

STATEMENT
IPI Round-Table on Engagement with Non-State Entities, 20 July 2010

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CHECK AGAINST DELIVERY

Ladies and Gentlemen, allow me to thank the organizers of this timely discussion for inviting me to speak about UNICEF's perspective and approach to engaging with non-state entities.

To best way to describe UNICEF's approach to engaging with Non-State Entities is to say that it is pragmatic. We understand that UNICEF may have to work with non-state entities for two main objectives, namely:

to negotiate access for itself and for its partners to deliver assistance to affected populations and to protect the rights of children and women in situations of armed conflict.

UNICEF has been doing this for decades. And before us, other humanitarian organizations like the ICRC, Save the Children, and Oxfam had been making the case for working on both sides of a conflict to address the needs of children since WW I and II.

The genesis of UNICEF's engagement with non-state entities lies in the concept of "Days of Tranquility", which was first coined in 1983 by Nils Thedin, then a Swedish delegate to UNICEF's Executive Board. Today, this concept, and similar approaches have made it into mainstream debates on humanitarian assistance, including in General Assembly resolutions.

The first "Day of Tranquility" took place in 1985, in part negotiated by UNICEF's Executive Director Mr. James P. Grant. At the time, Government and rebel forces in El Salvador agreed to implement "days of tranquility" to enable the vaccination of children throughout the country. During three days in consecutive months, the parties to the Salvadorian civil war allowed humanitarian organizations to implement a vaccination campaign.

Was it worth it? 20,000 health workers immunized 250,000 children against polio, measles, diphtheria, tetanus and whooping cough. This process was repeated every year until the end of the civil war of El Salvador, six years later. If one calculates the impact on an entire generation of maintaining basic child survival services in the midst of civil war, one cannot help but see the relevance of the approach.

“Days of Tranquility” is an approach that has been replicated in several conflicts since, and has allowed humanitarian organizations to reach millions of boys, girls, women and men in need. Later in my presentation, I will talk more about our experience in Afghanistan over the past decade as I believe it illustrates well the considerable challenges of engagement.

UNICEF derives its mandate to engage with non-state entities from two sources. The first, shared with OCHA and other humanitarian organizations, concerns securing humanitarian access, and is codified in GA Resolution 146/82 which calls on humanitarian organizations to actively facilitate, including through negotiation if needed, access by operational organizations for the rapid provision of emergency assistance by obtaining the consent of all parties concerned.

Our second mandate relates to the protection of children from grave child rights violations in armed conflict. Security Council Resolution 1612, and then 1882 “encourage Member States to devise ways, in close consultations with the United Nations country-level task force on monitoring and reporting and UNCTs, to facilitate the development and implementation of time-bound action plans, and the review and monitoring of obligations and commitments relating to the protection of children in armed conflict.”

The UN role that this refers to is most usually shared between Resident Coordinators, SRSGs and the UNICEF representative in country.

This means UNICEF and the UN have to work with non-state entities that have been listed by the Security Council for committing grave violations against children, so as to formulate action plans to end those violations. We have no choice but to do our utmost to ensure this happens, not because of our mandate, but because of the rights of the children concerned.

In addition, in accordance with International Humanitarian Law the parties to the conflict must allow and facilitate rapid and unimpeded passage of humanitarian relief for civilians in need. This cannot practically be done without contact with the parties, so there is an implicit mandate in IHL as well. This obviously extends to all humanitarian agencies, including NGOs. It is important to note that while humanitarian agencies have an obligation to seek consent, parties have an obligation to give this consent as well, so as to allow for the delivery of assistance.

Despite such a clear mandate, and the need to operate in the midst of so many active conflicts involving several non-state armed groups, this type of engagement is not free of risks or dilemmas for UNICEF and our partners. Here are some thoughts on how UNICEF addresses these risks and dilemmas, in an attempt to be pragmatic and pursue our mandate.

One key question is: “which armed groups can we engage with?” This is a valid question, since many non-state entities have poor human rights records. Often, the non-state entity in question has been listed in the context of one of the UN’s sanction’s regimes and/or is listed on a member states’ terrorist lists, and there are open questions as to what risks individuals working for humanitarian organizations are taking when engaging in such dialogue.

Another key dilemma concerns the consequences of engaging with non-state actors when these actors are in conflict with governments and their armed forces in countries that are major donors to UNICEF and/or with whom we have significant country programmes in operation. As neutral and impartial actors, we should be aware of such issues but this should not affect our policies. But we do not act in a vacuum.

We tell UNICEF representatives who have to make such decisions in the field to ask: in this context, can we optimally fulfill our mandate if we limit ourselves in terms of who we engage with to promote access to civilians and respect for child rights? If the answer is that we must engage with non-state entities in order to fulfill our mandate, then engagement with armed groups should be risk informed, take place over the long-term and be part of a strategy to achieve results for women and children.

The challenges that UNICEF faces in effectively engaging with non-state armed groups are considerable. Most of them are not unique to UNICEF.

First, we face targeted attacks on humanitarian agencies by armed groups. Engagement with NSEs is meant to reduce UNICEF and partners' security risk and create access. But at times, getting to that may be prevented by the initial hostility of armed groups.

There is also a growing concern over the blurring of lines between humanitarian assistance and counter-insurgency and security/stabilization assistance. To mitigate this, humanitarian assistance should not be part of security strategies.

The perception of neutrality and impartiality, or lack thereof, may be a significant obstacle. Maintaining neutrality for UNICEF comes at a cost, and humanitarian agencies generally need to have self-discipline to ensure that a credible claim of neutrality is maintained.

At the same time, being considered neutral in practical terms depends on acceptance by the parties to conflict. This acceptance in turn is enhanced by dialogue and information-sharing and contact. We have nothing to hide, and when there is increased understanding due to better information flow, acceptance is more likely to increase – and a wider array of programmes may become acceptable, as well as the scope of activities may be increased. We know that humanitarian dialogue does not confer political legitimacy to non state entities. But this is difficult to communicate, and we collectively need to improve our tools in this regards.

We also need member states to help ensure that humanitarian agencies can operate as neutral and impartial actors. For example, lists of proscribed entities that seek to prevent interaction with certain parties to a conflict makes that almost impossible, in the sense that we may not be able to meet the needs of children in areas controlled or influenced by listed entities, or that funding may not be available for this. This in turn fuels the perception that humanitarian actors are pursuing other agendas than the strict humanitarian purpose that should guide their work.

The story of UNICEF's engagement with the Taliban in Afghanistan illustrates all of this very well. In the late 1990s, UNICEF and other humanitarian actors maintained humanitarian programmes in the country through a memorandum of understanding negotiated with the Taliban as the de fact authority.

This was far from perfect, and certainly did not succeed in promoting human rights or advocating in favor of global norms with the Taliban. But it did allow us to maintain critical programmes.

Then in the post September 11 context, access was at first relatively easy but gradually began to shrink, and the context made engagement with NSEs much more difficult. Vaccination coverage declined. Until 2007, the UNICEF country office avoided direct contact with NSEs. It was then decided to reverse this trend. Efforts to engage with NSEs focused on developing a system of indirect negotiation using access negotiators, community elders, tribal networks. Indirect negotiation took place for at least two years prior to anyone being trained on negotiations with NSEs. During that period, UNICEF also created a social mobilization and communication network among health workers and teachers. In May 2007, the celebration of “Peace Day 2007” was leveraged to advocate for Days of Tranquility to access previously denied areas. UNICEF spoke openly to the government, media, NGOs, civil society to promote “Peace Day’ actions. UNICEF and WHO met with ISAF, OEF and bilateral embassies to promote Peace Day. UNICEF and WHO worked with provincial and local health departments Red Crescent Society. Provincial Health Departments recruited “Access Negotiators” who established links to local traditional leaders using personal ties and “friends of- old-friends” to gain access.

In 2007 the Taliban issued a directive asking their forces not to interfere with the inoculation campaign. The Days of tranquility enabled polio inoculation to proceed in areas that were otherwise inaccessible. In 2007 & 2008 and related inoculation campaigns during the year, children in six provinces were vaccinated. However, in today’s political and military environment, we must note that the international military presence did not sign onto the Days of Tranquility. And given the blurring of lines between humanitarians and other actors in Afghanistan, it is hard to scale-up programmes in areas controlled by the Taliban.

In closing, allow me to say a few words on the agenda beyond engagement for delivery of assistance, which would aim to enhance the protection of civilians everywhere. Norms for humanitarian space need to be supported with systematic upstream work, notably by anchoring the elements of humanitarian space in Security Sector Reform and other military reforms, moving humanitarian principles and the Protection of Civilians framework into national policies and military doctrines. There are multiple entry points for this, but examples that can be cited is the inclusion of the Paris Principles on child

demobilization in US military doctrine, and the adoption of a Protection of Civilians strategy by the AU. If we can integrate protection norms into a large number of military doctrines around the world, we will have made a lasting change in terms of how wars are fought. This, coupled with increased accountability, may in turn influence the way non state entities operate. It would surely result in less violations of the rights of civilians.

Thank you