WINNING BACK THE HUMAN RACE

Report of a conference
on the legacy of the
Independent Commission on
International Humanitarian Issues (ICIHI)

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Introduction to the conference

More than 150 people gathered at Chatham House in London on 14 November 2017, for an event titled 'Winning back the human race: a conference on the legacy of the Independent Commission on International Humanitarian Issues (ICIHI)'. The conference also provided an important opportunity to remember the Commission's dynamic Secretary-General, Zia Rizvi, who had passed away one year earlier.

HRH Prince El Hassan bin Talal of Jordan, who was Co-Chair of the ICIHI, served as Patron of the conference, which was chaired by Lord Malloch-Brown, former Deputy Secretary-General of the United Nations. Other high-level speakers included Lord Owen, former UK Foreign Secretary and a Commissioner of ICIHI, Mark Lowcock, the UN's Emergency Relief Coordinator and Under-Secretary-General for Humanitarian Affairs, Josette Sheeran, former Executive Director of the World Food Programme, and Baroness Frances D'Souza, former Lord Speaker in the House of Lords.

The one-day conference examined the progress that has been made over the past three decades in relation to three major global issues, examined by ICIHI during its work from 1983 to 1986: humanitarian action and the laws of war; refugees and the dynamics of displacement; and the persistence of famine and food insecurity. The conference concluded with a discussion of the past, present and future of humanitarianism.

The conference was kindly sponsored by Riaz Rizvi, Chatham House, the Humanitarian Leadership Academy, Overseas Development Institute and Refugee Studies Centre.

At the time of writing, two ongoing initiatives have emerged from the conference. The first is a growing movement of protest and outrage at the callous disregard for international law by parties to many of today's conflicts, where the UN Security Council seems powerless to intervene to stop the slaughter of civilians, or to hold the perpetrators of these horrendous crimes to account. That movement is titled 'United Against Inhumanity'. Those interested in being included on a mailing list for updates can write to Audrey Sala at the journal *Alternatives Humanitaires*, audrey.sala@alternatives-humanitaires.org.

The second initiative emerged from the discussion in the first panel of the conference and is a proposal for a book, to be co-edited by Martin Barber and Emanuela-Chiara Gillard, on the principles of impartiality and neutrality, as they apply to humanitarian organizations seeking to undertake humanitarian action in favour of civilians in situations of ongoing armed conflict. Updates on the progress of this project will be posted periodically on the conference website at www.ibhi.org."

This report was prepared by Jeff Crisp and Martin Barber, two members of the Organizing Committee established for the conference. The report represents their interpretation of the day's proceedings.

Executive Summary

Humanitarianism: past, present and future

ICIHI was a visionary undertaking, whose recommendations on a range of important humanitarian issues remain relevant today. In that respect, it must be acknowledged that many of the Commission's objectives remain to be fulfilled. Millions of people are victims of armed conflict, human rights violations, forced displacement and food insecurity. Humanitarian action is increasingly undertaken in situations of persistent insecurity, the blatant disregard of International Humanitarian Law (IHL) by states and other actors, as well as a climate of impunity for crimes against humanity.

Hopes that the UN Security Council would be able to prevent and resolve armed conflicts after the end of the Cold War have been dashed. Political and military actors, including the Security Council, have become increasingly involved in humanitarian action.

Despite renewed talk of 'localization', especially in the aftermath of the 2016 World Humanitarian Summit, humanitarian action is still dominated by governments, institutions and individuals from the Global North. States and societies are increasingly preoccupied with their own interests, and the sense of outrage and solidarity required to create a more peaceful and equitable world simply does not exist. 'Winning the human race', the title of ICIHI's final report, remains a distant challenge.

Since the work undertaken by ICIHI, there has been a massive expansion in the discourse on humanitarian issues. Even so, the Commission's final report has some important attributes. It contains strikingly little jargon. It adopts a broad definition of 'humanitarianism'. And a number of its recommendations have since been taken up and implemented by the international community.

Despite its many challenges, it would be misleading to describe the current humanitarian sector as being 'broken'. It has responded to new threats, expanded exponentially, has become more diverse and more professional. At the same time, the sector's growth has not matched the demands made upon it. The sector also remains top-down and technically obsessed.

The humanitarian sector is not satisfying its key stakeholders. Those people who are assisted by the sector regard it as being opaque, unpredictable and difficult to navigate. They feel either ignored or over-consulted, but almost never genuinely listened to.

Those engaged in humanitarian operations are preoccupied by the limited resources available and the insecurity and restrictions on access which confront them. Those trying to coordinate the sector are disturbed by the duplication and waste generated by

the self-interest of individual agencies. Actors based in the Global South feel squeezed, sidestepped and exploited.

The human voice is being lost in the discourse on humanitarian issues? The sector appears to be fixated on numbers, data, analysis and analytics. There is a serious risk that the humanitarian community will be distanced and even alienated from the very people that it is intended and is claiming to serve.

Please refer to pages 5 to 9 and 22 to 23 of this report for further details of this discussion.

Humanitarian action and the laws of war

ICIHI placed a great of emphasis on disseminating and promoting a better understanding of IHL, and made a number of recommendations as to how these objectives might be attained. It was noted that the Commission's leaders, most notably Prince Sadruddin Aga Khan and Zia Rizvi, had been central to the development of the 'humanitarian consensus' in Afghanistan in 1989, which had allowed the UN to provide aid across borders and front-lines in that country, largely on the basis of need.

By way of contrast, in Syria today, aid agencies have accepted an operating environment in which IHL is routinely violated and the assistance they provide is instrumentalized to further the military and political interests of the warring parties.

The conference concluded that the current indifference with respect to violations of IHL must be challenged and replaced with a sense of outrage at the treatment of civilians affected and displaced by armed conflict. That sense of outrage will have limited impact, however, if it is confined to humanitarian and human rights professionals. Popular mobilization is essential. Finally, the language of crisis can be counterproductive if it is overused and generates a sense of helplessness. In seeking to promote respect for IHL and international refugee law, it is important to promote and build upon positive examples.

Please refer to pages 10 to 13 of this report for further details of this discussion.

Refugees and displaced people

The conference observed that much of ICIHI's 1986 report on human displacement remains highly relevant today, and in that respect, the global refugee situation has changed far less than is generally thought to be the case. ICIHI sought to promote a more holistic, proactive and homeland-oriented approach to the issue of human displacement. This cause was taken up by Commission member Sadako Ogata when she became UN High Commissioner for Refugees five years later, although the international refugee protection regime proved resistant to this new paradigm.

The conference identified a number of ways in which the protection, assistance and solutions available to the world's displaced people could be strengthened. Sympathetic political leaders and other personalities could be encouraged to take a firm public stand in favour of refugee protection principles. States should be reminded of the obligations they have freely assumed under international law and as members of the UN.

Refugee-hosting countries should be provided with political, economic and developmental incentives to pursue progressive refugee policies. And a range of different constituencies should be mobilized, including uprooted people themselves, to lobby for the fair treatment of refugees and the displaced and to hold governments to account for their action.

Please refer to pages 14 to 18 of this report for further details of this discussion.

Famine and food insecurity

The conference observed that millions of people have been lifted out of poverty in the 30 years since the Commission completed its work. Even so, famine and acute food insecurity continue to affect the citizens of several countries, particularly but not exclusively in Africa. While there is a global food surplus, variables such as climate change, water scarcity, population growth, armed conflict, economic mismanagement and inequitable trading relationships condemn many people to hunger.

In terms of famine prevention and response, the past three decades have witnessed many advances. Early warning systems have become more sophisticated and effective. The logistics of emergency relief have been strengthened. Cash-based assistance programmes have in some contexts replaced the distribution of food that has been procured and shipped from the other side of the world. Nutritional supplements are increasingly used to ensure that the most vulnerable members of affected populations do not succumb to hunger-related conditions.

In principle, famine and food insecurity can largely be averted, even in countries affected by extreme climatic conditions. But in too many situations, political considerations prevent effective action from being taken. Political leaders refuse to acknowledge the suffering of their citizens and fail to accept responsibility for taking appropriate action on their behalf. At the same time, donor state concerns that food aid will fall into the hands of terrorist and extremist groups has on some occasions led to a 'safety first' approach which deprives hungry people of the assistance they so urgently need.

Please refer to pages 19 to 21 of this report for further details of this discussion.

The Independent Commission: origins and impact

Welcoming participants to the conference, the Director of Chatham House explained that the purpose of 'Winning back the human race' was to take a close look at the ideas, recommendations and contemporary relevance of the Independent Commission on International Humanitarian Issues (ICIHI), which had completed its work in the mid-1980s. In that respect, it was a particular pleasure to welcome HRH Prince El Hassan bin Talal of Jordan, co-chair of ICIHI, and Lord David Owen, one of the Commission's members.

The meeting had been inspired by the sad loss of Zia Rizvi, the Secretary-General of ICIHI, a visionary thinker who had devoted his life to the task of protecting the victims of armed conflict, communal violence, human rights violations and natural disasters. It was an enormous privilege to welcome Zia Rizvi's wife and members of his family to the conference, and to thank them for the important role that they had played in the organization of the event.

The Director explained that the human dimensions of security had been central to the work of Chatham House for the past 30 years, and formed a specific focus of the International Law Programme, which was established 12 years ago. "The issues championed by the Commission sadly remain as relevant today and in some respects are now even more pressing." The humanitarian dimensions of security had been pushed to one side in many respects, as seen by recent events in countries such as Myanmar, Syria and Yemen, as well as the apparent demise of the 'Responsibility to Protect' principle which had been unanimously endorsed by all UN member states in 2005.

In order to analyze these developments in more depth, Mark Lowcock, UN Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, was invited to present the conference's keynote address, titled 'Contemporary armed conflicts, humanitarian action and the laws of war'.

In his presentation, Mr Lowcock explained how the complexity of modern conflict poses particular challenges for humanitarians and outlined the progress made in developing a normative framework to protect civilians in conflict. He then set out three areas where more action is needed to reduce civilian suffering: changing the behaviour of belligerents; holding perpetrators to account and ending impunity; and ensuring that humanitarians can stay and deliver where they are needed, even as fighting continues around them. A copy of this presentation can be found as an annex to this report.

Following Mark Lowcock's keynote address, HRH Prince Hassan observed that the ICIHI had been established with the purpose of addressing three types of situation: those in which mankind was fighting mankind; those in which mankind was fighting the forces of nature; and those in which mankind had created its own disasters.

With respect to the question of armed conflicts, the hopes once placed in the Security Council could no longer be sustained. The Council was moribund in many respects, and its Permanent Members were directly or indirectly engaged in a number of armed conflicts, especially in the Middle East. As a result, a disproportionate number of the world's refugees and displaced people are to be found in that region of the world. Unfortunately, he said, "frontiers have been closed off and walls are being built" in response to the movement of refugees.

At the same time, the delivery of humanitarian assistance to displaced, besieged and war-affected populations is in many cases being deliberately obstructed by the belligerents and their supporters. As the Commission had asked, is it not possible to establish a declaration on the right to humanitarian assistance, setting out the basic principles that the parties to armed conflicts should respect?

Looking to the future, it was difficult to know what the shape of armed conflict might be. Enormous sums of money are being spent on the development and purchase of arms, and it might only be a matter of time before we see the deployment of lethal autonomous weapons systems.

With respect to mankind's fight against the forces of nature, the issue of access to water is certain to become an increasingly pressing one, as the ICIHI had pointed out in its work on desertification, deforestation and famine. Unilateral approaches to the question of water will only increase the potential for conflict between states and inequality within them. It is now time for the issue to be given a more elevated position on both international and national agendas.

While we might label such issues as 'humanitarian', they raise important issues about the distribution of political and economic power. In autocratic states, demands for the poorest sections of society to enjoy a more equitable share of the cake might well be regarded as subversive and resisted by those at the top of the pyramid of power. At the international level, famines and food insecurity are self-evidently not a result of 'natural disasters', but are at least in part the outcome of decisions taken in relation to issues such as deregulation, financial speculation and the manipulation of global markets. Ironically, the Prince concluded, "the people who are hungriest are those who have dedicated their lives to food production."

In his presentation, Lord David Owen underlined the significance of ICIHI. On one hand, it had identified a number of growing global issues, subjected them to rigorous analysis and set out a coherent set of recommendations as to how they might be most effectively addressed. On the other hand, and in this respect the Commission was ahead of its

time, ICIHI had put a great deal of thought into the way the results of its work could be communicated to a wide public audience. Zia Rizvi, he pointed out, had been a driving force behind this dimension of ICIHI's activities.

Lord Owen went on to provide an overview of some of the ways in which the Commission had disseminated its findings and recommendations. First, he recalled that the co-chairs of ICIHI (Prince Hassan of Jordan and Prince Sadruddin Aga Khan) had insisted that the Commission's work should not come to an end with the publication of its final report, 'Winning the human race'. Members of the Commission were expected to propagate its findings and recommendations in their own countries, regions and networks, and to incorporate the principles promoted by ICIHI in their future work. A striking example of this approach was to be found in the case of Sadako Ogata, an ICIHI Commissioner who went on to serve as UN High Commissioner for Refugees for a decade-long period.

Second, Lord Owen drew attention to the fact that ICIHI had not limited itself to the production of reports. "There was huge informational work to be done with the general public and media," he said, explaining the rationale for ICIHI's decision to produce six documentary films for TV under the name of 'Humanitas'. Lord Owen reminded the audience that social media did not exist at this time, but that newly established cable and satellite outlets such as the Discovery Channel were eager to access new content. As a result, the Humanitas films were "broadcast day and night, reaching an audience of millions in the process."

Third, the work of the Commission formed the basis of several other initiatives intended to prolong and deepen the discourse on humanitarian principles and action. The University of Liverpool, for example, agreed to sponsor a series of lectures in Liverpool as well as Belfast and Dublin, at a time when the 'troubles' in Northern Ireland were threatening the lives and rights of many people. And in order to give this initiative an international and comparative perspective, a particular effort was made to identify the lessons that could be learned from South Africa's experience in dealing with the issues of inequality and justice. In addition, the Commission inspired the establishment of a Diploma in International Humanitarian Assistance, an initiative based at Fordham University in New York and which continues today.

Finally, the Commission was significant in its strong orientation towards the Middle East, the Moslem world and the Global South, as demonstrated by the leading role played in the initiative by Prince Hassan, Prince Sadruddin Aga Khan and Zia Rizvi. Many of the world's most pressing humanitarian crises are to be found in the 'arc of crisis' that stretches from Bangladesh to Libya, incorporating countries such as Afghanistan, Iraq, Syria and Yemen. Any effort to promote humanitarian principles and enhance the effectiveness of humanitarian action must now build on the lessons to be learned from recent experience in that part of the world.

During a lunchtime session, the conference continued to consider the work, impact and contemporary relevance of the work undertaken by ICIHI.

One speaker pointed out that the international community is still grappling with the issue of aid effectiveness. An enormous amount of time, effort and money had been devoted to this issue since the Commission sat, particularly after the Rwandan and Balkans crises of the mid-1990s.

But has the impact of humanitarian action been reinforced in a commensurate manner? More specifically, are aid agencies making use of relevant evaluation methods? Has coordination and leadership improved amongst the multitude of actors now engaged in humanitarian emergencies? Are funds disbursed with sufficient speed and used to meet the most serious and urgent needs? And why do the women and children who are supposed to be prioritized by humanitarian assistance programmes continue to experience so much abuse and exploitation?

While agreeing on the importance of such questions, a second speaker suggested that there was also room for optimism, given the progress that has been made in certain areas since the Commission did its work. In the 1980s, for example, the question of climate change and related issues such as desertification and deforestation did not generate a great deal of political or public interest.

That is no longer the case. Few political leaders or commentators would now dispute the fact that environmental degradation is a transnational issue, with the energy policies pursued by the industrialized states having a decisive impact on developing countries and the planet world as a whole. By raising awareness of these issues, ICIHI had played an important role in reinforcing the principles of multilateralism and global governance.

While those principles have come under attack from some quarters in recent years, the Commission's key message was one of hope. As the planet's key challenges are essentially man-made, it concluded, "our future is essentially in our own hands." And while ICIHI was focused on the big picture, it also emphasized the role of local communities, actors and structures in averting and addressing life-threatening events.

In that context, it was of particular significance that the successor to ICIHI, the International Bureau on Humanitarian Issues, had focused its attention on local capacity-building in specific communities, assisting officials, educators, community leaders and minority populations to be aware of the rights to which they were entitled. In the pre-internet period, this was a laborious task, requiring relevant documents to be identified, translated, printed, disseminated and explained to people at the grassroots level.

Concluding the lunchtime discussion, a final speaker underlined the way in which technology is changing the face of humanitarian action, a development that the Commission could not have envisaged back in the 1980s. It is now possible, for example, to solicit the views of refugees, to provide them with information and even to

distribute cash to them through the medium of mobile phones. Similarly, drones and satellite imagery can be used to assess the situation in disaster and war-affected areas that are beyond the physical reach of aid organizations.

At the same time, the speaker emphasized, the issues examined by ICIHI will not be resolved by means of technology alone, especially at a time when so much ground has been lost with respect to humanitarian principles. In Syria, for example, there has been no effort to establish the kind of humanitarian consensus that was once established in Afghanistan. Sadly, many of the parties to the Syrian conflict have been prepared to sacrifice humanitarianism principles to their political, military, security and ideological interests.

Such developments, the speaker explained, had an important impact on Zia Rizvi's thinking. Zia came from a generation that was enjoying the first fruits of his country's independence from colonial rule, and had a great deal of confidence in the capacity of governments to change lives for the better. That generation was somewhat sceptical about the role of civil society.

As his life progressed, however, Zia became increasingly disappointed with the performance of governments, recognizing that they were often captured by elites who had little interest in looking after the marginalized sections of society. "If Zia was with us today, he would say that we cannot entrust states with the task of resolving the Syrian conflict. He would be appalled by the way that the Security Council has captured the humanitarian agenda. He would want mobilize the outrage and indignation of civil society in order to put pressure on political leaders. His appeal to us would be to go out and fight so as to win back the human race."

**Contemporary armed conflicts:
humanitarian action and the laws of war**

According to the opening speaker, the Commission's interest in this theme had been driven by four main concerns: the development and proliferation of lethal weapons of mass destruction; an alarming rise in state expenditure on their armed forces and weapons systems; the proliferation of armed conflicts and proxy wars at national and regional levels; and the spread of communal conflicts in which people were targeted on the basis of their ethnic, religious or other identity.

In this context, ICIHI had been eager to identify ways in which International Humanitarian Law (IHL) might be revitalized and given greater authority, possibly by creating a clear and concise restatement of the fundamental rules of war. The Commission was concerned that the states and non-state actors involved in armed conflicts did not always understand what they could and could not do under IHL. In addition to such a 'code of conduct', the Commission felt that the use of 'good offices' and commissions of inquiry could be used more effectively to influence the behaviour of parties to armed conflicts, as could public opinion and media exposure.

The first segment of the panel discussion focused on Afghanistan in the 1990s, with particular reference to the UN's efforts to negotiate a 'humanitarian consensus' with all the parties to the conflict, including the different political/military factions within the country as well as external powers such as Iran, Pakistan, the Soviet Union and the USA. By acting as an 'honest broker' between these different actors, the UN was able to work across international borders and across the frontlines of the armed conflict within Afghanistan. At the same time, the UN succeeded in establishing the first humanitarian mine action programme, an initiative that provided the Afghan people with a tangible demonstration of the world body's determination to mitigate the human consequences of the war.

Turning to the present day, the panel examined the situation in Syria, focusing particularly on the way that sieges, starvation and the targeting of medical facilities have been used as weapons of war by the regime in Damascus. At the same time, international humanitarian assistance has often been funneled through state institutions and shared with militia groups that are fighting alongside government forces. According to one speaker, "humanitarian funding provided by the international community actually ends up fuelling the war, rather than making the situation better for the Syrian people."

Non-state actors engaged in the Syrian conflict are also instrumentalizing aid. Humanitarian assistance has been excluded from some of the areas freed from ISIS, while a similar situation has arisen in liberated areas of Iraq such as Ramadi and Mosul. In those locations, militia groups have set up so-called 'screening camps' which have been used not only to identify ISIS members but also to settle old political scores and to prevent humanitarian agencies from gaining access to the detainees.

One speaker suggested that when working in difficult and dangerous environments such as Syria and Iraq, there was little to be gained by invoking the notion of the 'humanitarian imperative.' On one hand, the speaker argued, the notion "does not exist in IHL or any other body of law." On the other hand, it "lulls us into a false sense of security" by suggesting that the enormous military, political and other constraints to effective humanitarian action can simply be wished away. In fact, "we need to fight and negotiate for humanitarian objectives, every step of the way."

A member of the audience pointed out that humanitarian agencies are increasingly invited and induced to enter into deals with the parties to armed conflicts. Assistance can be provided to one group of people, for example, only on condition that a similar amount of assistance is provided to another group of people, irrespective of their real and relative needs. Similarly, parties to an armed conflict might allow the evacuation of people from one location, but only on condition that the same number of people are allowed to leave another location.

"We are negotiating things that we should never be negotiating," the speaker observed, pointing out that such deals represented "a huge threat to the fundamental principles of impartiality and neutrality and a serious reduction in the humanitarian space in which we work." Responding to this observation, another speaker suggested that we are now living in "pre-Solferino times," referring to the era prior to the establishment of the ICRC and its codification of the laws of war.

The same speaker went on to say that it has proven very difficult for the UN and for aid organizations to engage and negotiate with actors who share none of the same values and who denounce the whole humanitarian enterprise. In addition, the speaker suggested, the UN lacked the quality of leadership that it once enjoyed and had become increasingly institutionalized and bureaucratized. "On the ground, the agency of individual aid workers is much weaker than it used to be, partly because new technology has allowed them to be in constant communication with their superiors, and partly because they cannot act until all sorts of security arrangements are in place." The humanitarian enterprise has become much larger and now has the capacity to save more lives than was the case in the past. "But it has lost some of its 'can do' attitude."

The absence of a humanitarian consensus has made it increasingly difficult for international aid agencies to operate in traditional ways. Two years ago, for example, around 70 per cent of all medicines going to northern Syria were provided by one such organization. But it was obliged close down all its facilities in the region when a number of its doctors were kidnapped by ISIS. "The organization was built on the principle of being present on the ground. But now they had to leave the country and establish an entirely new, cross-border operational model, based on the presence of local actors at the point of delivery." This, it was explained, created huge managerial dilemmas for the organization.

The conference was also informed that the parties to armed conflicts are increasingly

ready to target medical facilities, thereby breaching a fundamental principle of IHL. In a number of countries, such attacks had taken place even when belligerents had been provided with the coordinates of such facilities so as to avoid any collateral damage. "Humanity is being sidelined by the pursuit of political and military goals."

Agreeing with this observation, a member of the audience pointed out that gaining respect for IHL is fundamentally not a legal or technical matter, but is rooted in morality, ethics and education. "In those respects, equal attention must be given to influencing the behaviour of decision-makers in both developing countries and the industrialized world.

While agreeing with the need for such an approach, one speaker suggested that in the short-term at least, violations of IHL would continue to take place. As a result, affected populations would look for safety and sanctuary beyond the borders of their own country. In this respect, the speaker suggested, the issues of atrocity and asylum represent two sides of the same coin.

Elaborating on this point, another speaker drew attention to the fact that the world's most prosperous countries, especially but not exclusively in Europe, are investing enormous sums of money in the task of keeping refugees out of the continent. There was a need to mobilize citizens against this trend. And there was evidence to suggest that civil society, locally-based initiatives and transnational social movements might be more successful in this respect than large, formal and highly institutionalized humanitarian organizations.

Another speaker confirmed this analysis, pointing to the popular protests that took place across the globe against the war in Viet Nam. "There was a sense then that the situation could be changed. We don't have that now and we have to find a way of regenerating it, both in relation to the prevention of atrocities and the defense of asylum."

Reflecting on this challenge, another speaker suggested that in the context of the Middle East, "conflict seem to have become routinized and normalized. People simply consider that violence is a natural phenomenon in that area of the world." Particularly tragic or poignant incidents might create a temporary media storm, but they do not lead to changes in policy.

Responding to these observations, one speaker stated that it would be misleading to suggest that IHL is routinely and universally violated. In some contexts it is complied with in a rather systematic manner, although such situations rarely attract the attention of the media. It would be useful to identify those armed conflicts in which compliance with IHL has been relatively high, with a view to gaining a better understanding of what allows that outcome to be attained and whether those circumstances can be replicated elsewhere.

The speaker agreed that education and awareness raising were of vital importance with

regard to the promotion of IHL, and in that respect underlined the need for a wide ranging approach, engaging with primary and secondary schools, colleges and universities, civil society and faith-based organizations, as well as the media.

In terms of advocating for change, timing is often crucial, the chances of success being much greater if the right topic is promoted at the right moment. In 2006, for example, the issue of cluster munitions came to the fore as a result of their use in southern Lebanon. After an intensive lobbying effort, the Convention on Cluster Munitions was established in 2008 and became binding international law two years later.

In a concluding contribution, the chair of the panel identified the key 'takeaways' to be drawn from the preceding discussion. First, the current indifference and resignation with respect to violations of IHL must be challenged, and replaced with a sense of outrage with respect to the treatment of civilians who are affected and displaced by armed conflict.

Second, while effective leadership is vital, that sense of outrage will have limited impact if it is confined to humanitarian and human rights professionals. Popular mobilization is essential. Finally, the language of crisis can be counterproductive if it is overused and generates a sense of helplessness. In seeking to promote respect for IHL and international refugee law, it is essential to promote and build upon positive examples.

Refugees:
the dynamics of displacement

The chair opened the session by drawing attention to some passages from the ICIHI's 1986 report on refugees. The first observed that "the experience of recent years does not leave room for optimism regarding the future. Just as one refugee situation diminishes or stabilizes, new mass exoduses occur elsewhere."

The second noted that "the industrialized states are adopting what appear to be contradictory standards. They expect and assume that some of the world's poorest countries will maintain an open door policy towards millions from neighbouring states, but they are increasingly reluctant to grant asylum to the thousands who arrive on their own territory."

And the third stated that "there are millions of uprooted people who are unable or unwilling to leave their own country. They are in the jargon of the refugee specialists 'internally displaced' and do not qualify for the kind of protection and assistance offered to refugees.'

The first speaker suggested that all three of these statements remain highly relevant today, and that the continuities in the global refugee situation are often ignored or downplayed. Many contemporary commentators suggest that the refugee problem is now much bigger and more complex than it was in the past, that it has many new characteristics and that protection standards have steadily declined. But this is to some extent a false narrative, and many of the refugee and displacement issues that we are grappling with today are not fundamentally different than they were in 1986. Indeed, large sections of the ICIHI report could be republished today, and few people would realize that they were written 30 years ago.

The speaker then went on to identify some significant features of the ICIHI report. First, it was not simply about refugees and asylum seekers, but also looked at a range of other phenomena, including internal displacement, mass expulsions, urban removal programmes and compulsory relocation schemes, as well as displacement caused by environmental degradation and development programmes. At the same time, the 1986 report asked whether the traditional distinction made between refugees and other migrants was a meaningful and sustainable one - a discussion that has been given new life by the mass influx experienced in Europe in 2015-16.

The speaker pointed out that the ICIHI report on refugees included a very clear recommendation for the establishment of a new, more dynamic, coordination body within the UN. And that was exactly happened five years later, with the creation of the Department of Humanitarian Affairs. In addition, the report called very clearly for a set of minimum humanitarian standards that could be applied to refugees, displaced people and conflict-affected populations. As can be seen from the completely unacceptable

conditions experienced by Rohingya refugees in Bangladesh, IDPs in South Sudan and the conflict-affected populations of Yemen, this issue remains to be resolved.

Finally, in its work on refugees and displaced people, the Commission had placed a strong emphasis on the need for solutions. That continues to be a major challenge. Refugee resettlement quotas are small, and diminishing rapidly in the case of the USA. Repatriation is limited by the intractable nature of the armed conflicts taking place in many countries of origin. And very few developing countries are prepared to allow the local integration and naturalization of refugees living on their territory.

A second speaker took up the question of the refugee/migrant distinction, pointing out that the former concept is clearly defined in international law, while the latter is not. 'Migrant' is essentially a colloquial term used to designate people who have moved from one place to another, but it does not specify why they have moved or whether they have crossed an international border in the process.

The speaker went on to suggest that the refugee/migrant distinction is not as clear cut as it is often assumed to be. There have always been situations in which people move as a result of mixed motivations, and there have always been mixed population movements which incorporate some people who meet the refugee definition and others who do not. It is also a common phenomenon for a person's legal status to change in the course of their journey, further complicating the distinction.

There has been a tendency in the past to regard refugees as people who have much more pressing protection needs than others who are on the move. It is now very difficult to sustain that argument. As we see in the movement of people from West Africa to Libya, migrants who are moving primarily for economic reasons are nevertheless confronted with many threats during their journey, some of them life-threatening. While refugee protection is essential, there is a need to ensure that everyone on the move has their rights respected.

A third speaker suggested that in some respects, the international community's response to the issue of refugees and displacement had not progressed and had even gone backwards in some respects. The speaker pointed out that in the mid-1990s, a UNHCR publication produced under the auspices of UNHCR chief Sadako Ogata, a former ICIHI commissioner, had suggested that a paradigm shift appeared to be taking place in the international refugee regime, prompted in part by the end of the Cold War.

Whereas the regime's approach to the refugee issue had traditionally been "reactive, exile-oriented and refugee-specific," it was in the process of becoming more "proactive, homeland-oriented and holistic." In retrospect, the speaker pointed out, it has become clear that the envisaged paradigm shift did not take place. In many respects, the international community's approach to the refugee issue today is not strikingly different from the way it was addressed during the time of the Commission.

The speaker went on to observe that the last UN High Commissioner for Refugees to

come from the Global South was Sadruddin Aga Khan, and that was in the 1960s and 1970s. This was an anomaly and an anachronism, given that the vast majority of the world's refugees - around 85 per cent - are to be found in developing countries.

Similarly, in the 25 years since the post of UN Emergency Relief Coordinator was established, the only person to have held that position and who came from the Global South was Brazilian national Sergio Vieira de Mello. A notable feature of ICIHI was that its three most important members - Prince Hassan, Prince Sadruddin and Zia Rizvi - all came from the Global South and all had a passionate commitment to the refugee issue.

Looking to the future, the speaker made two specific suggestions. First, there was a need to look more creatively at refugee issues, in the way that the Commission had done in the 1980s and as UNHCR had done under Sadako Ogata's leadership. More specifically, the title of the UNHCR chief could usefully be revised to that of 'UN High Commissioner for Refugee Situations', its incumbent responsible for focusing holistically on both the circumstances that have forced people to leave their own country as well as their needs in the countries to which they have fled.

Second, the speaker observed that while the international community was currently focused on the establishment of a Global Compact for Refugees, there was in fact an untapped potential for agreements to be forged at the regional level. The Economic Community of West African States, for example, had recently concluded a binding treaty on the elimination of statelessness. It was now time for this regionally-focused approach to be pursued in relation to the refugee issue.

Responding to these opening statements, the chair suggested that it would be useful for the conference to focus on the question of state accountability. Even if the global refugee situation is in many respects not too different today than it was at the time of the Commission, is it true to say that governments are increasingly ready to flout the basic principles of refugee protection, confident in the knowledge that there is no real way for them to be held to account for their actions?

According to one speaker, this is indeed the case. As with International Humanitarian Law, which had been discussed by the previous panel, both states and non-state actors are very much aware that the international refugee regime lacks compliance and enforcement mechanisms. This has been seen very clearly in the policies pursued by Australia and the EU towards asylum seekers travelling by boat. In both cases, it can be argued that the states concerned have simply disregarded the non-refoulement principle of the 1951 Refugee Convention, as well as Article 14 of the Universal Declaration of Human Rights, which entitles people to seek asylum in other states.

How can this situation be addressed? The speaker suggested that one expression that comes up time and time again in response to this question is that of "political will." If only there were sufficient political will, we would not have any new refugee situations and we would be able to resolve those that already exist. But unfortunately, the speaker pointed out, relatively little thought has been given to the meaning of 'political will' or to

the methods that can be used to generate and sustain it in a refugee context.

In that respect, it was proposed, a combination of strategies should be employed: first, encouraging sympathetic political leaders and other personalities to take a stand in favour of refugee protection principles; second, reminding states of the obligations they have freely assumed under international law and as members of the UN; third, providing governments with political, economic and developmental incentives to pursue progressive refugee policies; and fourth, mobilizing a range of different constituencies - including refugees themselves, NGOs, civil society, the private sector and general public - to lobby for the fair treatment of refugees.

Taking up the issue of public pressure, another speaker recalled the time two years ago, when a group of people posted a Facebook message, saying that they were organizing a march in London in support of refugees. "We imagined that there would be about four of us standing in the rain with placards. But two days later, 10,000 people had signed up, and when the march eventually took place, 100,000 people participated. The BBC called it the greatest act of solidarity in the UK in living memory." What is needed, the speaker suggested, is a more dynamic relationship between such concerned citizens and the specialized refugee and human rights organizations that can communicate with government at a policy level.

Another speaker asked whether humanitarian advocates had actually given too much attention to the refugee issue. Citing Syria and Yemen, the speaker observed that both countries had large numbers of people who were besieged in their own homes and communities, deprived of assistance and at risk of death by aerial bombardment. "I am wondering if international organizations, donors, decision-makers and even researchers are giving so much attention to people who have been displaced that they have forgotten about those people who are unable to move."

Another speaker concurred with the importance and urgency of this question, expressing horror in relation to the treatment of besieged populations in the two countries under discussion. "Food has been used very explicitly as a weapon of war, while bombs have been deliberately dropped on hospitals and clinics. It is astonishing that we have not been able to respond to these abuses."

Taking up issues raised earlier in the discussion, the speaker suggested that two things were needed in such situations: first, a holistic approach to humanitarian action based on people's needs and vulnerabilities, rather than their legal status or location; and second, a sense of popular outrage that makes it impossible for political leaders to ignore their plight.

Addressing the latter issue, a final speaker argued that a new civil society movement is needed, linking citizens in the Global North and Global South, with the purpose of mobilizing and channeling public pressure on states the Security Council. Citing a recent article from The Lancet, the speaker said that the atrocities in Guernica in Spain had signaled the demise of the League of Nations. Would Syria and Yemen have the

same impact on the United Nations?

Famine: why food insecurity persists

The chair opened the session by describing ICIHI's 1986 report on famine as "a fascinating and disturbing read, not only as a reminder of what was happening at the time it was published, but also with respect to the number of issues it addresses that remain on the international agenda." Famine is still with us, the chair pointed out, and we have spent the last two years talking about its re-emergence in four different countries at the same time. More people are now going hungry than in previous years, a devastating reversal of what was a positive long-term trend in relation to food security.

The first speaker pointed out that the pursuit of food security has in many respects been a driving theme of human history. In previous eras, however, there was a global shortage of food. That is no longer the case, and we now live in a world of food surplus.

In the speaker's experience, those people who are still going hungry, whether in Afghanistan, Darfur or Somalia, have no desire to rely on external support in order to feed their families. And yet there is a persistent assumption that people who are provided with assistance rapidly succumb to the 'dependency syndrome'. At the same time, many commentators repeat the familiar notion that rather than giving a man a fish, we should teach him how to fish. But in many situations, there is no pond to fish in, no net to drop into the pond, and there is so much violence taking place that it is not safe enough to fish.

One of the most critical insights of ICIHI's 1986 report, the speaker explained, concerned the way in which famines expose serious structural weaknesses in the societies where they take place. Rather than being a 'natural' phenomenon, acute food shortages occur because of dysfunctional farming systems, flawed development processes and oppressive governance structures.

Another strength of the ICIHI report was its emphasis on the way in which food shortages change the demography of affected countries by inducing people to move. When people are confronted with the prospect of starvation they have three basic choices: they can die, they can revolt, or they can migrate. While many - perhaps the majority - choose the last of these three options, moving does not necessarily resolve their plight. In too many situations, refugees and internally displaced people find that their immediate nutritional needs are not fully met by the assistance programmes established for them.

Despite this gloomy scenario, the speaker suggested, there are positive developments to report. In the realm of science and technology, for example, scientists in Pakistan and India have developed a very cheap emergency food supplement made of chickpeas which contains all of the micronutrients needed to protect a child's brain. It does not have to be refrigerated or mixed with water. It can be squeezed straight into a child's mouth. And it has the added advantage of being very tasty. Significant advances have

also been made in relation to the development of oral rehydration salts that can be provided to people who are threatened by cholera.

A third important innovation is to be found in the production of a 'lucky iron fish' that can be placed in a rice pot and which will protect a family of five from anemia for a period of five years. When the smile on the fish disappears, then it is time for it to be replaced. Finally, recent years have seen a significant movement away from the distribution of food aid (a process that is expensive, logistically difficult and which can have a negative impact on local markets) and towards the provision of cash and vouchers, increasingly delivered by means of mobile phones and ATM cards.

The discussion then turned to the issue of early warning of famine and food insecurity. Technology, communications and media coverage had improved immensely since the Commission published its report, the chair pointed out. In the contemporary world, 'hidden hunger' is a very rare phenomenon. And yet famine persists. How can that be explained?

Responding to this question, one speaker suggested that the full potential of new technology remains to be exploited. During the 2011 Somalia famine, for example, around 30 per cent of the refugees arriving in Ethiopia were carrying mobile phones. Much more could have been done to have gathered relevant information in this context.

At the same time, the speaker suggested, there is a need to be cautious about the potential for the establishment of ever-improving famine early warning systems. In around 90 per cent of the famines that have taken place over the past 150 years, governments have played a significant part in creating, perpetuating or ignoring the acute food insecurity affecting their citizens. "It would be naive," the speaker stated, "to suppose that just by having better information, governments will act on it to prevent famines from occurring. Early warning information about a famine or food crisis can actually be intensely threatening to political incumbents."

Donor states also bear some responsibility for the failure to make use of early warning information, in the sense that they are prepared to turn a blind eye to an encroaching famine when it suits them to do so. Substantiating this point, the speaker referred again to the 2011 famine in Somalia, which has "the dubious honor of being the best documented descent into mass starvation in history." One of the principal reasons for the international community's failure to respond in an adequate manner was the US Patriot Act and a concern that any food aid provided to the country would be appropriated by the extremists of Al Shabaab. The result was "a kind of paralysis."

Concluding on a more positive note, the speaker pointed out that when Somalia was threatened with another famine in 2017, effective action was taken to prevent it from occurring. "The government and President were prepared to stand up and ask for help, and donors then did what was necessary to address the situation. Early warning can work when the politics are right."

Taking up the theme of emergency response, another speaker stated that tremendous strides have been made in terms of relief logistics and the competency of organizations such as the World Food Programme to deliver into very difficult locations in a timely fashion and at adequate scale. "Where we have made no progress and where we risk slipping backwards is politically." In South Sudan and Yemen, for example, more than half the population is at risk of starvation, "a situation that is directly attributable to the actions of the belligerents, as well as the international community's failure to fund the UN's appeals for these countries."

In conclusion, the speaker underlined the earlier assertion that we live in a world of food surplus. The UK, for example, throws away around 23 billion pounds worth of food every year - 13 billion from households and 10 billion from the retail and commercial sector. These sums are much greater than the combined budget of all the UN's emergency food aid appeals.

The next speaker following began by recalling the experience of an international organization that was responsible for food security in Jordan's Zaatari refugee camp. Bread distribution to the camp's 80,000 Syrian refugees began at 04:30 each morning and required a supply of at least 10 tons of bread every day.

It would have been more effective in every respect for the agency to have invested in the construction of a bakery and to have employed refugees to run it, thereby providing them with an income, a skill and a sense of normalcy. But the agency's mandate prevented it from taking this course of action. "Our ability to change the systems that we have created is extremely slow", the speaker concluded, "as is our ability to rely on the resilience of the people we work with."

The speaker continued by referring to a recommendation in ICIHI's 1986 report on famine, suggesting that humanitarian operations should make a much greater investment in local actors. Exactly the same recommendation was made by the 2016 World Humanitarian Summit. "Why do we need to spend lots of money on such consultations, bringing people together from all around the world, simply to confirm what was proposed three decades earlier."

In the subsequent discussion, one speaker felt that much greater emphasis should be given to the question of food production in famine-prone countries. In many countries, the speaker suggested, famines are cyclical, recurring every few years. And when each famine strikes, a huge fundraising effort is launched, raising millions of dollars to support those people who are affected by acute levels of food insecurity. Much of that money is spent on delivery costs, including transport, warehouses and security personnel. This is not an efficient way of working, the speaker stated, going on to suggest that longer-term and developmental approaches were required, involving irrigation and infrastructure programmes, improved seeds, livestock production and the promotion of income-generating activities.

Another speaker agreed with this proposal, but suggested that a focus on production

alone would not be enough to address the issue of food insecurity. In many parts of the world, farmers did not have a safe place to store any surplus that they produced and to save it for times when it was needed. The development of community food banks, the speaker suggested, would be one effective means of averting such situations.

A further speaker suggested that the issues of famine and food insecurity had to be seen in broader context, and that respect, four issues were of particular importance: climate change, water scarcity, population growth and armed conflict. In many situations such variables reinforced each other, making it impossible for people to grow the food that they needed to survive. A comprehensive approach to these issues was required, with the UN playing a leadership role in the process.

While agreeing with this analysis, another conference participant insisted that the issue of governmental responsibility was paramount. A political economy analysis that reveals a potential for famine or acute levels of food insecurity in a given country will inevitably challenge the legitimacy of the authorities and might lead them to curtail access to relevant early warning information.

Ethiopia was mentioned as a case in point. International organizations had been very cautious in their language in that country, avoiding any reference to 'famine' because of the risk that their personnel would be declared persona non grata and expelled from the country. "If we all accept the notion that governments are typically responsible for famines that occur in the modern era, then why don't we have a system for holding them to account when this happens?"

Reinforcing this point, another speaker with senior experience in a UN agency suggested that famines do not occur when political leaders are determined to ensure that no child will die of hunger under their watch. "I have had heads of state appeal to me to feed their country when they are building their seventh palace, and I have had to say, "why should the taxpayers of the world pay to feed your people if it is not your own priority'?"

Concluding the session, one speaker underlined the fact that 30 years after the report published by ICIHI, food in security continues to be a pressing issue. There is currently a risk of famine in four parts of the world, and the degree of international concern and commitment does not appear to be commensurate with the threat that this represents to human lives.

Indeed, they said, the primary concern today seems to be to prevent people from moving across international borders, especially if they seem to be heading towards more prosperous parts of the world. There is also a great deal of discussion about fundraising formulas and agency mandates. But why are we not morally outraged that famines are still taking place in the 21st century?

The past, present and future
of humanitarianism

The first speaker in this session began by observing that the notion of 'humanitarianism' had meant different things to different people at different times. Most recent narratives of the issue accord a central place to the Red Cross movement, and many discussions of the concept revolve around the humanitarian principles associated with and promoted by that movement.

Since the ICIHI undertook its work 30 years ago, the speaker pointed out, there has been an enormous expansion in the discourse on humanitarianism. What is striking about the Commission's final report, 'Winning the human race', is how little jargon it contains and how non-technocratic it is when compared to more recent literature. The report also adopts a strikingly broad understanding of the concept of humanitarianism and addresses a broad range of issues, going well beyond those of international humanitarian law and the provision of emergency relief.

In many respects, the speaker suggested, the key humanitarian issues are longstanding and recurrent ones, revolving around questions related to who should be prioritized in the provision of assistance, how access can be gained to those in need, and how organizations engaged in humanitarian action should relate to political and military actors. But those questions get asked in different ways, and the answers proposed to them are very much shaped by their era.

The speaker suggested that one word to emerge strongly from previous sessions of the conference was been that of 'crisis'. We had heard, for example, about a 'crisis of compliance', a 'protection crisis', a 'refugee crisis' and a 'crisis of humanitarianism' itself. Significantly, however, we had not been talking about a crisis of nuclear proliferation and arms control, an issue that was high on the agenda of the Commission at the time it sat.

Turning to a second speaker, the chair asked whether, as many commentators have suggested, the humanitarian sector is 'broken'. Is such a gloomy analysis justified, and if so, can that sector be fixed?

Responding to that question, the speaker suggested that the humanitarian sector is facing many challenges, some of them longstanding and others relatively new. Those challenges derive in large part from the contradictions of the context in which we work. The world is more developed and wealthy than it has ever been, and yet its natural environment has become ever more degraded. The world's economy is growing, and yet humanitarian resources are seriously constrained. Opportunity has been globalized in many respects, but so too has vulnerability. These conditions have generated a great deal of turbulence and volatility for the humanitarian sector at both the policy and operational levels.

The speaker went on to suggest that the humanitarian sector cannot be described as being 'broken', because it has responded to new challenges. The sector has expanded exponentially, has become more diverse in character and more professional in its approach. At the same time, the sector's growth has not matched the demands made upon it. It remains top-down and technically obsessed. And it has to function in a context where global governance is failing, especially in relation to the maintenance of international peace and security.

The speaker went on to suggest that the humanitarian sector is not satisfying its key stakeholders. Those engaged in the implementation of humanitarian operations are preoccupied by the limited resources available. Those who are trying to coordinate the sector are disturbed by the duplication and waste generated by the self-interest of individual agencies. Actors based in the Global South, the 'the invisible workhorses' of the sector, feel squeezed, sidestepped and exploited. Most importantly, those who receive assistance regard the sector as opaque, unpredictable and difficult to navigate. They feel either ignored or over-consulted, but never genuinely listened to.

Looking to the future, the chair asked whether the political context of humanitarian action will inevitably become more difficult in the years to come. Can we expect to encounter more populism, more nationalism, more inequality and more people claiming that we have to look after the people at home rather than supporting those who are in need in other parts of the world?

The next speaker did not share such pessimism, arguing that democratic political systems had proved beyond all doubt their superiority in meeting the needs, demands and aspirations of their citizens. Even so, such societies often found it difficult to express support for policies intended to lead to the redistribution of resources from wealthier to poorer countries and individuals. These objectives will not be attained unless civil society plays a leading role in making the case for a more equitable sharing of resources, income and assets at the national and international levels.

Concluding the discussion, a final speaker asked "where is the human voice in our discussion of humanitarian issues?" They pointed out that there appears to be a growing fixation within the sector on numbers, data, analysis and analytics. "But is this not distancing the humanitarian community from the very people that it is claiming to serve. Why is their voice missing?"

Annex

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**United Nations Office
for the Coordination of Humanitarian Affairs**

**Mark Lowcock
Under Secretary-General and Emergency Relief Coordinator**

**'Contemporary armed conflicts:
humanitarian action and the laws of war'**

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Thank you for having me – especially Lord Owen; Prince Hassan bin Talal; Baroness D'Souza, and Lord Malloch-Brown. Who is partly to blame for me being in this job, since he recommended me to Antonio Guterres. So, a special thanks to Mark.

I am particularly pleased to be here in commemoration of Zia Rizvi and the important work he did as part of the Independent Commission on International Humanitarian Issues.

I am also delighted to be back in London. I had the opportunity yesterday to meet with Penny Mordaunt, the new International Development Secretary, who is really terrific, and who I think will do an outstanding job at DFID, in particular on humanitarian issues.

On my first day in this job, ten long weeks ago, I told my staff at OCHA that when, however many years from now, I look back on my tenure I would like to see the world dealing better with three big challenges:

- avoiding protracted food security crises deteriorating into famines:
- finding better and faster solutions to refugee and displacement crises:
- and, the arguably biggest problem of all, the deteriorating behavior of combatants in conflict.

Today, I want to focus my remarks on the third of these challenges.

The mission of the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) is to mobilize and coordinate effective and principled humanitarian action in partnership with national and international actors

Everywhere I have gone since starting this job – to Niger, to north-eastern Nigeria, to Bangladesh on the Rohingya crisis and most recently to Yemen – I have met victims of atrocities committed by armed men and the armed forces of States that fail to adequately protect civilians.

Like one of my predecessors in this job, and the former Deputy Secretary-General, Jan Eliasson I like to describe myself as 'an optimist, who worries a lot'.

In my thirty years of working on development and humanitarian response I have seen great progress in many countries. Deadly diseases all but eradicated. Once war-torn countries make peace and thrive. The international community coming together to agree on solutions to global problems.

So, despite the gravity of the challenges we face, I am optimistic that we can find better ways to tackle the challenges humanitarians face in conflict zones.

Today, I will outline how the complexity of modern conflict poses particular challenges for humanitarians.

I want to say something on the progress we have made in developing a normative framework to protect civilians in conflict.

And set out three areas where I would like to see more action to reduce civilian suffering:

- how to change the behaviour of belligerents;
- how we hold perpetrators to account and end impunity; and
- how to ensure that humanitarians can stay and deliver where they are needed, even as fighting continues around them.

Let me first turn to some of the underlying dynamics that are shaping today's conflicts. Let us not pretend that there was ever a 'golden age' of respect for international humanitarian law.

Digital technology and social media mean we are probably more aware of violations now than we were in the past. But it feels to me as if there has been a spike in the number and extremity of abuses in recent years.

21st conflicts have specific characteristics that create distinct challenges for humanitarians.

Most of today's conflicts are protracted. Overwhelming military victories or negotiated peace deals are becoming less common.

As the 'War Economy' becomes lucrative for fighters, peace becomes a less attractive proposition.

The NGO Saferworld has just released a report on the conflict in Syria, in which they describe the war as a system of profit, exploitation and protection in which both the Government and non-State groups extract considerable economic benefit from prolonging the conflict.

As conflicts endure, fighting parties become increasingly factionalized, creating an intricate web of groups with whom access must be negotiated.

A recent World Bank-UN study shows how in the 1950s there was an average of eight armed groups in a civil war. By 2010 the figure had jumped to 14. By 2014 in Syria alone there were over 1000 armed groups.

Many modern conflicts appear to be internal or civil wars, but in almost every case they are fueled by other States pursuing their own political and economic interests.

External actors are less concerned about the human and economic costs of prolonged conflict, and their incentive to reach a peace deal is much lower.

The internationalization of conflicts also makes mediation harder.

From Maiduguri to Homs, conflicts increasingly play out in urban settings, with many civilian casualties and enormous destruction of civilian infrastructure. Urban conflicts currently affect 50 million people. Trends suggest that more wars in the future will be fought in densely populated cities.

We see record levels of forced displacement, most of it internal.

And while the international community has a well-established body of law, and a clear policy approach to help refugees, how we support IDPs is not so clear-cut, and our approach remains inadequate.

The systematic use of rape and other sexual abuse continues at a horrifying level with near total impunity.

We also see a rising threat of hunger and famine linked to conflict. Fighting drives people from their homes; prevents them from reaping their harvests; causes food prices to rise; and disrupts commercial trade. We have seen the impact this year in north-eastern Nigeria, Somalia, South Sudan and Yemen, where more than 20 million people faced the risk of famine.

The barbaric, medieval practice of siege and starvation have increasingly become crude, weapons of war.

On my recent visit to Cox's Bazaar in Bangladesh, I saw severely malnourished children who had fled the violence in Rakhine State. It was clear that they had been literally starved out of their homes.

And, the big new challenge of the last 20 years, growing all the time, is the mushrooming and globalization of terrorism – the hardest challenge to deal with, because most of its perpetrators accept none of the values or norms of the rest of the

world.

Antonio Guterres is making a major speech on countering terrorism tomorrow at SOAS, but it is the backdrop to a lot of what I am saying here. Acts of terrorism are a clear violation of IHL and Human Rights Law. Its impact on civilians is devastating. Humanitarians should condemn acts of terror in no uncertain terms.

Although terrorism in London, New York, Barcelona and Brussels grabs the international headlines, we all know that most victims of terrorism are the poor and the vulnerable in places like Mogadishu, Baghdad and Kabul.

In 2016, seventy-one percent of deaths from terrorism were concentrated in just five countries: Iraq, Afghanistan, Syria, Nigeria and Somalia – all of which have huge numbers of people who need humanitarian assistance.

One of my predecessors, Sergio Vieira de Mello, was of course, tragically killed in a terrorist attack in Iraq. And attacks on humanitarian workers in conflict zones continue to take place with almost total impunity.

So far, this year, 97 aid workers have been killed in deliberate acts of violence. So, what do all these trends add up to?

A spiraling of humanitarian needs. This year, our global humanitarian appeal called for an unprecedented 24 billion dollars to help 145 million crisis-affected people. Even with donors giving 11 billion dollars so far, the funding gap remains wide.

This year's appeal is four times the amount we asked for a decade ago, while the number of people in need has risen more than fivefold.

I will be launching our global humanitarian overview for 2018 in Geneva on 1 December and while we are still crunching the numbers, I'm not expecting to report significant improvement.

So, what has been achieved in recent times to address these problems?

Firstly, we have a growing body of international law that aims to protect civilians in conflict.

Many countries have, since the Second World War, signed up to the Geneva Conventions in 1949 and later their Additional Protocols in 1977 to protect civilians in conflict.

The last 20 years has seen impressive progress.

Look at the adoption of the Mine Ban Treaty, with 162 parties. It has changed the behaviour of at least some belligerents, including some non-State armed groups that

are not party to it, and States that have not joined.

More than 100 countries are party to the Cluster Munitions Convention.

In 2014 the Arms Trade Treaty came into force, and now has 92 State parties. Since the Security Council recognized the link between protection of civilians and international peace and security in 1999, it has built a strong normative framework.

And we have seen the Security Council taking action to enhance civilian protection on the ground, by prioritizing this in peacekeeping operations, establishing international tribunals, undertaking missions of inquiry and adopting sanctions against perpetrators.

Last year, the Council passed Resolution 2286, on the protection of the wounded and sick, as well as medical facilities and personnel. Eleven Governments, including France, recently pledged to take practical steps to enhance this protection.

This is all good news. But is it making a difference?

Kevin Watkins, CEO of Save the Children, recently argued that we are in the midst of a "crisis of compliance".

We have a strong legal framework to protect civilians in conflict, but too many don't feel compelled to follow it.

Better compliance means first changing the behaviour of parties to conflict, both States and non-state armed groups.

Appealing to a moral framework we all share does not help if those whose behaviour we are trying to change do not buy into that framework.

Fortunately, there is an emerging body of knowledge on effective ways to change the behaviour of combatants.

We are learning that some fighters are more likely to commit these crimes if they think that they either won't be seen, or won't be caught or won't be punished.

Feelings of victimization, vengeance and moral disengagement, also play an important role.

Sometimes violations occur just because fighting parties don't know the basics of international humanitarian law.

Research by the NGO Geneva Call, indicates that many armed groups do not have enough knowledge of IHL to meaningfully negotiate humanitarian access with aid groups.

The ICRC and Geneva Call have shown that encouraging armed groups to adopt internal codes of conduct, or to make unilateral declarations committing to agreed behaviour, can have a powerful self-disciplining effect.

Those negotiating with belligerents need to use the right kinds of carrots, including showing the benefits of compliance, such as legitimacy or a seat at the negotiating table.

And the right kinds of sticks, be they sanctions, the threat of tribunals, or other measures. Helping belligerents understand how complying with the rules of war can be strategically advantageous to them sometimes works too, as case studies in Colombia and the Philippines have shown.

Then there are the measures to change the weapons and tactics of war.

When weapons with wide-area effects are used in urban settings, 92 per cent of the casualties are civilians, according to a report by Action on Armed Violence.

But there are some instances where we see progress. For example, in Afghanistan, the International Security Assistance Force (ISAF) and US military have been trying to reduce impacts on civilians by changing the choice of weapons used, military tactics and improving casualty tracking. This has had positive results.

In the battle to re-take eastern Mosul, effective engagement with the Iraqi authorities and coalition partners helped put civilian protection at the centre of the military operation, which undoubtedly saved lives.

But we need more militaries and security forces to recognize that failing to protect civilians in counter-insurgency or counter-terrorism operations is the first step to a strategic failure. Hearts and minds will immediately be lost. Not to mention the catastrophic human costs.

Scrutiny and publicity can also have an effect.

Tony Lake, who will shortly complete his term at UNICEF, has argued that shaming should be one of the tools in our arsenal in the fight against impunity. He has noted the effectiveness of the Monitoring and Review Mechanism established for Children in Armed Conflict in changing the behaviour of belligerents.

We have a growing body of law. We have efforts to improve compliance. And the third leg of the stool is to ensure accountability for those who violate the law.

The prospect of justice often feels far off in the middle of conflicts.

Visiting Bosnia as a young official between 1992 and1994 and seeing the impact of the behavior of Slobodan Milosevic, Ratko Mladic, Radovan Karadzic and others certainly

left me wondering about accountability and impunity. That didn't change after the

Dayton Accords were signed in Paris in December 1995, bringing the fighting to an end. Lord Owen will remember all that better than I do.

But of course, Mr Milosevic died in a prison cell in 2006, Mr. Mladic went on trial in 2012 and Mr. Karadzic, after nearly a decade of living in The Hague, began his sentence for war crimes and genocide last year.

The international arm of the law may not always move fast, but it turns out to be quite long.

The International Criminal Court, in its pre-trial chambers has publicly indicted 41 people. Seven of them are in detention. Just last week the ICC Prosecutor was authorized to open formal investigations into Burundi, and possibly Afghanistan will follow.

So, it is too early to reach conclusions about accountability and redress in respect of today's conflicts and the wide range and large scale of horrific atrocities they encompass.

In the meantime, there are some important things to be done.

Advocacy, political and economic leverage, high-level UN and multilateral mechanisms, and public denunciation of violations, all resting on a strong evidence base, are important to set the ball rolling.

When allegations of serious violations arise, systematic investigations and careful gathering of evidence and testimony are all important to support future action.

Take the Syria case. While the pursuit of justice has up to now eluded the ICC and the Security Council, others have taken action. The UN General Assembly passed a resolution to collect evidence for eventual prosecutions. The Human Rights Council has established a commission of inquiry to gather evidence of human rights violations.

NGOs like the Commission for International Justice and Accountability are also investigating and documenting alleged crimes. While Syrian refugees are pursuing justice for alleged abuses through 3rd party national courts in Germany.

Accountability for serious violations of international humanitarian law is required by law. There are powerful and growing constituencies that want to see change and there is progress to build on.

Technology companies have access to an enormous amount of information everywhere. They have formed important partnerships with human rights groups.

Right now, dozens of groups are collecting evidence of alleged violations against the Rohingya in Myanmar, including satellite images shared by Human Rights Watch, documenting the near-total destruction of 214 Rohingya Muslim villages.
While we must redouble our efforts on compliance and accountability, we have also to deal with the world as it currently is.

Humanitarians will continue to work on crises characterized by violence, complex politics, restricted access and short-term impunity.

So first, we need, to innovate to overcome access restrictions. In Syria, Security Council Resolution 2165 allows the UN to deliver aid across the border from Turkey, Iraq and Jordan. This has helped saved millions of lives in the last three years. We also airdropped food into the town of Deir-Ez-Zor that until recently was besieged by ISIS.

Secondly, we need to build on good examples of civil-military coordination. Like the OCHA supported deconfliction system in Yemen right now, which allows aid convoys to run right across the country with some protection from the risk of bombing or shelling. It also identifies civilian infrastructure which can then be kept safe from targeting.

Third, in protracted conflicts, we need to make more use of remote responses such as mobile money to get help to people round the backs of the combatants. In Somalia three million people have been helped through these systems this year, protecting them from falling into famine.

We also have to acknowledge that working in conflict zones entails serious risks for aid workers.

A few weeks ago, I went to Gwozo, in Borno state in north east Nigeria. It was in 2015 briefly the 'capital' of Boko Haram's so-called Caliphate. The town has been recaptured by the Nigerian armed forces, but in the surrounding hills, only a few hundred meters from the town, armed groups lay in wait.

Criminality is also often a major factor in attacks of aid workers. For example, in the Central African Republic, humanitarians are seen as having access to resources, and given the complete absence of rule of law, often become a target of theft and associated violence.

There are interesting examples in north-eastern Syria of the use of secure monitoring, using "mystery shopper" techniques to ensure aid is not diverted into the hands of armed groups.

Remote satellite monitoring in Yemen to allow us to understand better how projects are being implemented, while not exposing staff to risks.

And the increasing experimental use of drones to deliver packages where it is too dangerous to deliver them by truck.

Before I wrap up, I want to leave you with a final request.

We are all outraged by the images from conflict zones that go viral. Malnourished children in Yemen.

The little boy – Omran Daqneesh – covered in dust in the back of an ambulance in Aleppo. Alan Kurdi, washed up on a beach in Turkey.

The Chibok girls.

But beyond outrage, we also need solutions. Better ways to reach those most in need and keep them safe.

We need a multi-disciplinary approach: political scientists, behavioural economists, science and technology experts, military practitioners, lawyers and human rights specialists.

So, my basic plea is let's not be defeated by the obstacles, let's collaborate to surmount them.

Thank you.