk Reduction and Preparedness

Over the past thirty years, many multilateral initiatives have aimed to strengthen disaster risk reduction and preparedness, kicked off by the International Decade for Natural Disaster Reduction in the 1990s and the creation of a Disaster Relief Coordinator in the UN Secretariat.⁷ Subsequent efforts have included the adoption of a chapter on disaster risk reduction in the International Red Cross and Red Crescent's Agenda for Humanitarian Action (2003), the adoption (and the UN General Assembly's endorsement) of the 2005–2015 Hyogo Framework for Action (2006), and the UN Chief Executives Board's Plan of Action on Disaster Risk Reduction for Resilience (2013).⁸ Building on that work, the UN General Assembly recently endorsed the 2015–2030 Sendai Framework for Disaster Risk Reduction, and the thirty-second International Conference of the Red Cross and Red Crescent adopted a new resolution aiming to improve the facilitation and regulation of international disaster response.⁹

⁶ Many of the challenges—and some of the obvious answers thereto—are already reflected in General Assembly Resolution 46/182 of 1991, the founding document of the international humanitarian system anchored in the United Nations.

⁷ A significant part of UN General Assembly Resolution 46/182 is dedicated to disaster risk reduction and preparedness, while conflict prevention and management are entirely absent from the resolution.

⁸ 28th International Conference of the Red Cross and Red Crescent, "Resolution 1: Agenda for Humanitarian Action," Chapter 3, "Reducing the Risk and Impact of Disasters," 2003, available at www.icrc.org/eng/assets/files/other/icrc_002_1103.pdf; United Nations, *Hyogo Framework for Action 2005–2015: Building the Resilience of Nations and Communities to Disasters*, 2005, available at www.unisdr.org/we/inform/publications/1037, endorsed in UN General Assembly Resolution 60/195 (March 2, 2006), UN Doc. A/RES/60/195.

⁹ United Nations, *Sendai Framework for Disaster Risk Reduction 2015–2030*, 2015, available at www.unisdr.org/we/inform/publications/43291, endorsed in UN General Assembly 69/283 (June 3, 2015), UN Doc. A/RES/69/283; 32nd International Conference of the Red Cross and Red Crescent, "Resolution 6: Strengthening Legal Frameworks for Disaster Response, Risk Reduction and First Aid," 2015, available at http://rcrcconference.org/wp-content/uploads/sites/3/2015/04/32IC-Res6-legal-frameworks-for-disaster_EN.pdf.

These and other important initiatives demonstrate that continued investment in this area remains essential—particularly as climate change is likely to increase the frequency and severity of disasters—and that the international community as a whole is committed to disaster risk reduction and preparedness.¹⁰

- *Are these initiatives sufficient? Do these commitments translate into action?*
- *If not, how can the multilateral system act or be adjusted to strengthen these frameworks for action and their concrete implementation on the ground?*
- *What concrete measures can be taken to ensure useful synergies between disaster risk reduction and preparedness programs and work on implementing the 2030 Agenda for Sustainable Development and the Sustainable Development Goals?*

Strengthening Compliance with IHL

Armed conflict also remains a major driver of humanitarian crises and needs. Eighty percent of humanitarian work takes place in countries and regions affected by conflict, many of which are also affected by recurring natural disasters and climate change. Many of the challenges for humanitarian action are the same, or at least similar, in conflict and disaster situations. However, the inherently political nature of conflicts, the violence and atrocities they cause, and the significant role played by non-state armed actors present specific challenges for humanitarian responses. Moreover, efforts to elaborate a comprehensive and meaningful agenda to prevent and manage the impact of conflicts are much less advanced than for disaster risk reduction and preparedness.¹¹ The international community’s capacity to prevent and respond to situations of armed conflict will therefore be the main focus of this paper.

Beyond the sheer number, protracted nature, and increasingly complex dynamics of armed conflicts, the scale and nature of violations of international humanitarian law (IHL) committed by both state and non-state parties to these conflicts are extremely worrying. As the International Committee of the Red Cross’s (ICRC) president recently pointed out, “Wars without limits are wars without end. And wars without end mean endless suffering.”¹² IHL establishes such limits in war and offers specific protections to populations affected by armed conflict.

The normative framework to minimize human suffering in armed conflict is robust,¹³ and under both treaty and customary IHL, states have a legal obligation to both “respect” and “ensure

¹⁰ The number of climate-related disasters in the last decade is nearly twice that recorded in the 1980s, and extreme weather and climate-related events account for over 90 percent of natural hazards with the potential to trigger disasters.

¹¹ Natural disaster response is perhaps also where many of the most interesting developments in the humanitarian sector can be found. However, not all such innovations are easily “transferable” to humanitarian crises sparked or marked by conflict, which trigger a number of different needs and risks and present different opportunities and constraints than disaster crises.

¹² Peter Maurer “Respect the Laws of War,” statement, Geneva, October 31, 2015, available at www.icrc.org/en/document/peter-maurer-respect-laws-of-war.

¹³ The 1949 Geneva Conventions and their Additional Protocols are the cornerstone of that normative framework, but they are complemented by a significant number of other treaties regulating the conduct of hostilities, means

respect” for IHL.¹⁴ Actual compliance with existing rules would make the world a much better place and would significantly prevent and stem both the immediate and longer-term humanitarian needs arising from armed conflict. Moreover, experience has shown that respect for IHL contributes to an environment more conducive to building durable peace and facilitating post-conflict recovery.

Strengthening compliance with IHL is thus crucial to preventing and reducing humanitarian needs. It may therefore be time for the international community to commit to a comprehensive agenda and plan of action to engage in collective efforts to ensure respect for IHL.¹⁵ Important efforts to establish a new IHL-compliance mechanism are underway within the framework of the International Conference of the Red Cross and Red Crescent.¹⁶ This being said, the multilateral system anchored in the UN—both through its member states and the Secretariat—can and should also play a significant role in increasing respect for IHL by parties to armed conflicts.

- *What innovative, concrete steps can member states, the Security Council, the General Assembly, and the UN secretary-general take to improve compliance with IHL?*
- *How can the Security Council’s protection-of-civilians agenda be adjusted to ensure better compliance with IHL?*
- *Which legal, diplomatic, military, economic, or other tools have proven to be most effective in efforts to “ensure respect for IHL”? Which new tools could be explored?*
- *Apart from criminal prosecution, how can obligations under IHL and Security Council calls for compliance be enforced? What role is there for different mechanisms and different components of the UN system? And what role is there for fora outside the UN, including regional organizations?*

and methods of warfare, and investigation and prosecution of war crimes, crimes against humanity, and genocide. For a comprehensive overview, as well as up-to-date lists of states parties, see ICRC, Database of Treaties, States Parties and Commentaries, available at www.icrc.org/ihl.

¹⁴ For example, Common Article 1 of the 1949 Geneva Conventions and Article 1 of the Additional Protocol (I) thereto; and ICRC, Customary IHL Database, Rules 139 (“Each party to the conflict must respect and ensure respect for international humanitarian law by its armed forces and other persons or groups acting in fact on its instructions, or under its direction or control”) and 144 (“States may not encourage violations of international humanitarian law by parties to an armed conflict. They must exert their influence, to the degree possible, to stop violations of international humanitarian law”), available at www.icrc.org/customary-ihl/eng/docs/home.

¹⁵ The need to increase respect for IHL features heavily in the outcome of the consultations for the World Humanitarian Summit and has been included as a recommendation in the Synthesis Report (see United Nations, *Restoring Humanity: Synthesis of the Consultation Process for the World Humanitarian Summit*, 2015, available at <https://consultations.worldhumanitariansummit.org/bitcache/32aeda5fe90ceba891060ad51d0bd823da273cf9?vid=555986&disposition=inline&op=view>). So far, however, the discussions have offered little in terms of concrete actions that can or should be taken to contribute to this goal.

¹⁶ See 31st International Conference of the Red Cross and Red Crescent, “Resolution 1: Strengthening Legal Protection for Victims of Armed Conflict,” 2011, available at www.icrc.org/eng/assets/files/publications/icrc-002-1129.pdf; and 32nd International Conference of the Red Cross and Red Crescent, “Resolution 2: Strengthening Compliance with International Humanitarian Law,” 2015, available at http://rcrcconference.org/wp-content/uploads/sites/3/2015/04/32IC-AR-Compliance_EN.pdf.

- *What steps should member states take to facilitate engagement by humanitarian actors with non-state armed groups for the purpose of improving compliance with IHL?*

Preventing and Resolving Conflicts

While respect for IHL and effective humanitarian action may stem the needs and mitigate the suffering and damage caused by conflicts, they cannot offer a sustainable solution. Only political courage, commitment, and action to prevent and resolve conflicts can prevent or stem their humanitarian consequences. As the UN under-secretary-general for humanitarian affairs recently stated, “The first and best way of tackling humanitarian needs is for there to be no conflict.... With 80 percent of humanitarian need now in conflict...the first thing is to demand peace. That means the political structures and political solutions have to come first.”¹⁷

While it may be important for humanitarian responders to understand the direct and indirect causes of the humanitarian crises they face, the capacity and responsibility for addressing these causes is not within the humanitarian ambit. The responsibility to maintain international peace and security, prevent and settle conflicts, and build and keep the peace lies with the inherently political part of the UN system. This political sphere is where the multilateral system anchored in the UN—individual member states, the Security Council, the General Assembly, and the Secretariat—has a strong comparative advantage over humanitarian actors.

But this political sphere is where the UN system has most spectacularly failed and where it may need to turn its attention most urgently. The multilateral system needs to look at innovative ways to defuse current tensions and stalemates that hamper its capacity to engage in or support genuine negotiation processes and mediation efforts that seek to settle ongoing conflicts and prevent others from arising or resuming. It must also avoid humanitarian action becoming a substitute for political action and political solutions that are difficult to achieve. While there can and should be no silos, there is a need to establish and respect clearly distinct spaces for political and humanitarian action.

- *What innovative, concrete steps can be taken by the Security Council, the General Assembly, and the Secretariat—as well as, and importantly, individual and groups of member states—to step up their individual and collective efforts to prevent, manage, and resolve conflicts?*
- *What, if any, structural adjustments are required for the UN’s peace and security apparatus to better prevent and resolve conflicts?*

Prevention of conflicts and disasters and compliance with international law are the two areas of work with the greatest potential to reduce human suffering and humanitarian needs, which in turn would relieve the strain on the world’s humanitarian response capacity and contribute to

¹⁷ Heba Aly, “Q&A: ‘UN Doesn’t Have to Change,’ Says Relief Chief,” IRIN, October 16, 2015, available at www.irinnews.org/report/102119/qa-%E2%80%98un-doesn%E2%80%99t-have-change%E2%80%99-says-relief-chief.

closing the humanitarian financing gap. But they are also the most difficult areas of work, as they require a long-term vision and a sincere and sustained commitment of both political capital and adequate resources.

Addressing Root Causes

In order to prevent humanitarian crises—flowing from both conflicts and natural disasters—and their devastating impact on peace, security, and development, the international community must step up to address the root causes of conflicts and disasters. Ambitious agendas have been adopted in the form of the 2015–2030 Sendai Framework for Disaster Risk Reduction, the 2030 Agenda for Sustainable Development, and the Paris Agreement on climate change. It will be crucial that states, the UN, regional organizations, civil society, and the private sector make rapid and significant progress in implementing those agendas, as they are key to preventing humanitarian crises and needs.¹⁸

Moreover, efforts to ensure full respect for human rights and the rule of law need to be stepped up. Failures to uphold or ensure enjoyment of basic human rights for all—be they civil, political, economic, social, or cultural rights—are part of the root causes of many conflicts. Long before the outbreak of conflict, respect for human rights needs to be taken more seriously. Investment in the rule of law and human rights significantly contributes to preventing conflicts and promoting lasting peace and sustainable development.

II. Facilitating and Ensuring Safe Humanitarian Access

Physical access to people in need is critical both to comprehensively and independently evaluating their needs and to developing and delivering timely, adequate, needs-based, and impartial responses. Proximity to all affected populations, if coupled with a needs-based response, also increases levels of trust, acceptance, and accountability. Yet in many contexts, reaching all people affected is becoming increasingly difficult; in some places it has become close to impossible.

Overcoming Inevitable Obstacles to Access

A number of obstacles and constraints render humanitarian access and action slow, difficult, or impossible. In some cases, these can be overcome by relying more on national and local actors. But many of the obstacles and constraints affect (albeit sometimes differently) both international humanitarian actors and national and local responders.

Some challenges are largely inevitable, and innovative approaches are needed to manage them and mitigate their impact on access. These typically include geographical, topographical, and natural constraints, such as remoteness, lack of infrastructure and means of transportation and

¹⁸ Challenges and concrete recommendations related to this subject are a separate subject for the ICM. A short summary of the retreat is available at www.icm2016.org/eighth-icm-retreat-analyzes-the-2030-agenda-for-sustainable-development-and. The resulting discussion paper will be available for online comments soon (see www.icm2016.org/have-your-say).

communication, or weather conditions. Others can be avoided but require innovation, adequate funding, and adequate logistical capacities.

- *What concrete, innovative steps can be taken to strengthen logistical capacity and overcome geographical, topographical, and similar obstacles and constraints? And how can innovative tools be developed and used in a way that takes into account that they are to be deployed in humanitarian crises and must be compatible with humanitarian imperatives, such as impartiality?*
- *What can and should be done to make such solutions available to international and national humanitarian actors alike?*

Committing to Facilitate Humanitarian Action

Other obstacles, however, depend more on a clear commitment—translated into action—to allow, enable, and facilitate humanitarian action. In some contexts, national or local authorities or non-state parties to armed conflicts explicitly deny access to certain areas or populations. In other places, the ability to reach all people in need and deliver a meaningful response is hampered more indirectly, with state or non-state parties to armed conflicts imposing unacceptable restrictions on humanitarian actors or placing various legal, administrative, or technical obstacles in their way.

In recent years, political controversies surrounding the question of humanitarian access—and the interpretation of related obligations under IHL—have dominated much of the debate.¹⁹ At the same time, the politics of denying access have somewhat overshadowed the need to also address legal, administrative, and technical barriers to humanitarian action. The IHL obligation to facilitate rapid and unhindered humanitarian relief also requires decisive action to lower these barriers, which would have a significant impact on humanitarian actors' capacity to reach people in need and deliver a timely, adequate, and impartial response.

In many cases, humanitarian actors are further prevented from doing their work by the absence of minimum security conditions due to the intensity of the conflict, the way in which hostilities are conducted, and, most worryingly, direct attacks or threats against humanitarian aid workers. Here again, the normative framework to safeguard humanitarian actors and

¹⁹ It should be noted that parties to armed conflicts do not have unrestricted discretion when it comes to granting or denying access to humanitarian actors. While IHL provides that relief activities require the consent of the parties concerned, states and other parties to armed conflicts may only refuse access to relief for valid reasons under IHL, such as imperative considerations of military necessity, if the relief being offered is not considered to be humanitarian or impartial, or if the relief being offered is not needed or is already being provided by others. If the circumstances were such that refusing an offer of humanitarian assistance would lead to people's needs for protection and assistance being unmet, denial or hindrance of humanitarian access would violate the law. Denial or restriction of access based on the concept of exclusive domestic jurisdiction, on the theory of belligerent reprisals, or on the absence of reciprocity would also violate the law. See, for example, Common Article 9/9/10 of the 1949 [Geneva Conventions](#); Article 59 of the [Fourth Geneva Convention](#); Articles 54, 70–71, and 81 of the [First Additional Protocol](#) to the Conventions; Articles 14 and 18 of the [Second Additional Protocol](#) to the Conventions; and Article 8(2)(b)(xxv) of the 1998 [Statute of the International Criminal Court](#). See also ICRC, [Customary IHL Database](#), Rules 53, 55, and 56.

infrastructure against the effects of hostilities is largely in place but faces worrying levels of disregard for the rules.²⁰ Moreover, while the international humanitarian sector has undertaken important efforts to manage security risks inherent to the humanitarian operating environment,²¹ the impact of these efforts remains limited, as their implementation and, to some extent, financial support still seem insufficient.

- *What mechanisms are required to reinforce the multilateral system's capacity to improve compliance with international rules on access and security?*
- *What individual and collective action can states take to bring down legal, technical, and administrative barriers to rapid, adequate, independent, and impartial humanitarian action? And what is the role of the UN in encouraging and facilitating such action?*
- *What avenues to reach people in need are available or should be created to address situations where physical access is insufficient or impossible?*

Reaffirming the Principles of Humanitarian Action

Some of the obstacles to appropriate humanitarian access are induced by a lack of trust or acceptance of all or specific humanitarian actors. This is partly due to the reality that, in practice, not all humanitarian actors respect, or are even truly able to respect, the guiding principles of humanitarian action laid out by UN General Assembly Resolution 46/182 of 1991 (humanity, impartiality, and neutrality).²²

Moreover, many actors lack or are perceived to lack the political independence required to allow for truly neutral humanitarian action.²³ Practice shows that clearly remaining independent and distinct from political interventions and agendas—or interventions and agendas perceived as political (e.g., UN political and peacekeeping missions; institutions and programs in the areas of development, human rights, or international criminal justice)—contributes to the perception of real neutrality and, as such, is key to enabling humanitarian access, security, and operations. It is in this sense that “whole of government” comprehensive and integrated approaches contribute to doubts about humanitarian actors’ genuine aims and

²⁰ Humanitarian relief personnel, as well as objects used for humanitarian relief operations, must be respected and protected. See, for example, Article 59 of the [Fourth Geneva Convention](#); Article 71 of the [First Additional Protocol](#) to the Conventions; and Articles 8(2)(b)(iii) and (e)(iii) of the 1998 [Statute of the International Criminal Court](#). See also ICRC, [Customary IHL Database](#), Rules 31 and 32.

²¹ See, for example, OCHA, *To Stay and Deliver: Good Practice for Humanitarians in Complex Security Environments*, 2011, available at https://docs.unocha.org/sites/dms/Documents/Stay_and_Deliver.pdf (a follow-up study is expected in 2016); ICRC, “Safer Access for All National Societies,” available at www.icrc.org/en/what-we-do/cooperating-national-societies/safer-access-all-national-societies.

²² It should be noted that principled action is no silver bullet to all questions of access and security. Needs-based, adequate, and efficient humanitarian action—discussed in Part 3 of this paper—also go a long way in securing the trust and acceptance required to obtain full, safe, and unimpeded access. And strict compliance with international law—discussed above in Part 1—remains a key factor for both access and security.

²³ In this regard, strictly independent organizations such as the ICRC or MSF often have a clear operational advantage over certain components of the humanitarian system anchored in the UN and many of their implementing partners on the ground.

may complicate their ability to gain access despite upholding a distinct and strictly humanitarian identity.

There are many calls for the international community to reaffirm the principles of humanity, impartiality, and neutrality and translate them into concrete action.²⁴ Yet it remains unclear how exactly this can be achieved in practice. A number of questions also arise with regard to the feasibility and need for all humanitarian actors to respect all of the principles. While the principles of humanity and impartiality are and must be at the heart of any humanitarian response,²⁵ adherence—real and perceived—to the principles of neutrality and independence may not be realistic to expect from many actors on the ground, including, but not limited to, various components of the UN system and many local actors. Some even argue that it may not always be necessary to be neutral or independent to gain access and deliver a meaningful response to important needs.²⁶ The question could then become one of division of labor between those actors that can be truly independent and neutral²⁷ and those that are not in a position to do so or are not perceived as such.²⁸

- *Is there a hierarchy of principles, or are there different sets of principles for different actors in the humanitarian sector? If there are different sets of principles, what concrete impact does that have on the way the international humanitarian sector can and should operate?*
- *What concrete steps can the multilateral system anchored in the UN take to ensure wider adherence to and better respect of principled humanitarian action? Should such adherence and respect in practice be a condition for partnership with UN humanitarian agencies? Should it be a condition for UN pooled or bilateral funding of humanitarian projects and programs?*
- *How can compliance with humanitarian principles be monitored, and how can humanitarian actors be held accountable for complying?*
- *What concrete steps can states and relevant UN organs take when humanitarian actors are unable to deliver an impartial response to needs on the ground due to limited access, limited funding, or political pressure?*

²⁴ The need to do so also emerges from the consultations for the World Humanitarian Summit (see United Nations, *Restoring Humanity: Synthesis of the Consultation Process for the World Humanitarian Summit*).

²⁵ Impartiality of humanitarian relief (i.e., the requirement of non-discrimination other than on the basis of the reality and urgency of needs) is not only a moral imperative; as mentioned above, it is also a precondition in the rules regulating humanitarian access.

²⁶ While they remain crucial in some high-risk and politically delicate contexts, in other contexts, independence and actual or perceived neutrality are less relevant for humanitarian actors to be able to respond to actual needs.

²⁷ Typical examples include components of the Red Cross and Red Crescent Movement (ICRC, IFRC, and National Societies) and organizations like MSF.

²⁸ Where humanitarian actors cannot be impartial due to external constraints such as limited access, funding, or political pressure, they must be transparent and call on states, as well as relevant UN organs, to address this.

Managing Humanitarian Action in a Political Environment

A related challenge humanitarian actors face in reaching people in need and delivering an appropriate response is the real or perceived politicization of humanitarian action. The environment in which humanitarian crises arise and humanitarian actors respond to needs is intrinsically political. Especially in conflict situations, the key actors and dynamics that influence humanitarian needs and the capacity to respond to these needs are inherently political. The humanitarian system therefore needs to be able to understand the political environment and dynamics in which it operates and engage with political actors in order to be able to deliver adequate protection and assistance.

While politics should enable an environment conducive to successful humanitarian action, they should not interfere with the humanitarian response itself.²⁹ As long as political engagement and support are geared directly toward fulfilling strictly humanitarian objectives, there should be no problem, but where they are geared toward stabilization, security, or development objectives, humanitarian actors become compromised and will find it more difficult to operate. All components of the multilateral system—member states, the UN, and civil society—must act responsibly not to subject humanitarian objectives to other transformative agendas in the areas of peace, justice, or sustainable development.³⁰ Achieving humanitarian, security, and development objectives requires distinct approaches, which work best in clearly distinct operational spaces. Acknowledging and respecting that diversity of objectives and approaches will contribute both to maintaining operational capacity and engaging in a meaningful exchange on how these different but equally valid and legitimate objectives and approaches can reinforce each other and collectively contribute to the shared goal of preserving human dignity and well-being.

- *What concrete measures can be taken by states and relevant UN organs to depoliticize humanitarian action and safeguard a distinct humanitarian space?*
- *What measures can humanitarian actors themselves take to resist and respond to politicization?*
- *More positively, how can we maximize the collective impact of the multilateral system in all its branches and diversity through a coherent political and humanitarian response?*

III. Addressing Systemic Challenges to Adequate, Timely, Effective, and Sustainable Humanitarian Responses

²⁹ See also Humanitarian Policy Group, *Humanitarian Space: A Review of Trends and Issues*, 2012, available at www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/7643.pdf.

³⁰ As also recognized in [General Assembly Resolution 46/114, 2003](#): “Recognizing that independence, meaning the autonomy of humanitarian objectives from the political, economic, military or other objectives that any actor may hold with regard to areas where humanitarian action is being implemented, is also an important guiding principle for the provision of humanitarian assistance”; and [General Assembly Resolution 59/141, 2004](#), which calls upon the Secretary-General “to ensure that the design and implementation of United Nations integrated missions take into account the principles of humanity, neutrality and impartiality as well as independence for the provision of humanitarian assistance.”

Over the past thirty years, the international humanitarian sector—largely, but not exclusively, anchored in the UN—has gone through a number of important reforms that have significantly improved the quality and efficiency of its crisis responses.³¹ Humanitarian action has and continues to save lives and reduce human suffering every day, all over the world. Nonetheless, over the past few years, the sector has come under enormous stress in responding to large-scale, often protracted crises occurring simultaneously across the globe. The scale and nature of these crises, combined with the global political, social, and economic environment in which they occur and the impact of climate change, have put the international humanitarian sector under enormous strain, in terms of both resources and capacity. The sector is financially and operationally overstretched, and it is likely to experience additional pressure in the coming years and decades.

As discussed above, some of the key actions needed to reduce stress on the sector—effectively preventing and resolving conflict, increasing compliance with international law, and tackling the root causes of conflicts and disasters—are not within the power of the international humanitarian sector itself. Moreover, most of the access and security constraints discussed above have a direct impact on the humanitarian sector’s capacity to deliver an adequate, timely, and effective response but need to be addressed primarily by states and other parties to armed conflicts.

That said, there are a number of systemic challenges the international humanitarian sector must address to ensure it has the financial and operational capacity to deliver adequate, timely, effective, and sustainable responses. Many of the major systemic challenges have been and continue to be debated within the international humanitarian community and the multilateral system anchored in the UN. Many of these challenges will be discussed in the lead-up to the World Humanitarian Summit and in the secretary-general’s High-Level Panel on Humanitarian Financing, and the ICM looks forward to the outcome of these processes. This paper focuses on the following major issues that need to be addressed.

Ensuring People-Centered Humanitarian Action

First, in order to make humanitarian action adequate, efficient, and sustainable, further efforts are required to ensure it is people-centered (i.e., strictly needs-based and needs-driven, rather than driven by supply, status, or strategic interests of donors and agencies). This may require further empowerment of independent leadership, in particular at the national and local levels.

In spite of some improvements,³² collecting accurate data on actual humanitarian needs remains a challenge that complicates both the design of a needs-driven response and the

³¹ Milestones in the ongoing reform process include General Assembly Resolution 46/182 in 1991, the Humanitarian Reform process initiated by the UN’s Emergency Relief Coordinator in 2005, and the Transformative Agenda adopted by the Inter-Agency Standing Committee in 2012. See also the annual reports of the UN secretary-general to the General Assembly and the General Assembly’s resolutions on strengthening the coordination of emergency humanitarian assistance of the United Nations and the annual Humanitarian Affairs Segment of the Economic and Social Council.

³² See, for example, initiatives such as the [Digital Humanitarian Network](#), [Humanitarian Data Exchange](#), and increased use of satellite images, social media, and remote telephone polling of affected populations.

monitoring of its success. Greater involvement of the people and communities directly affected by a crisis is key not only to collecting such data but also to changing the mindset of humanitarian actors from supply- or status-based thinking to needs-based thinking. For a response to be adequate and effective, it is crucial to involve affected people and communities both in evaluating and prioritizing their needs and in designing the response to these needs. While all agree in theory,³³ there is still a long way to go for this to become a default attitude and systematic reality in practice.

Involving affected populations and communities also contributes to better contextualization, which is key to a needs-based and effective humanitarian response. Diverse and flexible humanitarian business models and funding mechanisms would further strengthen capacity to contextualize responses by allowing humanitarian actors to adapt them to different and evolving contexts and needs.

Turning needs-based and needs-driven humanitarian action into reality on the ground should also prevent shortcomings in international humanitarian responses to crises, populations, or needs that suffer a chronic lack of interest or prioritization because they are less visible or easy to address. There is an urgent need for humanitarian actors—with backup from donors—to ensure no crisis or population group is overlooked or gradually forgotten as the world's attention shifts to new or politically sensitive crises, major emergencies, or contexts that are of global or national strategic interest. The sector must also significantly step up efforts to fully and systematically integrate protection needs and gender considerations into its crisis evaluation and response.³⁴ Finally, sufficient attention must be paid to supporting the neighbors of countries affected by humanitarian crises, which are often forced to absorb a significant part of the humanitarian response.

- *What concrete steps can be taken to collect and analyze accurate data on humanitarian needs?*
- *What other measure can be taken to steer the international humanitarian sector to a strictly needs-based and needs-driven response?*
- *What is the role of financing mechanisms in allowing for strictly needs-based humanitarian action?*

³³ Putting affected people at the heart of humanitarian action is a key recommendation that came out of global consultations for the World Humanitarian Summit (see United Nations, *Restoring Humanity: Synthesis of the Consultation Process for the World Humanitarian Summit*), but, so far, there are few concrete proposals on how to translate this into practice.

³⁴ At a time when protection concerns are predominant in most, if not all, humanitarian crises, protection remained the most poorly funded activity, with overall funding at 30 percent of stated requirements, partly due to donors' perception of low-quality performance in this area of work (ALNAP, *The State of the Humanitarian System 2015*, pp. 44–45). Similarly, efforts to address the specific needs of women and girls and increase their role in prevention and response remain insufficient. The Security Council recently emphasized "the importance of integrating gender considerations across humanitarian programming" and urged the secretary-general to "strengthen leadership, political will...[and accountability] at all levels on this issue ([Security Council Resolution 2242](#) (October 13, 2015), UN Doc. S/RES/2242, para. 16).

Adapting to Protracted and Chronic Crises

Second, the multilateral system must find ways to adapt to the reality of protracted and chronic crises. This has led to calls for putting more emphasis on building resilience of affected populations and communities and increasing national and local response capacity and ownership. Much of the thinking about this comes from the development and disaster relief sectors and should be nuanced when applied to humanitarian responses to crises driven by conflict and violence. While there may be scope for building resilience from a purely assistance perspective, the idea of making people “able to cope” with violations of IHL and other abuses clearly contradicts the principle of humanity at the core of humanitarian action. Resilience is unlikely to be *the* solution for the shortcomings of humanitarian action, and there is controversy over whether humanitarian actors have a role to play in building resilience and, if so, what that role is.³⁵

There is growing consensus that one of the the most effective ways to adapt to protracted and chronic crises and relieve the international humanitarian response system is to reinforce and prioritize national and local humanitarian responses. Rather than seeing local actors as purely implementing partners, they should be involved and, where possible, lead a coordinated response and receive more direct funding.

However, after having made significant progress in moving away from a default international response, the international community should be wary of moving toward a *default* local response. As for other issues, contextualization is key. There will be contexts where national and local authorities are willing and able to deliver an adequate response and others where this is not the case. Similarly, there will be situations where local humanitarian actors have a strong operational capacity and others where such capacity is not at hand. Finally, especially in complex situations of armed conflict, it may be more feasible for international actors to be and to be perceived as radically principled humanitarian actors—not just impartial, but also neutral and independent—which can be key to gaining meaningful access to all in need and to engaging with different stakeholders in the conflict.

Rather than opting for a default international or default national/local response, it is important to assess existing operational capacities and define the best combination of international, regional, national, and local actors to achieve the common goal of delivering an adequate and effective humanitarian response to actual needs. Each situation will be different, and within each context, the ideal combination may shift over time and differ from one area of work to another.

As the number of protracted and chronic crises grows, the debate about the relationship between the humanitarian and development sectors has become more complex and

³⁵ While MSF thinks it is not appropriate for humanitarian actors to play a role in building resilience (MSF, *Central African Republic: A State of Silent Crisis*, 2011, available at www.doctorswithoutborders.org/news-stories/special-report/central-african-republic-state-silent-crisis), OCHA finds there may well be a (limited) way in which the humanitarian sector can contribute (OCHA, *Position Paper on Resilience*, available at www.doctorswithoutborders.org/news-stories/special-report/central-african-republic-state-silent-crisis).

controversial. In such crises, it is paramount that humanitarian action and development work be carried out in parallel and, as much as possible, in a coordinated manner. However, as the specific objectives and modus operandi of both sectors differ significantly, systemic integration is likely to be detrimental to the capacity to achieve objectives in both domains.

Nonetheless, there is a need for innovative thinking as to how the complex relationship between humanitarian action and development work can work better to ensure that both short-term and more medium- and long-term needs are fully dealt with. Cross-sector consultations and cooperation should be stepped up at all levels (e.g., international/national, policy/operational). To be effective, consultations and cooperation should be based on and driven by the needs—short-, medium-, and long-term—of people affected by these protracted crises. Constructive engagement should allow for the capacity both to provide an adequate operational emergency response and to address medium- and long-term needs at the same time.

- *What, if any, role should humanitarian actors play in building the resilience of affected communities?*
- *What concrete steps can be taken to better identify and map existing capacities (technical, logistical, financial and human resources, etc.) for humanitarian responses at the national and local levels? Where such capacity exists, how should the humanitarian architecture be adjusted to allow for a larger role for national and local actors?*
- *Which areas lend themselves to closer cooperation and partnership between humanitarian and development actors? As humanitarian crises place an important strain on the infrastructure for essential services such as education, health, employment, and social security, how can humanitarian and development actors cooperate to address long-term humanitarian needs and maintain these infrastructures' ability to cope with demand? And what concrete mechanisms would allow for a meaningful dialogue between humanitarian and development actors—both at the institutional level and on the ground—to align their distinct skills and expertise and reinforce each other's capacity to respond to immediate and longer-term needs?*

Reforming Humanitarian Financing Mechanisms

Third, reform of humanitarian financing mechanisms could play a significant role in addressing some of the systemic challenges to strengthening a strictly needs-based and needs-driven response and adapting to the reality of protracted and chronic crises. Both the quantity and quality of humanitarian funding must be enhanced. Possible avenues to increase humanitarian funding include expanding and diversifying the donor base and funding at least the UN-led humanitarian response through assessed contributions from UN member states.³⁶ But high-quality funding—rapidly disbursable, flexible, non-earmarked, and multi-year—is perhaps even more important to addressing some of the systemic challenges of the international

³⁶ As proposed by the UN High Commissioner for Refugees, to address inherent limitations of the current voluntary financing model and respond to calls for increased burden sharing between states. See also ALNAP, *The State of the Humanitarian System 2015*, p. 114.

humanitarian sector discussed above. The secretary-general's High-Level Panel on Humanitarian Financing has made concrete recommendations that have helped frame the international debate on these matters and offers significant avenues for reform and progress.

- *Apart from the recommendations made by the High-Level Panel on Humanitarian Financing, what steps should be taken to ensure a timely, adequate, and needs-based humanitarian response to today's multiple humanitarian crises?*

Addressing the Lack of Operational Capacity

Fourth, while some argue that the international humanitarian system anchored in the UN is "financially broke" but not essentially broken,³⁷ others argue that the UN system—which is at the heart of international humanitarian relief efforts—is itself dysfunctional, leading to a lack of operational capacity in conflict-related emergency situations. Concerns have been voiced that, apart from operational and financial overstretch, the drive to integrate humanitarian efforts into development efforts and the shift toward prevention and local actors have eroded the UN's operational capacity in complex conflict-related crises.

According to case studies carried out by Médecins Sans Frontières, the system's artificial boundaries created by historical mandates and institutional positioning, the triple role of UN agencies as donor, coordinator, and implementer, the inherently slow and cumbersome funding mechanisms, and the system's general risk aversion are the main reasons the UN is not fit for purpose in responding to humanitarian emergencies in conflict situations. A deeper-lying reason, according to the study, is that "while it is core business for the humanitarian system, emergency response capacity has been undervalued and under-prioritized."³⁸ The study's conclusions are largely echoed in the 2015 version of ALNAP's (Active Learning Network for Accountability and Performance) *State of the Humanitarian System* report, which found that "[a]gencies have been less than frank in acknowledging that in conflict-affected and logistically challenging settings they face serious operational capacity gaps quite independent of funding [and security impediments]...[with] a decline in technical capacity in key sectors such as health, nutrition and water/sanitation."³⁹

Both within and on the margins of the process leading up to the World Humanitarian Summit, civil society has stressed that a fundamental overhaul of the system is key to better meeting global humanitarian needs. But within the UN system and among member states, there seems to be little appetite for any radical institutional reform. The UN under-secretary-general for humanitarian affairs even indicated that such an introspective debate would "end up tying us

³⁷ António Guterres, United Nations High Commissioner for Refugees, Opening remarks at the 66th session of the Executive Committee of the High Commissioner's Programme, Geneva, October 5, 2015, available at www.unhcr.org/print/561227536.html; Aly, "Q&A: 'UN Doesn't Have to Change,' Says Relief Chief"; World Food Programme, statement at the World Humanitarian Summit Global Consultation, Geneva, October 14, 2015, available at www.wfp.org/news/news-release/wfp-statement-whs-global-consultation-geneva.

³⁸ Sean Healy and Sandrine Tiller, "Where Is Everyone? Responding to Emergencies in the Most Difficult Places," MSF, July 7, 2014, available at www.msf.org/article/msf-report-where-everyone.

³⁹ ALNAP, *The State of the Humanitarian System 2015*, p. 47.

up for ages and postpone the chance of really intensifying and increasing our ability to deliver humanitarian action on the ground” and, as such, would be “the most irresponsible distraction” as it would be “completely irrelevant to the people in need who need us the most.”⁴⁰

Regardless of whether radical institutional reform is necessary and feasible, a number of issues do need to be addressed. One of these is institutional gaps or ambiguities that result in inadequate responses to actual needs. For example, the international community’s failure to adequately address the needs of internally displaced persons (IDPs) is largely due to a lack of leadership on this issue among humanitarian actors. In light of the poor performance of the system on issues related to protection, it may be helpful to revise the institutional set-up and see where reinforcements or adjustments are necessary.

Such reflections may be part of a broader debate on the UN’s operational capacity in conflict-affected and logistically challenging environments. There are many contexts in which the UN system is present and fully functional, especially contexts where national and local government authorities are functional and largely in control of the territory. In other contexts, the UN system may be present but not capable of delivering the required emergency response.

- *Is there a need for a fundamental overhaul of the UN humanitarian architecture or is it sufficiently flexible to adjust to current challenges and concerns?*
- *Where is the institutional set-up responsible for a deficient response to actual needs?*
- *What concrete steps can be taken to remedy such institutional shortcomings?*
- *How should this reality be managed? Should more investment be made to strengthen the UN’s operational capacity in such contexts? And what would be required to do that?*
- *Or should the UN system focus its resources in countries where it can fully operate? If so, who can and should fill the gap, and for how long?*
- *Can the UN system be everywhere, should it be everywhere, and should it always be in the lead?*

Working with Diverse Humanitarian Actors

Finally, and not unrelated to the above, it is important to explore how the UN’s humanitarian coordination system can address the challenges and seize the opportunities that arise from the diversity of actors engaged in humanitarian response on the ground. In shaping and delivering its response, the international humanitarian sector—both within and outside the UN—engages and works with national and local authorities of affected countries, as well as local communities and nongovernmental organizations (NGOs)—albeit with variable effort and success. In recent years, the humanitarian landscape has also seen the arrival of new actors, including national NGOs with international aid programs, religious relief institutions, regional organizations, and the private sector.

Not all of these actors are “in the same business.” But even those that are strictly in the “humanitarian business” have different mandates, aims, priorities, capacities, and operating

⁴⁰ Aly, “Q&A: ‘UN Doesn’t Have to Change,’ Says Relief Chief.”

models. While making for obvious coordination challenges, the richness of this wide variety of actors and their combined numeric strength create significant potential for comprehensiveness through complementarity. In 1991, the international community gave the UN an institutional mandate to provide leadership and coordinate international efforts to support countries and populations affected by armed conflicts and disasters.⁴¹ The UN humanitarian architecture should seek to facilitate fluid communication and interaction between all actors on the ground.

In doing so, it could capitalize on these actors' respective strengths to ensure an adequate collective response to the broad and diverse needs across the world. It could also stimulate innovative and creative thinking about how to respond to current and future challenges for humanitarian action. It is perhaps most important to do so on the ground, to identify and leverage the specific expertise and operational capacity that different actors can bring to bear in a given context at a given time. Finally, strategic and operational engagements with these different actors may also change the perception that the international humanitarian agenda is set by UN agencies and a limited number of predominantly Western donor and states.

- *How much can and should the UN humanitarian coordination system open up to non-UN actors? Should the Inter-Agency Standing Committee be expanded and, if so, to whom?*
- *Or should the system maintain its strong UN identity but be a true convener for the humanitarian sector at large to come together and engage in strategic dialogue and action?*

IV. Conclusions and Recommendations

As mentioned at the outset of this paper, many contemporary challenges for humanitarian action are far from new. Moreover, many of the questions that arise—both old and new—cannot be easily answered. Rather than looking for elusive simple answers or solutions, the international community and the broader humanitarian response sector must address and navigate the dilemmas and tensions that are inherent in today's and tomorrow's humanitarian response. In doing so, they must be guided by the needs and aspirations of the people affected by conflict and disaster. This will require finding the right balance between relying primarily on international humanitarian actors or primarily on local humanitarian actors; investing in prevention and resilience or sustaining operational capacity for emergency response; promoting strict adherence to humanitarian principles or finding pragmatic solutions to hard realities; ensuring coherence and coordination and embracing the variety and diversity of humanitarian actors. The answer—inescapably contextual—will rarely be either/or but will lie in finding the right balance between equally compelling needs or equally valid and necessary approaches.

Other tensions and dilemmas relate to the role of non-state armed actors, which pose a threat to both states and populations but, due to their control over significant populations and territories, must be part of any viable solution. Further delicate balances need to be struck to

⁴¹ UN General Assembly Resolution 46/182, para. 12.

allow for a distinct operational space for principled humanitarian action in contexts where the international community also, and rightly so, pursues inherently transformative agendas (e.g., political change, development, rule of law).

The international community—donor states, affected states, UN agencies, and other humanitarian actors—must walk the talk on prevention. Disaster risk reduction and preparedness has benefited from recent successes in establishing a concrete framework and agenda for action; the challenge now is to ensure effective implementation. Efforts to elaborate a comprehensive agenda to prevent and manage the impact of conflicts, however, are much less advanced. The international community too often tacitly accepts the humanitarian impact of conflicts on people as a given.

Much of the debate and effort is focused on responding to the dire humanitarian consequences arising from conflicts, and far too little time and energy is invested in preventing or resolving conflict and violence and in ensuring respect for international law. Now, more than ever, the international community needs to strongly reaffirm the principle of humanity and renew its collective commitment to upholding the principles and purposes of the UN Charter, as well as international humanitarian and human rights law. Now is the time for the international community to act responsibly by heavily investing in efforts to achieve political solutions to conflict and violence and, pending such achievements, by ensuring that humanitarian principles and law are respected and humanitarian needs are addressed in an adequate manner. A failure to commit and, even more so, a failure to act will inevitably lead to millions more victims, as well as profound and long-term damage to lasting peace, security, and development across the globe.

The World Humanitarian Summit offers an important opportunity to recommit to humanity and to undertake concrete commitments and actions to address current challenges.

The following recommendations—addressed to the UN, its member states, donors, and civil society—should help to address the various challenges and manage the dilemmas and tensions described above. They draw upon discussions at the Independent Commission on Multilateralism's retreat on the subject of "Humanitarian Engagements" in January 2016 and attempt to answer some of the questions posed in this paper.

Prevent Conflict, Reduce Disaster Risk, and Ensure Compliance with International Law

Investment in these areas of work is not only the most humane course of action but also the most efficient and cost-effective way to stem humanitarian needs, relieve the strain on the humanitarian sector, bridge the humanitarian financing gap, and mitigate the long-term impact of crises on lasting peace and sustainable development.

- 1. Member states and the UN should strengthen their capacity to implement the Sendai Framework for Disaster Risk Reduction.**
 - Member states, regional organizations, and financial institutions should provide adequate resources, and the UN Office for Disaster Risk Reduction (UNISDR) should provide adequate technical expertise, to enable countries—in particular those most

affected—to carry out and integrate disaster cost and risk analysis into core government planning and budgets.

- Member states should break down silos in national and local administrations (as was done at the multilateral level). They should also mainstream national- and local-level disaster risk reduction planning and programming into development and climate change planning and programming, all of which should involve a variety of relevant ministries (e.g., those dealing with the interior, infrastructure, finance, budgeting, telecommunications, etc.). In addition, they should integrate the budget for disaster risk reduction into core government budget planning and keep this budget separate from humanitarian budgets, which should be reserved for crisis response.
- The UN and member states should develop effective communication strategies to mobilize public opinion, including by incentivizing the media to actively report on the cost-effectiveness of disaster risk reduction and the need for society as a whole to invest in long-term prevention efforts.
- The UN and member states should incentivize the corporate sector to engage in partnerships that would diversify the funding base for disaster risk reduction (e.g., by demonstrating to insurance companies their stakes and interests); explore innovative approaches such as forecast-based financing; and engage in dialogue on the role of the corporate sector in integrating disaster risk reduction into the management of its own operations, research, and development.

2. Member states should **adopt or strengthen national legislation to facilitate and regulate disaster response.**

3. Member states and the UN should **strengthen the UN's capacity for conflict prevention and resolution.**

- They should integrate human rights violations as a risk factor and early warning indicator in risk analysis, which should serve as a trigger for activating or establishing adequate conflict prevention or resolution mechanisms. The High Commissioner for Human Rights and relevant Special Procedure Mechanisms set up in the framework of the Human Rights Council should regularly brief the Security Council, General Assembly, and Peacebuilding Commission on ongoing or potential human rights violations and explore expanding successful mechanisms, such as the secretary-general's special advisor for the prevention of genocide.
- They should strengthen the UN architecture and increase the budget for conflict prevention and resolution, in particular for the Peacebuilding Commission.⁴²
- They should identify ways to meaningfully engage with non-state armed actors that are or could become parties to armed conflicts. They should also allow for a distinct operational space for peacebuilding mechanisms or actors to engage these groups as part of efforts to achieve lasting peace.

⁴² See also recommendations made in the ICM's Discussion Paper on "Armed Conflict: Mediation, Conciliation and Peacekeeping," available at www.icm2016.org/armed-conflict-mediation-conciliation-and-peacebuilding.

4. Member states and the UN should enhance compliance with international humanitarian, human rights, and refugee law.

- Member states should deliver on existing commitments to respect and ensure respect for international law by:
 - Using all available and lawful means (legislative, administrative, diplomatic, economic, financial, coercive, etc.) to enhance compliance—individually and collectively—and address violations of international law;
 - Bringing concrete proposals and pledges to the International Conference of the Red Cross and Red Crescent and the World Humanitarian Summit for individual and collective action to increase compliance with IHL;
 - Making full use of existing compliance mechanisms to ensure respect for international law and engaging fully and constructively in the process aimed at establishing a complementary mechanism to enhance compliance with IHL;
 - Acknowledging and strictly adhering to the threshold of applicability of IHL; and
 - Systematically translating obligations under international law into operational military and law enforcement practice (operational guidance and rules of engagement).
- Member states and the UN should enable meaningful engagement with non-state parties to armed conflicts on compliance with IHL by:
 - Including the principles of engagement with armed non-state actors in relevant debates, reports, and resolutions, such as those on the protection of civilians, children in armed conflict, sexual violence, and the responsibility to protect;
 - Avoiding criminalization—under international or domestic law—of humanitarian actors engaging with non-state armed actors for humanitarian purposes and to enhance compliance with IHL;
 - Being aware of the importance of compliance with IHL by state parties to armed conflicts and of accountability for violations as a key factor to enhance compliance with IHL by non-state parties to armed conflicts;
 - Further incentivizing compliance with IHL by non-state armed actors by ensuring that domestic and international counterterrorism measures do not label acts committed by non-state parties to armed conflicts that are lawful under IHL as terrorist acts; and
 - Increasing ownership and other incentives for compliance with IHL by considering ways to engage current or former non-state parties to armed conflicts in efforts to clarify or develop IHL.
- The UN secretary-general should exert strong leadership on respect for international law by:
 - Including compliance with international law, in particular IHL, as a top priority in bilateral and collective engagement with member states;
 - Playing a leading role in bridging the distance between the UN's respective centers of gravity on international humanitarian, human rights, and refugee law (Geneva) and on peace and security (New York); and
 - Ensuring, with the support of member states, that the UN sets an example in complying with international humanitarian and human rights law and implements a

zero-tolerance policy for violations thereof by UN personnel and representatives, including those involved in peace operations.

Facilitate Access and Delivery of Humanitarian Responses to People in Need

5. Member states should **embrace the concept of sovereignty as responsibility**. They should underline and respect the primary responsibility of states to ensure respect for international law, protect their citizens, and ensure access to essential goods and services, and at the same time recognize that the international community cannot stand by when states are unwilling or unable to discharge these responsibilities.
6. Member states and the UN should **respect and ensure respect for existing rules of international law** regulating humanitarian access.
7. Member states and the UN should **embrace the diversity of humanitarian relief actors** as an opportunity to maximize the delivery and impact of humanitarian response to growing needs. At the same time, they should **safeguard a distinct operational space for principled humanitarian action** to ensure a comprehensive and impartial response to actual needs and allow for meaningful protection activities. They should also allow humanitarian actors on the ground to negotiate their own access—in line with distinct and complementary approaches—and ensure that any Security Council action on humanitarian access does not negatively interfere with such efforts or otherwise affect the safety and efficiency of humanitarian action on the ground.
8. Member states and the UN should **ensure that international and domestic laws and policies**—in particular related to counterterrorism and countering/preventing violent extremism—**do not criminalize or otherwise obstruct principled humanitarian assistance** and engagement on protection concerns.
 - They should ensure humanitarian actors are able to engage with non-state armed actors to ensure safe access, address humanitarian concerns, and enhance compliance with international law.
 - They should obtain better evidence and analysis about the impact of policies on counterterrorism and countering/preventing violent extremism on humanitarian action, in particular on the ability to conduct protection activities.
 - They should ensure transparency about international and domestic counterterrorism norms and policies so that humanitarian actors are fully aware of applicable frameworks.
 - They should further explore the idea of humanitarian exemptions put forth by the High-Level Panel on Sanctions, including by reviewing opportunities, risks, and challenges for implementation.
9. Humanitarian actors should **revisit security risk management** to ensure their proximity to victims on the ground and to avoid outsourcing risk to local partners. While the general

framework and guidance can be centralized, day-to-day security management and technical details should be devolved to people on the ground.

Facilitate Adequate, Timely, Effective, Efficient, and Sustainable Collective Humanitarian Responses

There is a need to make humanitarian action people-centered rather than process- or status-centered, to bridge the humanitarian-development divide, and to reform humanitarian financing.

- 10.** International humanitarian actors and member states should **enable people**—in particular victims and local actors—to take an active part in, and where possible lead, the **humanitarian response** by involving them in needs assessments, response design, planning, and monitoring and evaluation and by mapping existing and lacking local capacities and taking this as a starting point for developing a humanitarian response.
- 11.** Humanitarian actors should protect people affected by armed conflict or disaster by **fully integrating and strengthening protection activities** and respect for international law in humanitarian planning, programming, and budgeting.
- 12.** Rather than attempting to overhaul an elusive humanitarian “system,” the UN and member states should acknowledge there is no such “system,” embrace and build on the diversity of humanitarian relief actors, and **focus on continuing to transform the formal humanitarian sector** to work better.
 - Where possible, UN and other international humanitarian actors should take a step back and support rather than lead the humanitarian response by opening up access to training, technical assistance, and direct funding to local crisis responders (e.g., depending on the context, authorities, communities, NGOs, the private sector).
 - At the same time, the international humanitarian sector, including the UN, should maintain an effective operational capacity to step in where and for as long as there is no or insufficient local capacity to deliver a comprehensive, principled, and adequate humanitarian response.
- 13.** Member States and the UN should **ensure inclusivity** in setting a global vision and agenda for humanitarian action.
 - Member states, the UN secretary-general, the Office for the Coordination of Humanitarian Affairs (OCHA), and humanitarian actors should step up efforts to ensure all states engage in humanitarian debates (e.g., by more actively briefing regional groups on humanitarian issues).
 - Affected states should participate more actively and, wherever possible, take the lead in humanitarian debates in multilateral fora (as is the case in development debates), rather than leaving those debates to donor states.
 - Member states and the UN should strengthen multi-stakeholder engagement (e.g., with civil society, regional organizations, the private sector, and academia) on humanitarian

issues to tap into potential innovation and to mobilize funding and respect for international law.

- 14.** Humanitarian actors should **pursue innovation** by tapping into the potential of technology, the corporate sector, and expertise from other sectors in a thoughtful manner so as to tailor that potential to the realities of conflict and disaster and to the principles that guide humanitarian action.
- 15.** Member States, the UN, as well as humanitarian and development actors, should make further efforts to **bridge the humanitarian-development divide** through increased cross-sector consultations. They should acknowledge the essential role, distinctive approach, and inherent limits of humanitarian action and revitalize or step up involvement of and support for development actors to assist national and local authorities in addressing medium- and long-term needs in protracted humanitarian crises. The UN should strengthen leadership at the country level to foster cross-sector consultations and coordination and, where appropriate, better alignment of humanitarian and development programs and activities to meet both short- and long-term needs, with priority placed on education, health, and urban infrastructure.
- 16.** Member States should **implement the High-Level Panel on Humanitarian Financing's recommendations** to ensure both emergency funding and long-term, flexible, and predictable funding. In particular:
 - All relevant actors should engage the private sector to commit resources for in-kind responses (e.g., assets, skills, capabilities).
 - Donors should break down silos in national and local administrations that hamper international efforts to bridge the humanitarian-development divide by promoting development finance in protracted humanitarian crises in parallel to funding for principled humanitarian action.
 - Donors should facilitate access to direct funding for local crisis responders, in particular for disaster response, prioritizing funding to principled humanitarian actors.
 - Donors should harmonize and simplify reporting requirements and speed up disbursement of funding.

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