

Workshop on Humanitarian Principles

Fictitious Case:

“Press conference: Humanitarian assistance in Apamia”

Group preparation: 15 minutes

Role play: 30 minutes (3 minutes of presentation per group (total: approximately, 10 minutes), 20 minutes for questions)

Debriefing: 15 minutes in plenary session

Role of participants¹:

Group A: 1 ICRC Chief of Delegation in Apama and 2 Deputy Heads in charge of humanitarian operations

Group B: 1 Representative of Médecins sans frontières and 2 assistants in charge of humanitarian operations

Group C: Secretary General of the Apamian Red Crescent and 2 Officers in charge of humanitarian operations

Group D: Journalists from “BBC News”, “Geneva Info”, “The Daily-Facts”, “Al-Jazeera” and “Break-Down News”²

In the State of Apama, a civil war has taken place and several regions are controlled by the rebels. In these areas controlled by the opposition, some doctors have pointed out medicines and food shortages. The ICRC in partnership with the Apamian Red-Crescent are the only organisations authorised by the government of Apama to distribute aid. Nevertheless, only a portion of the latter is reaching the areas defended by the opposition. Allegation of war crimes from all parties of the conflict have also been made in the press (e.g. indiscriminate bombardments, destruction of cultural objects).

The ICRC is present in the capital and supply food and medical aid in the regions controlled by the government but does not have access in the rebel zones due to the lack of consent from the government. Recently, the Human Rights NGO « Justice for All » delivered the following statement: « the ICRC plays the game of the Apamian government while maintaining a silence of guilt”.

The NGO Médecins sans frontières did not have the authorization of the government to intervene in the Apamian territories. The NGO thus decides to supply from the neighbouring

¹ For an audience made of participants who are not familiar with IHL and the thematic issue of the Fundamental Principles, the roles can be pre-assigned: i.e. before starting the required readings (first phase of the workshop), the participants will already know for which organization they will play the role.

² This role is meant to be played by the trainers. Please, see the user’s guide on this point.

countries some national doctors taking clandestinely care of wounded persons. After six months, Médecins sans frontières decides to open 3 hospitals in the rebels' zones.

The Apamian Red-Crescent appears to be rather not accepted in the rebels' zones as it is perceived as being pro-government. Several volunteers have recently been killed. Some rumours show that the Apamian Red-Crescent is considering the possibility to make use of armed guards of Sarafati nationality in order to cross the front lines. The rebels are moreover constituting their own national society, the Red Star.

Médecins sans frontières, the ICRC and the Apamian Red-Crescent are invited by some journalists from "BBC News", "Geneva Info", "The Daily-Facts", "Al-Jazeera" and "Break-Down News" to a press conference in order to present their respective positions in light of the facts of the situation and discuss the different approaches of their organisations.

In their initial presentations, participants should focus on the following aspects:

ICRC representatives:

- Humanitarian principles
- No access in the rebel zones due to the lack of consent from the government
- Answer to statement made by the Human Rights NGO « Justice for All »

MSF representatives:

- Humanitarian principles
- No authorization of the government to intervene in the Apamian territories
- Supplies of national doctors from neighbouring countries, who operate wounded persons clandestinely
- Opening of 3 MSF hospitals in the rebel's zones

Apamian Red-Crescent representatives:

- Humanitarian principles
- No acceptance in the rebels' zones because of the perception it is being pro-government
- Possibility to make use of armed guards of Sarafati nationality in order to cross the front lines
- Constitution of the "Red Star national society" by the rebels

After the short presentations, the questions from journalists will focus on:

- the inherent challenges involved by humanitarian coordination
- the respect of the humanitarian principles
- the notion of humanitarian access and its conditions

In light of the urgency of the situation and the debate it has generated within the public opinion, the journalists will be very curious to hear the position that the organisations will adopt and how they will answer to the multiple questions after their respective short presentations (5 min each).

Given the high number of questions expected, a journalist from "The Diplomat" will moderate the interventions.

Possible questions from journalists (in case the audience is made of participants)³

a. Questions to all:

- What does it mean to be engaged in humanitarian activities? Does the fact of being engaged in humanitarian activities implies to be a humanitarian organisation?
- Aren't humanitarian organisations all bound to act in accordance with the Fundamental Principles? Isn't it also an obligation of States? I am bit confused.
- I read that the Fundamental Principles should be interpreted with a certain flexibility, but is there a "red line" and don't you think you have passed it at several occasions in the present civil war in Apama?
- Yesterday, I had the opportunity to interview an expert of IHL from Geneva and she mentioned the fact that, under IHL, neutrality and independence are not legal requirements strictly speaking; however, is it possible to be impartial and humanitarian without being neutral and independent?
- Shouldn't there be a direct correlation between the increased number of humanitarian organisations working during armed conflicts and more effective assistance of the civilian population? Given the situation in Apamia, it does not appear so. Do organizations first think of respective identities and funding before thinking about helping civilians?
- Humanitarian practitioners risk their lives: how would you explain this declining respect for humanitarian organisations? You should care about your personnel! Does the greater number of humanitarian organisations contribute to this declining respect? And if so, don't you have the responsibility to act accordingly? As a humanitarian organisation, you should envisage proposals for solutions!

b. To the Apamian Red-Crescent:

- The ICRC does not appear to act in accordance with the principles: how can then the Apamian Red-Crescent act in partnership with it?
- How would you reconcile the definition of "personnel of National Societies" given in art. 26 GC I with their adherence to the Fundamental Principles of the Red Cross and Red Crescent; isn't there a conflict between the two?
- There have been some rumors that the Apamian Red-Crescent is considering to make use of armed guards: wouldn't this be in conflict with the Fundamental Principles of the Mouvement?

³ These questions are structured and phrased in such a way to guide the participants pedagogically. The questions should be framed by the journalists in light of what has been said by each group during their presentation and in light of the answers given. The questions are only indicative and non-exhaustive. The trainers should in addition be careful to not concentrate the questions to one group only as this in practice can easily happen.

For an audience of humanitarian practitioners, more challenging questions should be formulated and to follow this structure should not be necessary. The present questions can nevertheless constitute a source even in the latter case.

- Is it necessary for the Apamian Red Crescent to make use of armed guards? Why? And why only of Safarati nationality? Isn't the Apamian Red Crescent protected by its emblem?
- Given that it is an auxiliary of the government, isn't the Apamian Red Crescent already protected by it?
- How does the Apamian Red-Crescent intend to react to the fact that the rebels are constituting their own national society, the Red Star?

c. To the ICRC:

- Does the ICRC need the consent of the government to get access to populations in need in Apamia?
- For the areas controlled by the rebels?
- Many state that this consent is necessary but this requirement makes it impossible for humanitarian organisations to provide assistance: the ICRC being considered the guardian of IHL, I would be interested to hear its position on this.
- Why the ICRC does not acts as MSF: i.e. supplying medical staff and items from neighbouring countries, so that they act clandestinely to take care of wounded persons? All wounded persons should benefit from humanitarian assistance!
- Isn't there a risk for the ICRC to act in partnership with the Apamian Red Crescent in this case?
- The NGO "Justice for All » delivered the following statement: « the ICRC plays the game of the Apamian government while maintaining a silence of guilt." I support this statement: its alleged neutrality appears to be a form of complicity. How can the ICRC justify its approach?
- Can the ICRC denounce those blatantly committed war crimes?

d. To Médecins sans frontières:

- From how MSF acted, it could be deduced that humanitarian organisations have a right of humanitarian access in any conditions. Is it really so? Don't you fear to expose your personnel to targeted attacks?
- Are states ever obliged to allow you humanitarian access on their territory? What about their sovereignty?
- In any case, without gaining first the consent of the government, isn't MSF approach potentially counter-productive by putting its humanitarian activities at risk over the long-term?
- Can MSF act in a non-neutral way while being impartial in Apama? I.e. by only helping victims supporting the rebels' side while distributing relief solely on the basis of the needs of those victims?