

International Development Committee

Oral evidence: Violence against aid workers, HC 2008

Wednesday 3 April 2019

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Members present: Stephen Twigg (Chair); Richard Burden; Mr Nigel Evans; Mrs Pauline Latham; Chris Law; Mark Menzies; Paul Scully; Mr Virendra Sharma; Henry Smith.

Questions 1 - 36

Witnesses

I: Vincent Cochetel, Special Envoy for the Central Mediterranean Situation, UNHCR.

II: Sir Stephen O'Brien, former UN Under-Secretary General for Humanitarian Affairs and Emergency Relief Co-ordinator; Mark Brailsford, Deputy Head of Regional Delegation to the UK and Ireland, International Committee of the Red Cross (ICRC).

Examination of Witness

Witness: Vincent Cochetel.

Q1 **Chair:** Good afternoon, everyone. This is an important one-off evidence session for the International Development Committee on violence against humanitarian aid workers. We have two parts to the Committee. Welcome, Vincent. Thank you very much indeed for coming to join us today. This session was really inspired by Chris seeing your TED talk and some of the very important issues that it raised. We wanted to have you here both to tell us about what happened to you, and to draw on some of those wider lessons. Thank you very much indeed for joining us. I will kick off by asking you to tell us about events of 1998, when you were kidnapped, and what lessons you feel the international aid community can learn from these events.

Vincent Cochetel: Very good. Thank you very much, Mr Chair. Good afternoon, everybody. Thank you for the opportunity to share some observations and reflection on 32 years of humanitarian engagement, and on that sensitive topic of safety for aid workers worldwide.

I was abducted when I was the head of operations for the UN refugee agency in the Caucasus—the north Caucasus, so that part of the territory of southern Russia, at a time when you had a war in Chechnya. I had already been living and working there for two years, so I felt pretty protected. Most humanitarian organisations have to consider mitigation measures. The mitigation measures were at that time quite sophisticated. I had an armed guard, a hard vehicle—I mean an anti-blast vehicle. We sometimes used decoy vehicles to go to some places, so people would not know where we were going, and changing patterns and routes.

None of my colleagues had faced an abduction, but the humanitarian community had already suffered some loss. Some people had been killed: more than 17. There had been more than 30 kidnappings already in the region. We knew it was dangerous, but then I had been there for a long time. Two years was considered to be a long time in the humanitarian community. There is often a quick turnover in those emergency operations, with lack of institutional memory, because people leave. After two years, you feel protected. We had closed some offices—I know that.

One evening, it was just my turn. I was targeted because there were few targets left among international aid organisations operating in that part of the world. My kidnapping was subcontracted to a criminal organisation. That is one of the new features of many conflict and post-conflict situations, where you see much more cross-fertilisation between militant groups and criminal organisations. They co-operate with each other. They share interests and they share the knowhow on how to target humanitarian aid workers. At that time, hostage taking became a big business in Chechnya.



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I was moved. I was abducted about 200 kilometres away from Chechnya. I was transported in different cars, in the trunks of different cars, handcuffed, blindfolded and delivered to the one who had ordered my kidnapping in Chechnya. I spent 11 months in captivity in a dark cellar with 15 minutes of light every day, chained to my bed. I had plenty of time, without access to newspapers, radio or TV, to reflect on humanitarian action, the meaning of humanitarian action, why we do it and whether the risks we were taking at that time were worse, given what we could achieve. What was the impact?

I think, 20 years later, that aid workers are still facing some of those challenges in many parts of the world. I go to Libya quite often—I am going there next week—and that area of operation remains extremely dangerous. The nature of some conflicts has changed, sometimes because of the bad behaviour of part of the humanitarian aid sector. Not everybody abides by the same rules and principles in terms of engagement, in particular with non-state armed actors. It is also because some organisations are better equipped in terms of security management and better prepared. Others are more exposed.

I may not share with you what I drew on at a personal level from that experience, but, as a humanitarian aid worker, the main area of reflection afterwards for me was to ask: how do they see us? I mean both the militant groups out there, which we may have to work with because they control part of the territory where we work, and the war-affected population more generally. We proceed on a lot of assumptions in those areas of operation.

We all suffer a bit from what I would call submarine syndrome. We are living in bunkers. When I used to go to Chechnya, I never shared a meal with my interlocutor. I never had dinner. I never slept overnight. I was going in and out, so I never had time to build the linkages with communities that I needed so as to know better who I was dealing with. The risks were too high, so we had to travel back and forth. When you travel back and forth, rely on others, and implement remotely some of your programmes, you lose a bit of perspective on the real environment in which we operate.

We have lots of assumptions that are wrong. One of them is that humanitarian aid and the delivery of aid itself will protect you and your staff, because the people know what you are doing. That is wrong. The other one is assuming that there is no link or some link between the local population and militant non-state armed groups operating in the area. There may be links, there may be no links, but those links may change. You constantly have to reassess your situational environment, share that information and make sure, in the aid community, that we do not compromise on principles too much in the way that we engage with those actors.



The way they see us is important and that is something we need to address. We do that normally through working more with local partners, employing more local staff, but it remains a challenge. The concepts of charity or altruism are universal, that is clear, but the concept of a professional humanitarian sector is alien to many of the cultures in which we operate.

We are still often viewed as having western values, being western-funded, with high suspicion regarding our motives—for example, that we do it for money, we keep most of the money for us, not for the affected populations, we are spies, we work covertly for some Governments, we are agents of the core Governments funding us, we are there to do some religious proselytism, or perhaps we are there to arm the community by creating dependency. We are there to change the religious or cultural values of those communities—those are some of the perceptions out there.

You need to compensate that by engagement, by knowing the people, by being extremely modest, and by not being too candid about the interaction that you have. Build that mutual interest and maintain a high quality of service, because people will value the service you provide as long as we are culturally sensitive to the environment in which we operate. Too often, we go too fast and we do not have the luxury that investment in knowledge.

Some organisations are better than others. ICRC, Médecins Sans Frontières and our organisation spend more time mapping out who is who in the environment where we work. When organisations come afterwards—local NGOs or international NGOs—they sometimes do not have the resources to make that effort before operating in those areas.

My main takeaway from those 11 months of captivity on the professional side is to invest more time in the perception of who we are vis-à-vis the affected community and what the threats out there are, knowing that they are very different from one situation to another. Sometimes the risk comes more from a criminal element. Sometimes it is more of a political element. Sometimes we do not know. When you look at the statistics of attacks involving aid workers, there are still a lot of things we do not know about the motives.

Chair: I thank you very much indeed for that.

Q2 Chris Law: Vincent, it was quite incredible to hear that, and just some of the thoughts that we do not recognise. We think that doing humanitarian aid around the world is a good thing, and we do not really question what those who are hosting us actually think about it. It was really helpful. I wanted to ask you this: according to the Aid Worker Security Database, 139 aid workers were killed in 2017 while doing their jobs. This is the second highest recorded annual death toll since 2013, which was 156. Both of these are shocking numbers. Is the threat of violence against humanitarian aid workers doing their jobs increasing? If so, why is that



threat level increasing?

Vincent Cochetel: The threat is increasing because we became a target. Some 20 or 30 years ago, aid workers who lost their lives were part of the collateral damage in some of the conflicts where we work. It was more of an incidental consequence of working in exposed areas. Today, we are a target because we represent the perceived humanitarian arm of political decisions taken elsewhere. Although you want to appear neutral and impartial, it is not written on your face. The nature of conflict and post-conflict situations is changing. In the last 15 years, you see that clearly.

You see, as I said, more conditions where you have the emergence of those hybrid groups—criminal/militant groups. You have some conflicts where the destruction, for instance, of habitat is not the consequence of the conflict. That is the objective of the conflict: to render entire areas uninhabitable. Displacement is not the consequence of the conflict. That is the objective of the conflict: making people flee.

We need to recognise where the interests and incentives are for the potential militant groups out there to attack aid workers. That motivation may change from one to the other. It could be to destabilise the situation, to seize assets, to delegitimise the Government. It could be to make a show of strength for the local population and keep them under their control. It could sometimes be to impose norms or *modi operandi* on organisations: some are authorised to work; others will not be authorised to work because they do not pay their dues.

The environment out there is more dangerous, and we are not paying enough attention in terms of advocacy to serious transgression of international humanitarian law. It is not always at the top of our agenda as humanitarian aid organisations, because we want to get humanitarian access to hard-to-reach places. At the end, impunity is going to affect those values in which we believe and on which our activities are based. It is going to create an environment that is much more hostile for humanitarian aid workers.

Q3 **Chris Law:** The numbers I have here are just those who were killed in those recent years. When I saw your graph on your TED talk, it went up exponentially over the last 20 years. The numbers are also quite startling for those who are injured or kidnapped, and of course, as a result, traumatised. What is, from your experience, the general feeling among your fellow workers about their safety and security in the environment?

Vincent Cochetel: Again, I am lucky to be working with an organisation that has a policy of duty of care for its staff. Many small NGOs, unfortunately, do not have the capacity to take care of their staff after they have been involved in a serious security incident. Nobody is tracking the number of people who commit suicide months after they are released from captivity or after a serious incident, such as a rape or an armed robbery. It is important, when you think about the operational cost to an



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organisation, not only to cater for those security mitigation measures, which have a cost, but also to cater for the duty of care responsibilities the organisation has vis-à-vis its staff.

We should make sure that organisations treat their international and local staff equally. Local staff, in terms of casualties, are more exposed—if you look at the statistics for last year, such incidents are 10 times more frequent than for international staff. However, we need to balance that because fewer international staff than local staff are involved in those humanitarian operations, not only because of costs but because of knowledge of the situation.

The risk of attack on an aid worker is higher for international staff than for local staff in percentage terms. Some statistics have been worked out. It is 51 out of 100,000 people for international staff and 32 out of 100,000 people for local staff. The risk is higher for international staff, but the number of casualties is higher for the local staff in numerical terms.

Q4 **Chris Law:** Can I ask where the threats are coming from? Are they coming from the Taliban or IS, or the non-state actors? Have we been able to get evidence about where non-state actors, or indeed organisations such as IS and the Taliban, are contracting criminal gangs, as you were saying?

Vincent Cochetel: There is evidence that they are contracting criminal gangs. In my case, it was clear that a militant group was responsible for my abduction, but all the phases of abduction transport, part of the management of my captivity and part of the management of my release were outsourced to criminal organisations. They have uniforms and the same weapons as the non-state actors involved in my abduction, and they have very close links, sometimes family links, with different structures, but there are a lot of firewalls in between so you would not be able to go up the line of accountability to easily identify the one who had decided, at the end of the day, “This is going to be my target”.

If you look at the statistics, non-state armed groups are responsible for 57% of the attacks on humanitarian aid workers. In 24% of cases, it is the state. In 7% of cases, they are global non-state armed groups, so the al-Qaeda and ISIS groups of this world. The rest is between regional non-state armed groups and local non-state armed groups. The top of the top is national state armed groups, followed by state, followed by global non-state armed groups, followed by local non-state armed groups. I can give you those statistics.

Q5 **Chris Law:** That is fine. To confirm, on the 24% of cases by state actors, we are talking about the Government who are in power.

Vincent Cochetel: We are talking about Governments.

Q6 **Chris Law:** We are supplying humanitarian aid to these countries.



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Vincent Cochetel: In those statistics, we will have aerial bombing and drone attacks. In Yemen and Syria, they account for a number of those casualties.

Q7 **Chris Law:** Lastly, what is the practical impact of the risk of attacks on workers delivering aid, and what is done to help protect them? I know you talked about some of the things you do already.

Vincent Cochetel: Better protection will come from having a more serious approach at the humanitarian sector level to security management. As I said, humanitarian actors are not all that well equipped or funded to respond to those requirements. We are talking about training. We are talking about security measures—for instance, in many places we are building bunkers for our staff, so when there is an attack on our premises the staff can retreat to a bunker. We had one such attack in our office in South Sudan, in Bunj, last year. If we did not have that safe room, the staff would have been killed by an angry mob. Again, such things all have a cost.

I talked about the importance of mapping out who is who and investing in that. Sometimes, it is not only about having good humanitarian aid workers. You need anthropologists. You need people with good mediation skills. You need sociologists. You need people who know the area, who build contact, directly or indirectly, with those potential elements that may have a wrong perception of what you intend to do in the area they control or try to control.

The rest is advocacy on transgression of international humanitarian law. I have been calling a lot, without much success, for the humanitarian sector to take seriously the issue of impunity for the perpetrators of attacks against humanitarian aid workers. In that last three years, I am aware of one case of prosecution. That is not much. Why is it not happening? It is because those aid agencies want to remain in or return to the place where they have been attacked. They do not want to antagonise the group that has been responsible for those attacks, so there is no prosecution. There is nothing happening.

Chris Law: That is very interesting.

Chair: We are going to return to the issue of enforcement of international humanitarian law with you in a moment.

Q8 **Henry Smith:** Your evidence is extremely powerful and we are very grateful. It is a revelation, a lot of what you are saying. Coming back to this issue of 24%—that is almost a quarter—of attacks on aid workers coming from states, from Governments, what proportion of that is by accident? For example, in using a drone attack, to use a horrible expression, there may be some collateral damage that was not intended. How much is actually intended violence against aid workers? I am not looking for a statistic, but do you have a feel of the differential between those two things?



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Vincent Cochetel: It is a very good, very pertinent question. I will give you two answers. The first answer is statistical information. It comes from an organisation called Humanitarian Outcomes. They say that 27% of those attacks on aid workers are politically motivated; 22% are incidental; 14% are economic or criminal; 37% are of unknown motivation. That is an overall statistical analysis of the last five years to come to those statistics.

When you take precisely a drone attack on a hospital, first of all, the state party to the international humanitarian convention should not attack a hospital. That hospital should be marked. The state should not attack that hospital, and we all know it. There is then the reality on the ground, and we should not be naïve about that. I thought the humanitarian sector was a bit naïve about that when I was in Chechnya, but I have seen it in other places.

In Chechnya, I could see systematically, in areas of conflict, schools and hospitals were destroyed. They were destroyed because militant groups retreated there or attacked from there, thinking there would be no retaliation. You have a misuse by combatants of civilian facilities and you have the intentional targeting by state authorities of the same facilities that should not be attacked. Like any international norm, compliance with international humanitarian law is partly based on self-interest. You really have to develop and disseminate those principles and make them understood by the parties to a conflict. It is not just dissemination. There has to be sanction for transgression.

Q9 Mrs Latham: You may have answered this, but you might like to add to your previous answer. There seems to be a shift from humanitarian aid workers being killed accidentally to now being targeted. Why do you think that is? Do you think the politicisation of aid has an impact?

Vincent Cochetel: Absolutely. As I said a bit at the beginning, it has to deal with the perception, wrong or real, of humanitarian action and the fact that, in some situations, states have misused NGOs. Sometimes, aid is delivered in a way that favours one faction in a conflict, or in a way that undermines the fundamental basis of humanitarian action. I can give you an example.

In Libya, the last time I was there, it was not in a conflict situation, but it is about the nature of the aid being provided. I have seen one NGO rehabilitating detention cells. These are detention centres where people are arbitrarily detained, subject to torture and slavery. Should NGOs be involved in the rehabilitation of cells? No, but you have a humanitarian operator doing it and you have a donor financing it. You have two problems there. It is not just for the humanitarian operators, but it is also for the donors to agree on a certain code of conduct. That has been missing.

Two years ago, there was a large World Humanitarian Summit. The person testifying after me, Mr O'Brien, can speak to it. That was totally



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missed. We need a code of conduct to avoid that instrumentalisation of aid and have the adequate firewalling that protects the space for action by humanitarian aid workers.

Q10 Mrs Latham: Is this unusual? Is it an occasional NGO that is doing this or is it more widespread?

Vincent Cochetel: This is from years of reflection. It is more dangerous now. There is less funding available. There is more competition for the funding, so there are more actors ready to compromise on principle. We have to stop that race to the bottom. I see that also in the way humanitarian actors are sometimes compromised, either in monetary terms or in programmatic terms, in order to be out there. The donor wants us to be out there. There is a visibility factor there. The donors want you to be out there to compensate, maybe, for something happening on the military side or for some other reason.

Some of the actors compromise. This is the type of compromise: "You can run that programme, but the women should not benefit. It is against our laws". "You can implement that programme but the minority should not benefit". "You can implement that programme but, like the local businesses pay their tax on jihad, 10% to 15% of the aid goes to our pocket". If you do not have discipline in the sector, and you say, "I do not pay" and two organisations have paid afterwards, you do not have access and you are the troublemaker.

That is why you need discipline at the level of the sector. I feel there is less discipline today. That is something to work on at the level of the humanitarian country team in a number of countries, but it is a bit taboo to discuss those issues in the humanitarian community.

Q11 Mr Evans: Good afternoon, Vincent. Some of these places where humanitarian workers are working will be hard to reach. They will rely a lot on local people or national people to do the work, as opposed to the international aid people. Do you think that is probably passing the risk down the food chain somewhat? Perhaps the care or attention for a lot of these workers is not what it would be if they were international workers.

Vincent Cochetel: Yes. There again, the humanitarian operators have changed. Many of the agencies are developing better policies for their local staff but, 20 years ago, you would have an evacuation from a situation, and you would evacuate the international staff. You would leave behind the local staff and their families, who may face retaliation because they work with an agency that is perceived to be siding with one side of the conflict. You have cost involved there. What are you going to do with those local staff or their families? Many organisations did not want to look into that issue.

This is changing. Most of the large organisations now have a duty of care policy for their local staff, but that can still be improved. These costs are not always very popular when you approach a donor. You say, "You have



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to consider and prepare for a worsening of the situation. You need to build those costs in, because you may not have the money when the evacuation happens". We need to advocate and sensitise more donors about that aspect. That is essential, because our wealth is our staff.

Q12 Mr Evans: What recommendations would you make to assure better safety for all the staff, not just one part?

Vincent Cochetel: When funding requests are channelled to the UK Government, make sure that the organisation applies minimum standards in terms of its duty of care for its local staff. Are we transferring the risk to local staff in some situations? Yes, in some situations it is a good practice to get the local staff out there in their environment, implementing programmes, because they know the situation better. They will manage the dialogue with the potential actors that can cause trouble. It is not without risk, but this is within their community and they may get some community protection. There again, we should not assume, because in some areas it will work and in others it will not work. We need to be careful.

Q13 Mr Sharma: Does international humanitarian law give sufficient protections to humanitarian workers who are trying to gain access to fragile and conflict-affected areas?

Vincent Cochetel: I will leave that question to my colleague from ICRC. My reading of international humanitarian law is that, in general, you have enough provision to protect humanitarian aid workers and humanitarian aid agencies. The problem is more compliance or lack of compliance, the ability of organisations to draw lessons, and the ability at the collective level to seek justice against perpetrators of attacks against aid workers. An attack against UNICEF staff or Oxfam staff today is an attack against the whole humanitarian sector. We should not leave it to one organisation to try courageously to prosecute the perpetrators. That should be done collectively, maybe to reduce the risk of reprisal against one organisation. Nobody is really taking the lead in that sector.

I remember that, when I came out of captivity, that was one of my top priorities. I wanted justice. I have seen many colleagues in the humanitarian community lose their lives. Some of them came out of Chechnya very badly traumatised after their captivity, and nobody is paying for that. It has to end. Everybody told me, "Hold on. Calm down. If you prosecute those people, you are putting your colleagues at risk". As aid workers, you are asked to renounce your right to seek justice, because it could endanger the situation of your other colleagues in this area. That vicious circle will breed impunity, and we need to break that.

For me, it is not so much in the area of international humanitarian law that progress may be made, although I am not an expert—it is more international criminal law. Article 8 of the International Criminal Court sees an attack against humanitarian aid workers as an international crime. That means universal jurisdiction. That means any country can



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prosecute. Those people travel. Some of them have their assets in other countries. With the same thing that is sometimes used for sanctioning certain individuals, we have to make life impossible for those people. They normally do not keep their money where they live. But you need an international mechanism to activate what is in the statute of the ICC, in my view.

- Q14 **Mr Sharma:** The UK Government, as a major humanitarian aid donor, could do more to strengthen protection of aid workers, whether in their dialogue with the UN, at the Security Council, or in dialogue with other donors or Governments.

Vincent Cochetel: Thank you very much. British aid workers have paid a high toll in terms of casualties in the history of humanitarian action. The British Government are very sensitive to that issue. We can still do more. Today, in many areas of operation, there is not so much attention to this area. The focus is on mitigating the risk. The focus is on implementing remotely.

While we have tried—Mr O'Brien has been a real leader in that respect—to create the conditions to stay and deliver in very adverse circumstances, we need to tackle that issue of staff safety in a way that includes all humanitarian organisations and not just the big ones. Some of the small organisations are also implementing very valuable programmes, but they do not necessarily have the same funding or the same political or advocacy support if something happens to them. Of course, a lot more can be done, but I will also be looking for British leadership in bringing a bit more discipline to the humanitarian sector, because some deviations are, in my view, dangerous for all of us.

- Q15 **Richard Burden:** Do you think the international community is doing enough to really use law, whether that be international criminal law or international humanitarian law, to bring the perpetrators of attacks against humanitarian aid workers to justice?

Vincent Cochetel: In my view, they are not. I do not have the data for British aid workers who have lost their lives in the last 20 years but, if I am looking at British colleagues who lost their lives in Chechnya or were abducted in Chechnya, I do not think any perpetrators have been brought to justice. As I said, I did some research before coming to you today, digging and involving the head of security in the UNHCR. I said, "Show me evidence of effective prosecutions of perpetrators of attacks against humanitarian aid workers in the last five years". We could only find one incident: the Terrain hotel in Juba in 2016, where one aid worker was killed and five workers were gang raped. There was an instance where 12 soldiers had been brought to justice. That is the only example I was able to find.

- Q16 **Richard Burden:** Could I perhaps draw your attention to a series of examples of attacks against medics, which has been in the news quite a lot recently? Just a couple of weeks ago, in fact, Dr Tarek Loubani was in



this place talking to MPs. He is a Canadian doctor who has been working in Gaza, and last year in May he was one of those shot. He was wearing his medical scrubs at the time. He was shot through both legs by live fire from the Israelis. He was one of 600 medics who have been hit or injured during the Gaza protests. Three of them have been killed in the course of the last year.

The United Nations Human Rights Council set up a commission of inquiry. It reported two weeks ago. It investigated 189 cases of fatalities and 300 cases of injuries, and came to the conclusion that in all but possibly two of the cases those killed or injured had been killed or injured unlawfully by the use of live fire. What would your view be on the effectiveness or otherwise of mechanisms such as that of the United Nations Human Rights Council to hold perpetrators to account? If they are not effective, what else should be done?

Vincent Cochetel: You see I have limited knowledge. Where I am based now, in Tunisia, I did not know about that case. It is good that you had a commission of inquiry. It is good that they concluded. It is good that they have done their job. Now, what is going to happen to the perpetrators? Will the state comply with that? Will the state responsible comply with the conclusions of that inquiry? For me, an effective prosecution is where people get prosecuted and sentenced at the end.

I was abducted in 1998, so it was 21 years ago. It took me five years to get three of the people sentenced for my kidnapping. There is still one procedure that is not closed. There are still some people at large. It takes time—you do not get any support from any organisation for that. You have to do that on your own. People forget. But I owe it to the people who did not make it, after or before. Four days before my release—and I was probably released because of it—three Britons and one guy from New Zealand were beheaded in Chechnya. That triggered a joint action and it is because they died that I am here in front of you today.

Some of those people have to pay. I do not care if they pay in 10 years, in 20 years or in 30 years. These are international crimes: no prescription, no statutory limits. The knowledge of who committed the crime is already useful, but you need a judicial process linked to that afterwards.

Q17 **Chair:** Vincent, can I say thank you very much indeed for your powerful and thought-provoking testimony today? Please feel free, as we move to the second panel, to stay to watch it if you have the time. We are very grateful to you, for sharing both your own story and your suggestions for how we need to address this huge challenge. I feel I have learnt a lot from listening to you over the last 45 minutes. Thank you very much indeed.

Vincent Cochetel: Thank you for your interest. Thank you for the invitation.

Examination of Witnesses

Witnesses: Sir Stephen O'Brien and Mark Brailsford.

Q18 Chair: Welcome back, Sir Stephen. It feels only right, as you were both in the gallery, to give you an opportunity to introduce yourselves, but then to ask for any initial reflections you might each have on what Vincent has just said to us, in particular about his critique of the system as it stands and his suggestions for reform and improvement. Sir Stephen, would you like to go first?

Sir Stephen O'Brien: First of all, thank you very much indeed for the invitation. It is an enormous pleasure, personally, for me to be back among you all. There are so many familiar faces and a few new ones. As you all know, having been a Member of this House, a DFID Minister and carrying out some work for the Prime Minister in the Sahel, I have been, along with my malaria activities over 40 years, very engaged with the world of development, but also humanitarian response, particularly as I went off to be Under-Secretary General for Humanitarian Affairs and Emergency Relief Co-ordinator at the UN just before the 2015 election.

Whatever we may be about to discuss, I have to say I would certainly wish to pay both respect and gratitude to Vincent not only for his extremely high-impact testimony, which we have all just been witness to, but because, in such a measured way, he was able to draw the lessons from such a deep and tough personal experience. All of us who have been engaged in this work of humanitarian response have had our close shaves and so forth, but nothing that even remotely gets close to the experience that Vincent had to endure.

What does it highlight? You invite me perhaps to not simply give a tour de raison, but to try to home in on what we can do about this. It is about how we can do better than we currently do, in terms of both humanitarian action—I was responsible for the co-ordination of the global response to all emergencies—and the legal, moral and procedural mechanisms that exist, and on which politicians in particular have the power and opportunity to be the authoritative voice. I welcome an inquiry like today, because it gives this place a chance, with its imprimatur, to put a really emphatic thrust into the public discourse.

There are many specialists in international humanitarian law but, as I relied on, and as I said repeatedly at the Security Council in my all-too-frequent appearances during many emergencies, it is universal. It binds all individuals globally. It is not simply, like the UN charter—brilliant as that is—a regulatory framework to bind identified Westphalia-bound member states. There is an accountability as well as a responsibility on each and every global citizen, as well as on the states.

International humanitarian law, I believe, should wrap up with international human rights law, particularly as reflected, although there is a lot that preceded it, in the Universal Declaration of Human Rights, and



in international refugee law and the protocols that followed. We should put those three things together. It is very important—and Switzerland certainly takes its responsibilities very seriously, in that it is guarded in Geneva and we know it as the Geneva conventions—that there are rules of war.

That is reflected by the main keeper of the laws—we will hear this in detail from Mark—being the ICRC. I follow its Twitter feed like everybody else, and I have really been impressed by the way it keeps on reminding us what rules of war essentially mean, whether that is about aid workers or health workers, and it also encompasses routes to health facilities. It immediately implies the use of weapons with a wide area of effect, or the launch of a barrel bomb from a helicopter. These are all within a whisker of immediately becoming war crimes, because an international humanitarian breach of law is a war crime. That is what you can say, and I did say it at the Security Council—I was not thanked for it, but I certainly said it.

The problem is how to make sure that that is enforceable. Again, I am sure Mark can testify to this in more detail than I can, but I was there in December 2015 at your four-yearly big meeting. The member states also have votes at the International Committee of the Red Cross meetings, and they were able to frustrate the essential big, new resolution that was being put forward on monitoring, which could then have led to compliance and accountability. That is what was voted away by member states, so it is not like it was the federation or all of us who are passionate humanitarians or international workers.

Therefore, you cannot get past the interests of member states, which see it as better, in their interest, not to lay up a chance to be held to account, because who knows? They might find themselves on the wrong side of the argument. This may be part of today. I hope there will be an opportunity for us to discuss how, as was touched on at the very end, the UK has an opportunity here to demonstrate leadership. It will not be an easy passage.

Q19 Chair: Thank you very much. We are definitely going to return to a number of those themes through the questioning.

Mark Brailsford: Thank you very much to the Committee for this invitation to present to you today. The International Committee of the Red Cross, as Sir Stephen has referred to, is the guardian of international humanitarian law. We have been around for 150 years. We were born on the battlefield, and operate in these types of contexts in about 90 different places around the world today, providing protection, assistance and prevention activities, in terms of development of the law as well. That is why, for us, access and safety for our workers on the ground are crucial. Vincent's testimony reflects the severe challenges we face and the lack of progress that has been made on the international stage.



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I would like to quote the president, Peter Maurer, who was speaking recently at the UN Security Council about health and humanitarian workers in warzones facing unabated and increasing attacks. “The impact on civilians is nothing but catastrophic”, he said, and there is very little evidence to show any progress whatsoever.

There are numerous challenges, which we can perhaps go into further. The international community needs to get behind IHL and create the humanitarian space for organisations, such as the ICRC, that deliver assistance in an impartial, neutral and independent manner, to carry out their activities. Unfortunately, this is not always the case.

Q20 Chair: Thank you very much indeed. Can I ask what the impact is of the risk of attacks on the work that humanitarian organisations do? Does it serve to undermine access that humanitarian organisations might have, because they need—quite rightly—to guard against the risk of attack?

Mark Brailsford: Indeed. The ICRC is quite fortunate that we are on the ground and we have the national societies that we work quite closely with, so we are able to assess the risk aspect very well. There is nothing more frustrating for a humanitarian or aid worker than to be not able to deliver assistance where it is needed. There are contexts, such as Libya, where we do not have access to everywhere we want to go. During the time of the Islamic State caliphate, we had difficulties delivering assistance there. Certain areas of Afghanistan have proved challenging as well more recently. Yes, that analysis of risk is fundamental to our ability to deliver aid because, if we cannot do that safely, that compromises the whole programme and the population then suffers at the end of the day.

Sir Stephen O’Brien: It is fascinating, particularly as I was sitting at the point of having to co-ordinate the global response and, for 14% of the 143 million people whose lives need either saving or protecting tonight, the risk is from natural disaster. The event happens and you co-ordinate. You come together. You make risk assessments for all those who are travelling quickly to go and find out what to do, and to do it very quickly. You then get out there and raise the \$23 billion a year that you need to make sure this can happen. That would be the normal approach.

It is handy that you often have not just ICRC, but a number of other international NGOs. The safety tends to be about all those who are about to descend upon this place to give aid and help, often, because you can in a natural disaster, with civil/military co-operation.

The problem is the 86%—that is up from 0% 25 years ago when the UN’s humanitarian arm was set up. It was all about natural disasters. Now, 86% comes out of deliberate manmade conflict. What is worse is that the charter of the UN may start “we the peoples”, but it is about this regulation between member states. Most conflicts today arise from internal insurrection and are caused by confessional adherence being abused, terrible poverty, and climate change exacerbating a vulnerability. Whatever it may be, as a result, the mechanisms at the UN diplomatic



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level are not really purchasing on the causes that are giving rise to the main sources of humanitarian need. They tend to be slow onset and, once they get going, they are the most incredible protracted crises. Look at the Dadaab camp as a result of the Somalia crisis, with three generations now born there.

The issue for us, in co-ordinating the best possible and quickest response, is that you make a risk assessment about people going in, but most recently it has become very difficult. Slow onset means you need to get UN resolutions to allow you to go in and, in a place like Syria, you will not get one. It then gets worse when proxies come along. You end up, as we know with Syria, with the Russians supporting. In Yemen, it is Saudi Arabia from outside perpetrating an action.

At that point, the international diplomatic level is then reflected, because the UN Under-Secretary General and Emergency Relief Co-ordinator sits as the chair of the Inter-Agency Standing Committee, of which the ICRC is a member. You end up with this attempt to co-ordinate, but you cannot get in unless you are already established, in which case states will be looking to protect their people.

The big issue that came out of the World Humanitarian Summit is how we find a way of using local people and protecting them. When they are with the civilians, they are most vulnerable to the modern forms of proxy-supported internally arising conflict. That is where risk assessments are a rather nice Western definitional luxury. The risk does not arise, but you still have to try to get in. Then you get into Vincent's point that we are all so keen to get in, but the danger is when things go terribly badly wrong: are we prepared to hold people to account, rather than put at risk the terribly difficult access that we have at last managed to achieve?

Chair: That has taken us nicely to Paul's line of questioning.

Q21 Paul Scully: Turning to you, Sir Stephen, first of all, we discussed in the first half the different risks with national staff and international staff. Nine out of 10 victims typically are national aid workers. Why do you think that number is so much greater for national aid workers?

Sir Stephen O'Brien: I have had the deep privilege of travelling to almost all the countries of conflict and need recently—I could give you many examples, whether it is Myanmar, the Donetsk and Luhansk part of the Donbass region in Ukraine or wherever. Let us just take Syria, the place that has caused the greatest anxiety for so many years. For a long time in north Syria, most of the international and independent NGO response was gathered in Turkey outside, trying to get cross-border support. A lot of people, including fantastic people like the White Helmets, were doing internal support for people under pressure, whether the bombing was coming on Homs or east Aleppo—I am particularly renowned for what I had to say on that. At the same time, because the



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UN was dealing with its member state, Syria, it was effectively not able to get a licence to get in.

Naturally, there was very deep anxiety on the part of all the other humanitarians who are not part of the UN constructs and agencies. They were very anxious that we would somehow have to have a discussion—I am in a public forum. I was about to say “with the devil”, but I do not mean that—with the side that they could not approve, because they felt they were perpetrators. Yet, we said that it was still best to reach those in Government-controlled areas who had human need. The international humanitarian law is clear: such aid must be independent, impartial and neutral, and absolutely according to human need, irrespective of whatever side, or no side at all, people may be on.

We were really pushing hard and we eventually got, albeit reluctantly, some consent to put aid convoys from Damascus warehouses up to, for instance, the four towns—Yarmouk and places like that. It was deeply resented by others in the north, because they felt they could only get the local people helping and they were doing their best. Remarkable people like Dr David Nott, who I have been working with, were able to do quite a lot of going in, and there were also remote support for medical support. That is a very sophisticated level and carries its own risks.

Then we would have another issue, which no doubt you will come on to. For instance, we were finding half our convoys were having stuff taken off them because there was a deliberate attempt to make sure there was not enough. We had to make a judgment every time, often in the middle of the night: do we let that convoy still go ahead none the less? The answer was that, except for one occasion, yes, it is worth getting some aid there rather than none.

The problem was that we were doing it down the official route but the local people, who were basically providing all the help, were not getting that support because we could not cross the border until there were those remarkable UN resolutions—those have been renewed, albeit with great difficulty—for the cross-border suppliers. That was a serious issue.

Q22 Paul Scully: That issue is recreated in different ways around the other areas of conflict that you have been to, where there is that reliance on local people.

Sir Stephen O'Brien: At the moment, let us take eastern Ukraine. That takes a lot of getting there at the moment, and when you get there the profile of the emergency is completely different, because with the—albeit denied—Russian support, the local areas of Luhansk and Donetsk have self-asserted their independent republics.

UN OCHA, my office, had 48 people ready to roll and to push out aid fast, because, when you get there, it is the old Soviet Union system of huge canals of hot water heating their buildings, and drinking water coming from the other side of the fighting line. Often, therefore, the taps were



turned down, so the flow would not keep going when the ice came. You suddenly found lots of people were freezing in these buildings and, because of the war, most of the people in need were elderly women. They were not the young children on this occasion. They were mainly elderly women and they could not get access to hospitals. I could not get those people in, even though I got there. In fact, as it happens, the ICRC and the others had already been kicked out, and we were being accused of being spies—you heard what Vincent had to say earlier.

The issue, once I got there, was that they would not let UN people in until we had basically said, on UN OCHA paper, "We are writing to the Independent Republic of Donetsk". All he wanted was a piece of paper, so he could show that the UN supported his independent republic. I could not do it. It is not that I would have conferred statehood on him, but the point was that he wanted that as an example. Those 48 people continue to sit outside and they are not receiving support, other than that which local people or the Russians are prepared to give.

Q23 Paul Scully: Mark, turning to you, do you think that the burden of risk being moved further down the chain of implementation to local delivery partners means they have less capacity to have that support for the security of their staff?

Mark Brailsford: It is a major concern for the ICRC. The figure you referred to of 90% of incidents involving national staff, is absolutely correct. Last year, of the four ICRC staff members who were killed, three were national and one was international. The year before, 2017, was one of our worst years in several decades, where we had 10 staff killed, nine of whom were national staff and one international staff. The global figures reflect the same thing: last year, 285 national staff and 28 international staff.

The reason for this is often that international humanitarian organisations really struggle to get access into these very constrained environments where we have to work. There is a whole range of duty of care elements and considerations that go along with that. Sir Stephen and Vincent have already referred to transferral of risk, which from an ethical point of view we have to be conscious of and bear in mind, but we also consider how we care and prepare for those national staff, who unlike the international staff do not leave the context. They have to live with that, day in, day out. Sometimes, just the fact that they are associated with an international organisation which, in turn, may be perceived in a certain way by parties to the conflict, can carry its own risks.

Our national partners, the national societies, are a great asset to the movement and we work very closely with them. We have a way of supporting them, which we call our safer access framework. It looks at how we apply the fundamental principles of neutrality, impartiality, independence, et cetera, through various lenses of acceptance and understanding of the population, and seeing where there are gaps in that.



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We then address those gaps and ensure that the access provided is as safe as possible.

Yes, it is a major issue. It is one that we are very much seized with, but, given the circumstances in which we all have to work, it is most likely to be national staff who will continue to bear the brunt of these incidents.

Q24 Mrs Pauline Latham: This is a question for both of you to answer. DFID's overall position on aid worker safety and their security is set out in broad terms in its humanitarian reform policy, but it does not have a specific policy on aid worker security. From the perspective of aid organisations, do you think the UK should have a specific policy? Would it make a difference or is it just words?

Mark Brailsford: For the ICRC, our approach to security is integral to the way we deliver our operations. For an organisation like the ICRC, the fact that DFID might have a security policy would not really affect how we carry out our business. We already have frameworks in place and methodologies to ensure that the way we deliver our assistance and carry out our operations includes a strong security analysis and risk management framework.

However, having said that, it may well be that, if that type of policy is linked with support to organisations that do not necessarily have the same types of resources that the ICRC has, that could be of very great benefit to those organisations.

Sir Stephen O'Brien: I would like to pick up on that particular aspect. One of the big things moving forward, which was very much identified out of the World Humanitarian Summit, is that we have to find a way of moving more of the effort sustainably to be delivered by people at a local level. The Norwegian Refugee Council has been very explicit about the enormous value added in terms of impact, as well as value for money, of proximity.

The large organisations tend to be the contracted deliverers on the ground from either DFID or the UN. They have an opportunity and a responsibility to almost lend some of their capacity for security to those smaller organisations that do very important, often niche, and often the last mile work. I am very aware, having been a DFID Minister, that that comes with a cost. It makes your bid less competitive than the next door bid, even though you may well deliver the same or an even better impact for the result that we are all trying to achieve.

If you are going to do it in a way that gives greater assurance to the people doing it, as well as those commissioning it, and so that we do not put people deliberately in avoidable harm's way, given they are already doing a dangerous job, that comes with an added cost. As I recall from the experience of being a Minister, we tried to separate out the security cost versus the programme delivery cost. That was a way of making sure that we did not get into the difficulty of not knowing who was truly



competitive, but it is a big issue and, without it, it is a potential deterrent to some. We do not get the best market to choose from for delivery without that code of conduct, and these codes of conduct, programmes or protocols are a useful way of designing in the essential values and protections that you want.

Q25 Mrs Pauline Latham: Are donor countries, including the UK, giving sufficient priority to the safety and security of humanitarian aid personnel?

Sir Stephen O'Brien: I speak from my experience of the very big donors. When you are trying to raise \$23 billion a year, you are focused on America and Britain. I will bypass the EU for a second, because it is very different money. It is very restricted money. Germany, the Scandinavians, Australasia and Japan are fabulous donors. Increasingly, I am glad to say, others are coming up behind, particularly some in the Gulf.

They are all looking for a sense of confidence that there are proven rules of engagement, which will make sure that their responsibility as donors can really put a focus on safety, but at the same time make sure the money is going to reach for the impact that we are trying to achieve. In the case of humanitarian aid, yes, that is saving lives and trying to put protection around the terrible consequences of women's bodies being used as weapons of war, and children being vilely abused, both as instruments of war and for sexual violence purposes. That might be better known, but it is also terrible, and the extent of it is terrible. That is all happening.

Again, from the World Humanitarian Summit, as Mark hinted, there was a real attempt—through what became the Agenda for Humanity, with the five big priorities and the commitments you could make as a state or an individual—at that kind of simplicity: "Let us be better at preventing and stopping war. Let us make sure we observe the rules of war. Let us make sure we leave no one behind". We do it differently and we finance rather than simply fund humanitarian aid. It is a pretty simple mix. It is obvious, but it is jolly difficult to implement, mainly because there are too many vested interests that do not quite see how it works for them.

Q26 Mrs Pauline Latham: Mark, is the UK listening to the concerns of aid agencies?

Mark Brailsford: We have a very good relationship with UK Departments, including DFID. One of the challenges is a frequent turnover of country offices and country representatives, which means we sometimes have to re-engage and re-explain our ways of working. Generally speaking, we encourage all donors—DFID included but other donors as well—to be champions for the mandate of the International Committee of the Red Cross and our fundamental principles, in terms of the way we work and the need to support the neutral, impartial and



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independent humanitarian action approach. That is something we regularly engage DFID on through our bilateral dialogue.

Q27 Mr Sharma: Hi, Mark. What are the UK Government practically doing to reduce the risk of harm to aid workers? For example, do the Government routinely share information on threat and risk levels, and changes to those levels, with aid agencies?

Mark Brailsford: The UK Government are supportive of some of the key international security risk-management organisations that work in this field, which help to mitigate against risk faced by many NGOs working in these types of environments. For example, the International NGO Safety Organisation, I believe, is supported by DFID. That organisation provides a very strong platform for discussion and exchange of information, including with the ICRC. We also exchange information with that platform. It helps to ensure a consistent and co-ordinated approach.

Another such body that I believe is also supported by DFID is the European Interagency Security Forum. We are an associate member of that forum, as is the federation. Some national societies are also full members, including the British Red Cross. This is another way of ensuring that best practice and lessons learned are shared within the community. Yes, DFID is providing support to that. It also supports a programme at Manchester University, which is trying to get a better and more systematic analysis of attacks against healthcare, which is also very important.

Sir Stephen O'Brien: It is indeed. I have Sophie Roborh's briefing here.

Q28 Chris Law: I am looking at the amount that DFID has spent since 2013. For the Security and Risk Management in Hostile Environments programme 2013-18, and the Humanitarian Global Services programme 2018-21, £9 million has been allocated, which sounds to me like a drop in the ocean given the size of our annual budget. Should DFID be spending more?

Sir Stephen O'Brien: You have to be absolutely clear what you are trying to achieve. To an extent, you can put a wrapper around someone's security. As you have heard from Vincent and, indeed, in all the engagements I have had, you can travel around in armoured vehicles and have close protection, a lot of which has to happen because we are now living in such difficult conflict situations. But no safety programme in the world is going to stop what you hinted at in some earlier questions with Vincent, which is about deliberate action.

When we are dealing with conflict, it is never an accident that an aircraft with bombs on board took off. The question is whether it can ever be justifiably claimed as an accident that it hit the wrong thing. It tends to be airstrikes that are the greatest risk, other than what was previous to



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the airstrike worry, and now the drone strike worry and the kidnap worry. That was the area that Vincent was able to tell us about so powerfully.

It is a very difficult issue, including for us as Brits, and it is particularly difficult for the Americans. There was a great move of the dial when that terrible Kunduz strike took place in the hospital facility in northern Afghanistan, allegedly by American jets. Allegedly, there were terrorist fighters who had retreated there to be treated, or for safety, and they surrounded themselves, as you heard earlier, because they thought they would not be attacked. The co-ordinates of the facility were well known.

I welcome the fact that you are inquiring into humanitarian aid workers, which encompasses, in my mind, health workers. The focus on health workers tends to be more acute, because of the way people think about people in scrubs with red crosses on their vans, ambulances and facilities. That is why, quite literally in my office in New York on the East River, we thought, "We have to do something, because what is absent here is not the law. It is the mechanism of holding people to be compliant and then holding them to account". That includes proxies and states. In this case, we were looking allegedly at the United States of America.

Quite literally, and this is the actual piece of paper, I wrote that: #NotATarget. That is where we started this campaign. It was very focused on medical workers. I have enormous admiration for MSF, but it is not the easiest organisation to keep within the co-ordinated sector, as its people tend to go off on their own a bit. It was its people who had suffered so vilely, as indeed people had in the Sana'a hospital, in Sa'ada, right next to Saudi Arabia, and in the Aden hospital down in the south, where French and Spanish MSF workers had come under attack and in one case had been killed. The route to those hospitals was vulnerable.

All the mechanisms are there in theory, but there is no political will to drive it, which is part of the argument today. What can politicians of all parties, above party politics, who care about this issue, passionately do? You cannot pass a new law to make this better. You have to simply make sure the law that is there is both complied with and is held accountable, so you can build the evidence. I would sit at the Security Council table, look into the eyes of the PRs and say, "We are gathering the evidence". When the terrible strike on the convoy near east Aleppo happened in Syria, I said, "We will gather the evidence. One day, we will come and we will try to ensure there is a proper tribunal where people are held to account", but of course everybody was denying it was their aeroplane that dropped the bombs.

When you ask, "Is £9 million enough?", that is not going to address what I have just described, which is the primary risk. How do you deter people from making mistakes or even thinking about using a barrel bomb, because they know the risk is too high that they will catch an aid worker, a health worker or an innocent civilian? It does not matter whether it is



intentional or not intentional. The point is that it was a risk you knew you could avoid.

Q29 Chris Law: These are all valuable points, Stephen, but the point Vincent made was that the small NGOs do not have the same resources for security and protection that perhaps the larger NGOs have. I suppose my lead-on question from that is this: we do not know whether £9 million is enough, but is it distributed sufficiently, so that all NGOs, regardless of size, do not need to put themselves in the line of fire or can mitigate at least as much as possible?

Sir Stephen O'Brien: It is very important for Mark to answer that. All I know is that DFID procures and goes through a lot of people, so you have to ask how far it gets towards the last mile.

Mark Brailsford: As for whether £9 million is enough, considering the size of the problem, anything that can be done to strengthen capacity—particularly, as you mentioned, of the small NGOs, and their ability to work in safety—is all to the good. What is the figure for that? It is difficult to say.

I would like to echo what Sir Stephen said. No matter how much planning or preparation goes into a particular context, sometimes you can be in the wrong place at the wrong time, or you can be subject to direct targeting. The statistics show that national non-state armed groups are responsible for most attacks. Although international non-state armed groups, such as the Islamic State, as it was and is, and al-Qaeda, are responsible for fewer attacks, they are more deadly in terms of body count. Beyond those, as Sir Stephen said, state parties to conflict are responsible for most deaths. For example, in 2015 and 2016, 54 aid workers were killed through airstrikes in Syria and Afghanistan, as well as the upsurge in violence in South Sudan.

That, for an organisation like the International Committee of the Red Cross, puts a great onus on us to engage with non-state armed group element, and to ensure they understand who we are. We need to have a dialogue, and to try to ensure our acceptance and understanding, to be able to work in these contexts.

We recently published a study called *The Roots of Restraint in War*, which is available on our website—I would recommend it to you all. It looks at what angles and approaches the ICRC can use towards organisations, including state organisations and non-state organisations, to enhance restraint. One of the conclusions is that understanding and knowledge of principles of IHL is very important, but, without associating those with the values and standards of the organisations concerned, it is nowhere near as effective. That is something we try to do wherever we work, and that includes looking at how IHL is also complementary to Islamic precepts, for example, and using that as an angle to engage with certain organisations and sometimes states. We were recently doing a study on



Buddhist precepts and how they intersect with IHL. These are some of the things we do.

On the state side, there is dialogue with regard to conduct of hostilities. Sir Stephen mentioned explosive weapons in populated areas, reverberating effects and impact on the population—again, the direct impact. There is also further down the line and the long-term impacts, which create more need for aid. That means there is more response and more humanitarian workers on the ground, who are then exposed to risk. These are some of the issues that we continue to grapple with.

Sir Stephen O'Brien: Would you mind, Chairman, if I—

Chair: We are running rather behind, and I am conscious of numbers and potential votes. We are going to start losing members, so can we get on to the next question? Is that all right?

Sir Stephen O'Brien: That is fine. I will try to weave it into the next question.

Q30 **Chris Law:** I would like to go back and follow on from the point I was asking earlier. I appreciate what you said, Mark, but what I wanted to know is this. Do other donor countries and the UK fully support the need to resource NGOs, regardless of their size, in the protection of aid workers in all programmes, in particular where risks are high? Do you feel assured or should more be done?

Mark Brailsford: I find it difficult to respond with regard to other organisations, really.

Sir Stephen O'Brien: As a matter of policy, which in a sense gives me my excuse, DFID cannot be the sole provider of the package of money for all. It needs to be a lead contributor, because it makes available the resources and has this amazing technical capacity of understanding what it is to put these types of protection into a programme. It is a question, really, about driving that through the procurement contract, and driving it as a matter of expectation that will be monitored.

A lot of it is to do with policy, which is why it is relevant that we are all discussing it here today. The best example most recently in humanitarian terms—this has frankly not received the high publicity it should—has been the humanitarian co-ordinator in Iraq, Lise Grande, who reported to me. She is now in Yemen. She is an outstanding individual.

I was part of all this, but she negotiated, with very good information, effectively a humanitarian concept of operations through Prime Minister Abadi, who was then Prime Minister of Iraq. It was so that the ISF could take back Mosul, but with a view to us providing sufficient retreat points for all those trying to come over the line with white flags. This was easy enough in the east because they were wide enough. It was difficult in the west, because even the streets were too narrow for the vehicles. It became hand-to-hand combat. In the end, we predicted up to 1.5 million



people. It was just about 1 million, and no single person was without a shelter on arrival at the other side.

There, we got it right because they were prepared to go with the humanitarian concept of operations. It is a matter of policy, which can be encouraged, to get the international humanitarian law engaged even with those who are having to use their military for recovery.

- Q31 Chris Law:** Is there any evidence that the aid worker security programmes had any impact? You have just given examples, but I wanted to know in particular about any reductions in the number of incidents or in the number of NGOs closing or suspending aid programmes due to specific security threats.

Mark Brailsford: Again, that is a difficult one for either of us.

Sir Stephen O'Brien: To be honest, that is not very answerable, other than that you get people who withdraw and they will try to go back three weeks later. The trouble is that that is massively costly, because setup is always where the international costs are involved. Vincent touched on this with some clarity earlier on. The culture of impunity, coupled with humanitarians' absolute determination to get there and then stay and deliver, means you almost have a perfect negative storm about accountability, because nobody wants to upset what little applecart they have managed to achieve in terms of access. That is where, particularly for the smaller players, they are caught up in that dynamic and it is quite difficult to reach it. There are wider issues than simply whether enough money is being allocated and whether there is enough focus. This is about the practicalities of making sure what you can deliver is being delivered.

- Q32 Mark Menzies:** In the interests of brevity, I will condense my two questions into one. This is to both Stephen and Mark. Does international humanitarian law provide a sufficiently strong legal basis for unobstructed humanitarian access to fragile and conflict-affected areas? Could the UK Government, as a major humanitarian aid donor, do more to strengthen protection of aid workers, whether through dialogue with the UN Security Council or through dialogue with other donors or Governments?

Mark Brailsford: Yes, on both counts. International humanitarian law does provide provisions and clear legal guarantees for access, both in international and non-international armed conflict. Disaster response was mentioned earlier by Sir Stephen, and IHL applies in conflict situations, but humanitarian and aid workers are also subject to violence and attack outside of that, and access is needed. I would like to mention the guidelines for the domestic facilitation and regulation of international disaster relief. Those were developed by the federation, supported by national societies, and they have been endorsed by the international community of states as a good tool that the UK could also advocate, in terms of access in disaster situations.



Sir Stephen O'Brien: The framework of law, as per my earlier comments, is universal. It applies to every individual. It is not restrained to states. It is a fantastic opportunity to refocus: how do you make that both compliant and accountable? How do you gather evidence? How do you have independent tribunals in a timely manner able to pursue that, so people really feel accountable early on? Secondly, that will carry with it deterrents, because it will be seen to be real. There is a real opportunity for us here to increase the environment of action.

A very important part of international humanitarian law is medical neutrality, which has been touched on. A great example of that happening in a more or less non-conflict situation was how the medical workers in Egypt, in Tahrir Square, were being stopped from reaching those who were in the square causing, as it was alleged, the violence against the established state apparatus. That was a violation, and should be called out and held accountable. We all know it is very difficult, but nonetheless there should be a big international effort to make that happen.

The only other point that really addresses your question is that it is, in terms, part of international humanitarian law, whatever the context—and it has been variously translated—that you have either unhindered or unimpeded access. I do not care; they are both good enough. That is what you have to have. That phrase is used by me and others at the Security Council table. You just have to hope that, one day, the eyes will not glaze over.

Q33 **Richard Burden:** Stephen, you made very clear that you do not see the problem as particularly being the body of law, whether it be international humanitarian law or international law more generally, but more the political will to implement it and to ensure accountability. As you may have heard, earlier I asked Vincent the question about the recent United Nations Human Rights Council commission of inquiry into deaths and injuries on the Gaza border, which came out with a fairly damning indictment, really, that most of those killed and injured—including 600 medics wounded and three killed—were shot by the Israeli forces unlawfully.

When that came to a vote, even though it went through, what was striking is that most European countries, Britain included, abstained. That, to me, does not indicate any appetite to have the political will to hold to account perpetrators of breaches of international law, at least in that situation. Would you agree?

Sir Stephen O'Brien: In the very fact that we are having this conversation, you and I both know from my past that we do not sit on the same side of the political divide in terms of domestic politics, but on this there is no divide. I was disappointed that we, as it were, sat on the side-lines on that. The Human Rights Council is effectively a UN creature. It is irresponsible of the world community to put a higher burden on people like those from the International Committee of the Red Cross to



be effectively calling out the policing of this when we have the world's highest diplomatic body.

I was privileged to be a member of the world cabinet, so called, rather grandly, or the top six. We talk about these things, but there was a massive feeling: "This will have to go to the member states, and then they will make their diplomatic excuses, to be honest, or sit on the side-lines".

There is an opportunity and, if I am going to be allowed some reflection on my time at the UN, this is where we have a lacuna. It is why I have spent the last three months in Cambridge as a visiting fellow, trying to find, as well as the charter of the United Nations regulating member states, what methodologies, accountable mechanisms and ability to bring evidence forward could exist to help hold to account those who are doing stuff that arises internally, not in the name of a state. It is bad enough that we do not go forward when it is in the name of a state because it gets diplomatically smoothed, but, so often, changes of behaviour are because there is potentially an individual sanction at the end of the line.

We need to find a better way of thinking about voicing the political will that would chase the perpetrators. I know that is shared quite widely among the humanitarian community, particularly now as we look to humanitarian response, straddling to more sustainable, permanent development support. Dare I say it, this Committee has an opportunity to express an ambition for political will that is too often diplomatically absent. Diplomacy is a justified national interest, and that is what people pay a lot of money to achieve, but, at the moment, it is causing a neutrality of world attention and ambition to hold perpetrators of bad stuff to account.

Q34 Chair: That brings me to the final question. The 2015 UK aid strategy placed a great deal of emphasis on the national interest, and that is used a lot in rhetoric by Ministers in the current British Government. Is your sense that this has been interpreted by the wider world as politicising aid, and does it pose any sort of threat to the safety and security of humanitarian aid workers?

Sir Stephen O'Brien: This is a very fundamental question, because I have prayed in aid, in the last answer, how to generate political will. I have to be consistent, and I was party to it as a Minister and, particularly, as somebody who, as is well known, was pretty heavily engaged in the authorship of the 0.7% law. I believe absolutely fundamentally that politics, being effectively an alignment of a coalition of interests to get stuff done, needs to recognise that. When I saw my constituents in south-west Cheshire every Friday, Saturday and Sunday, as I looked them in eye, I needed to explain why I felt it was important in their name to be focused on people thousands of miles away who they will never meet, whose needs, in my view, were much greater than theirs, and whom I was prepared to divert their hard-won taxpayers' money to support.



That is an argument and you make it. At that point, the mutual interest is not the doing of it. It is the fact that the impact of it should create a safer world, for everybody's future planning and security, to be able to proceed with greater confidence. As all the vagaries and ups and downs take place, it is about whether we can narrow the chances for people to arise in conflict or mega need. Goodness knows we have enough facing us with climate change exacerbation and population growth, which is often under-discussed. These are the major challenges that we are finding really difficult to control. At least the man-made elements, like conflict, we should be doing better at.

My view is that the politicisation of aid is a handy phrase often used by those who would wish to see the money come to them rather than elsewhere, and we need to be really careful. There is a really good point in making politically desirable the broad world engagement, because it is in all our interests.

The danger of the politicisation of aid is when that is abused. It is very important we have a separate DFID. It is very important we have, albeit I struggle with it, the untied aid, because at times we get put in a corner when we should not be. Above all, it is really bad when you get the occasional breaches of people abusing aid, fraud, corruption or even where vaccination workers are used as spies, which can set back years of work for years and, ultimately, deals with security issues in a way we do not want. That form of politicisation is absolutely to be stopped, stamped out and condemned. DFID, in fairness, is a leader on that.

There is a danger in using that phrase, which is one that expects the negative answer and helps fuel the occasional, dare I say it, story in the tabloids, where perhaps 1% bad is portrayed as representing the 99% good. We need to focus on the 99% good and make it better.

Q35 **Chair:** Thank you for that. Mark, do you want to add anything on that?

Mark Brailsford: It is not really for the ICRC to comment publicly on Government policy. It is part of our bilateral confidential dialogue, which is part and parcel of the NIIHA approach. We engage with donors with regard to the frameworks they apply in their donorship, to try to ensure as much as we can that it is constantly checked against the same humanitarian principles to which we also adhere.

A good example is the fact that DFID's logo is not on the aid that it provides—the DFID UK aid logo is not present—when it is for components of the Red Cross movement, which is an endorsement of its understanding of the importance of that approach. It is true, as Sir Stephen says, that, if the ICRC were to be associated with the UK's national interests in the places where we work, that would severely undermine our ability to conduct our activities.

Q36 **Chair:** You are saying that, in practice, that is not on the ground what DFID is expecting of you.



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Mark Brailsford: DFID is very open to a dialogue on that and many other issues.

Chair: Can I thank you both very much indeed for your evidence today and, again, thank Vincent as well? There will be a number of follow-up actions from today's session. Stephen, we might invite you back to talk about the work you have been doing at Cambridge, looking at the system and how it needs to improve.

Sir Stephen O'Brien: It is a work in progress. I hope it will land. Thank you very much.

Chair: Thank you.