

Humanitarian Access

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World Vision Australia's
Public Policy Position

World Vision Australia's position on humanitarian access

World Vision Australia's ability to provide life-saving assistance to people in need in conflict and disaster contexts is affected by obstacles to humanitarian access, such as bureaucratic restrictions, inadequate infrastructure, violent hostilities in civilian areas, absence of ceasefires and safe passage routes, and attacks on humanitarian personnel and facilities.

World Vision Australia condemns all deliberate obstacles to populations in need, particularly attacks on humanitarian workers, goods and facilities. World Vision Australia advocates for accountability for violations under international law as an essential aspect of protecting civilians during times of conflict or natural disaster.

World Vision's mandate to advocate for humanitarian access

Full, unimpeded and sustained access is essential for World Vision to fulfil its humanitarian mandate to provide impartial assistance and protection to children and families affected by natural disasters and armed conflicts.¹ As many of the obstacles to humanitarian assistance cannot be overcome through programming alone, World Vision develops policy solutions and advocates for the removal of barriers to access.

World Vision has developed innovative programming solutions to reach people in places where access is difficult, such as mobile health and nutrition clinics, mobile child protection teams, multi-sectoral rapid response teams, cash-based programming and remote program management.² Working through an extensive, vetted and trusted network of local partners gives World Vision access to areas that are off limits to other actors. World Vision's Fragile Contexts Expansion Strategy seeks to increase our operational ability to reach the most vulnerable children and their families in fragile contexts which typically involve a range of access challenges.

World Vision Australia's policy recommendations for change

World Vision Australia calls on the United Nations Security Council to:

1. Systematically remind parties to conflict of their obligations to allow and facilitate rapid and unimpeded humanitarian assistance and to respect and protect humanitarian personnel and installations, and encourage states to promote respect for humanitarian principles.
2. Systematically condemn any deliberate obstacles to the provision of humanitarian assistance, especially attacks on humanitarian workers and facilities, and emphasise that such acts constitute violations of international humanitarian law.
3. Apply targeted measures against individuals obstructing access to humanitarian assistance, including attacks against humanitarian workers and facilities.
4. Refer grave and prolonged instances of the deliberate impediment of humanitarian assistance, especially attacks against humanitarian workers and facilities, to the International Criminal Court.
5. Call upon member states that have not done so to ratify and implement the Convention on the Safety of United Nations and Associated Personnel and its Optional Protocol.

World Vision Australia calls on the Australian government to:

1. Consistently urge states and non-state actors in control of territory to allow full and sustained humanitarian access by humanitarian actors in order to assess needs and deliver services.
2. Exert diplomatic influence in conflict situations to achieve temporary suspension of hostilities, safe humanitarian corridors, ceasefire, and peace agreements.
3. Encourage a spirit of reflection and innovation within the United Nations and amongst donor governments concerning access challenges, especially in complex security environments.
4. Ensure its donor policies, especially in relation to anti-terror provisions, do not create unnecessary restrictions on humanitarian access.

World Vision Australia calls on parties to conflict and states experiencing natural disasters to:

1. Meet the essential needs of the civilian population under their control.

2. Fulfil their obligation to allow and facilitate rapid and unimpeded humanitarian access, and remove all bureaucratic impediments to access.

World Vision Australia calls on humanitarian organisations to:

1. Work collaboratively and inclusively with local partners and beneficiaries to identify obstacles to humanitarian access and develop programmatic and policy solutions to overcome them.
2. Document and condemn the deliberate impediment of humanitarian assistance, especially attacks against humanitarian workers and facilities.

Background

States have the primary responsibility to ensure the basic needs of their citizens are met, including in times of conflict or disaster.³ When states are unwilling or unable to fully meet this responsibility, humanitarian actors⁴ may offer assistance. States (or non-state actors in control of territory) cannot arbitrarily refuse such offers and are obliged to allow and facilitate impartial humanitarian assistance without delay.⁵ Humanitarian workers must be respected, protected and assisted to the fullest extent practicable.⁶

'Humanitarian access' refers to two inter-related concepts:⁷

1. Humanitarian actors⁸ ability to reach people affected by conflict or natural disaster and provide humanitarian assistance; and
2. Affected peoples' right to access humanitarian assistance.⁹

Access to populations in need is essential for effective humanitarian assistance and protection of civilians. Adherence to the humanitarian principles of impartiality, neutrality and independence is crucial in gaining and maintaining humanitarian access.¹⁰

The major obstacles to humanitarian access in conflicts are bureaucratic restrictions on personnel and humanitarian supplies, including donor government anti-terrorism regulations, active fighting in civilian areas, and increasing attacks on humanitarian personnel and facilities.¹¹

The United Nations Security Council frequently calls upon states and non-state parties to conflict to ensure immediate, full, and unimpeded access for humanitarian assistance.¹² Nonetheless, obtaining sustained humanitarian access, especially in conflict situations, is increasingly difficult. In some conflicts, actors responsible for meeting the basic needs of civilians (states or non-state parties in control of territory) deliberately obstruct humanitarian access.

In disaster contexts, the most common barriers to humanitarian access are caused by bureaucratic obstacles, such as delays in processing visas, clearing relief items through customs systems and taxing humanitarian relief.

Poor roading and infrastructure, and physical inability to reach areas due to terrain or weather conditions can be further obstacles to humanitarian access in both conflict and natural disaster contexts.

Key resources & references

Key resources

United Nations Office for the Coordination of Humanitarian Affairs, 'Oxford Guidance on the Law Relating to Humanitarian Relief Operations in Armed Conflict', 2016, available at: <http://reliefweb.int/report/world/oxford-guidance-law-relating-humanitarian-relief-operations-situations-armed-conflict>

Swiss Federal Department of Foreign Affairs, 'Humanitarian Access in Situations of Armed Conflict: Handbook on the International Normative Framework', 2014, available at: http://www.cdint.org/documents/Humanitarian_Access_Handbook-v2.pdf

Swiss Federal Department of Foreign Affairs 'Humanitarian Access in Situations of Armed Conflict: Practitioners' Manual', 2014, available at: http://www.cdint.org/documents/Humanitarian_Access_Manual-v2.pdf

International Committee of the Red Cross (ICRC), 'Study on Customary International Humanitarian Law' 2005, Rule 55, available at: https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule55

United Nations Office for the Coordination of Humanitarian Affairs (OCHA), 'Humanitarian Negotiations with Armed Groups: A Manual for Practitioners' 2006, available at: <https://docs.unocha.org/sites/dms/Documents/HumanitarianNegotiationswArmedGroupsManual.pdf>

Security Council Resolution 1894 (2009) (Protection of civilians in armed conflict) available at: [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1894\(2009\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1894(2009))

UN Secretary-General's Reports on the Protection of Civilians (with annex on constraints on humanitarian access): 2009, available at: http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2009/277, 2010, available at: http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2010/579 and 2012, available at: http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2012_376.pdf

References

¹ See, World Vision Australia, 'World Emergencies', available at: <https://www.worldvision.com.au/global-issues/world-emergencies>

² For example, mobile health and nutrition clinics in Iraq, available at: <http://www.wvi.org/iraq/about-us> and Afghanistan, available at: <http://www.wvi.org/afghanistan/gallery/world-vision%E2%80%99s-mobile-health-clinic>; mobile child protection teams for children fleeing the conflict in Mosul in Iraq, available at: <https://www.worldvision.com.au/media-centre/resource/world-vision-spearheads-efforts-to-protect-children-fleeing-mosul>; and multi-sectoral rapid response teams in in South Sudan, available at: <http://www.wvi.org/disaster-management/blogpost/living-edge-responding-south-sudan%E2%80%99s-nutrition-crisis-0>

³ General Assembly Resolution 46/182 (1991) (Strengthening the coordination of humanitarian emergency assistance of the United Nations) A/RES/46/182, available at: <http://www.un.org/documents/ga/res/46/a46r182.htm> ; Oxford Guidance on the Law Relating to Humanitarian Relief Operations in Situations of Armed Conflict, Conclusion B(i).

⁴ Such as international and domestic non-governmental organisations and inter-governmental agencies.

⁵ Additional Protocol I to the Geneva Convention (1977), Article 70; Guiding Principles on Internal Displacement, Principle 25; United Nations' Secretary-General, 'Report on Protection for Humanitarian Assistance to Refugees and others in Conflict Situations', 1998, UN Doc. S/1998/883, para 15; Oxford Guidance on the Law Relating to Humanitarian Relief Operations in Situations of Armed Conflict.

⁶ Additional Protocol I to the Geneva Convention (1977), Article 71; Oxford Guidance on the Law Relating to Humanitarian Relief Operations in Situations of Armed Conflict, Conclusion G(ii).

⁷ Swiss Federal Department of Foreign Affairs, 'Humanitarian Access in Situations of Armed Conflict: Handbook on the International Normative Framework (Version 2)', December 2014, available at: http://www.cdint.org/documents/Humanitarian_Access_Handbook-v2.pdf. United Nations OCHA, 'OCHA on Message: Humanitarian Access', April 2010, available at: https://docs.unocha.org/sites/dms/Documents/OOM_HumAccess_English.pdf.

⁸ Such as United Nations agencies, the International Committee of the Red Cross and national Red Cross and Red Crescent societies, and humanitarian non-government organisations (NGOs). Humanitarian actors must comply with the humanitarian principles.

⁹ In the case of armed conflict, humanitarian access is governed by the rules of international humanitarian law, notably the Fourth Geneva Convention, Additional Protocol I, and customary international law (ICRC Study on Customary International Humanitarian Law, Rule 55). The legal framework for access in armed conflicts is clearly explained in the 'Handbook on the International Normative Framework' available at: http://www.cdint.org/documents/Humanitarian_Access_Handbook-v2.pdf and in Felix Schwendimann (2011) 'The legal framework of humanitarian access in armed conflict' *International Review of the Red Cross*, Vol. 93, No 884, pp.993 – 1008, available at: <https://www.icrc.org/eng/assets/files/review/2011/irc-884-schwendimann.pdf> In the case of natural disaster, international human rights law (such as the right to life, food, water, and health) establish the case for humanitarian access where the state is unable to fulfil these basic needs.

¹⁰ General Assembly Resolution 46/182 (1991), para 2; D Mancini-Griffoli and A Picot, 'Humanitarian Negotiation: A Handbook for Securing Access, Assistance and Protection for Civilians in Armed Conflict', 2004, Geneva, Centre for Humanitarian Dialogue; Gerard McHugh and Manuel Bessler, 'Humanitarian Negotiations with Armed Groups: A Manual for Practitioners', 2006, New York, UN OCHA; Oxford Guidance on the Law Relating to Humanitarian Relief Operations in Situations of Armed Conflict, Conclusion A(ii).

¹¹ United Nations Security Council, 'Report of the Secretary-General on the protection of civilians in armed conflict', 2010, UN Doc. S/2010/579, available at: http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2010/579

¹² For example, see the following United Nations Security Council Resolutions: 1894 (2009) (Protection of civilians in armed conflict) available at: [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1894\(2009\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1894(2009)) ; 2268 (2016) (Cessation of hostilities in Syria), available at: http://www.securitycouncilreport.org/atf/cf/%7B65BF9F9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_res_2268.pdf ; 2297 (2016)(Somalia), available at: http://www.securitycouncilreport.org/atf/cf/%7B65BF9F9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_res_2297.pdf ; 2252 (2015)(Renewing the mandate of the peacekeeping mission in South Sudan), available at: http://www.securitycouncilreport.org/atf/cf/%7B65BF9F9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_res_2252.pdf ; 2296 (2016) (Renewing the mandate of the peacekeeping mission in Darfur), available at: http://www.securitycouncilreport.org/atf/cf/%7B65BF9F9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_res_2296.pdf