



ACT Alliance key concerns on upholding humanitarian principles in Libya

20 April 2011

Background

Hundreds of thousands of people in North Africa are being affected by the current conflict in Libya and the continuing uncertainty in neighbouring Tunisia and Egypt. ACT Alliance members are working with local partners in Egypt, Tunisia and the region to provide direct support to displaced people and to ensure long-term livelihood opportunities and greater accountability by decision-makers. International actors must prioritise humanitarian needs in their response to the crisis and support access for humanitarian actors.

ACT Alliance calls for all sides to ensure civilians are protected. We are deeply concerned that the humanitarian situation in Libya and on the borders with Tunisia and Egypt could deteriorate. We urge Libyan authorities and other groups to allow and ensure access to national and international humanitarian organizations and are hopeful after the recent agreement between UN and Kadafi on access into Libya by humanitarian actors.

Humanitarian principles

International Humanitarian Law (IHL) IHL imposes obligations on the warring parties regarding protection of civilians and the provision of humanitarian assistance. IHL also establishes an obligation, with some restrictions, for the parties to allow and facilitate rapid and unimpeded passage of all relief consignments, equipment and personnel, even if such assistance is destined for the civilian population of the adverse party.

Humanitarian needs

ACT Alliance urges all external actors to prioritise humanitarian needs in their response in Libya and the region. All have the responsibility to protect civilians and to uphold and abide by International Humanitarian Law.

Right to protection

According to our partners and other information, the most pressing humanitarian needs within Libya concern the right to protection. Civilians are at serious risk from violent conflict and also from other infringements to their rights. It is vital that civilians' right to protection can be upheld. This means that all armed parties to the conflict must respect the right to protection of civilians and that they must also allow humanitarian access to national and international humanitarian agencies.

Humanitarian access

Unfettered humanitarian access is vital so that human rights can be upheld and monitored. Parties to the conflict must allow humanitarian agencies' access to civilians, and must allow equipment and other necessary goods to be transported in order to uphold the human rights of civilian affected by the conflict. There is concern that in Libya, national and international humanitarian agencies do not have full access, nor are they allowed to exercise to respond to humanitarian needs. Humanitarian actors must be allowed to operate independently and without impediment.

Civil-military relations

ACT Alliance urges all actors with humanitarian, political and military roles in the current crisis of Libya, to take careful consideration as to keep the roles of different actors clear and distinct. The blurring of military and humanitarian operations is dangerous for the agencies involved, and more importantly, for civilians. The perception of civilians and others towards different agencies will be confused, which then may impact the trust between them. This in turn, may severely restrict the humanitarian agencies' access to the affected populations.

Humanitarian co-ordination

ACT Alliance calls for humanitarian work to be led and co-ordinated by the civilian humanitarian agency UN OCHA. We believe civilian agencies have the capacity and legitimacy to assume the vital co-ordination and implementation of humanitarian work in and around Libya. We are concerned that the role of NATO could confuse a clear distinction between parties to the conflict and humanitarian actors. Such a distinction is blurred if humanitarian co-ordination is being organised by a military organization.

Military support for humanitarian assistance

ACT Alliance considers military operations in support of humanitarian assistance to be the last resort and does not at the moment see a need for military assets being deployed. European Union has agreed to establish an EU military operation in support of humanitarian assistance operations in Libya only if requested by the UN OCHA. This is in line with the MCDA guidelines which clarifies the roles and mandates between humanitarian and military actors.

Key messages:

- stop violence and revert to peaceful means of resolving the conflict
- protect civilians
- ensure humanitarian access to national and international humanitarian actors
- ensure humanitarian coordination is organised by a civilian organisation to keep distinction between humanitarian and military operations clear
- ensure the roles of humanitarian and military actors remain clear and distinct
- all actors must respect International Humanitarian Law.