



Panel Discussion on
Humanitarian Engagement with Armed Non-State Actors
1 October 2010, Brussels

On 1 October 2010, Geneva Call, with the support of the Swiss Federal Department of Foreign Affairs, held a panel discussion on the issue of humanitarian engagement with armed non-State actors (NSAs). The event, which took place in Brussels under the patronage of the Belgian Ministry of Foreign Affairs, addressed the value of such an approach, the successes achieved and challenges faced by humanitarian actors on the ground, as well as the role of the European Union (EU) in this process. It was opened by the Director General of the European Commission Humanitarian Aid and Civil Protection (ECHO), Peter Zangl, and the Ambassador of Switzerland to the EU, Jacques de Watteville. About 50 representatives of EU institutions, the diplomatic community, international and non-governmental organizations attended.

All panelists agreed that, given the involvement of NSAs in most contemporary armed conflicts, engaging them has become essential. Humanitarian actors have no choice but to deal with NSAs if they want to fulfill their mandates and continue to assist, and protect, affected civilian populations. The experience of the International Committee of the Red Cross (ICRC), as well as that of Geneva Call, demonstrates that dialogue with NSAs is not only necessary but can be effective. Concrete examples were given where it resulted in positive outcomes. For instance, the ICRC has been able in recent years to visit detainees held by NSAs and to facilitate their release, notably in Afghanistan and Niger. Moreover, more than 40 NSAs to date have pledged to ban the use of anti-personnel mines through Geneva Call's *Deed of Commitment*. They have by and large abided by their commitment, including their obligation to cooperate in monitoring. Not one of them has ever refused to host a verification mission, even following allegations of non-compliance. Significantly, Geneva Call was recently able to carry out a verification mission in the Philippines with the agreement and cooperation of both the NSA and the government.

According to the panelists, the question is not whether to engage with NSAs but rather how to do so effectively. Maintaining independence, neutrality and a purely humanitarian agenda were mentioned as key guiding principles for humanitarian actors. Equally important is to undertake engagement work in a transparent manner and to inform all parties, in particular concerned governments, about its purpose. There was some discussion about the utility of formal mechanisms to engage NSAs. Several panelists argued that written commitments tend to promote ownership and accountability while another said that sustained dialogue was most important, regardless whether commitments are formalized or not. The panelists also emphasized the complementary roles of States, intergovernmental organizations and NGOs in NSA engagement processes. Humanitarian NGOs often have a greater latitude for action, hence the role of regional organizations, such as the EU, consists foremost in providing political and financial support to their work.

During the discussion, several NGO representatives expressed concerns about the implications of anti-terror measures and terrorist lists on their work, in particular the recent ruling by the United States Supreme Court in "Holder v. Humanitarian Law Project" which significantly restrict engagement with groups designated as "terrorist organizations". In addition, some donors have begun imposing "no-contact" conditions in their funding agreements to humanitarian and development organizations operating in areas controlled by listed NSAs. Such measures can have unintended harmful effects on the civilian populations living in these areas. Representatives of the European Commission speaking at the panel acknowledged the tension existing between the EU responsibility to support humanitarian action and its counter-terrorism policy, and stated that the EU has raised the issue with their US counterparts. They also reiterated their support for the principle of humanitarian engagement with NSAs.

This panel discussion was the second of a series of events, organized by Geneva Call with the support of the Swiss Federal Department of Foreign Affairs, on the issue of humanitarian engagement with NSAs. The first event took place last July in New York following the United Nations Security Council open debate on the protection of civilians in armed conflict.