

The Criminalisation of Humanitarian Space

Wednesday, 30 October 2019
Trinity College Dublin

SUMMARY DOCUMENT

EVENT DETAILS

On the 30th of October 2019, the Development Studies Association of Ireland's Humanitarian Action Study Group (DSAI HASG) hosted a public panel discussion at Trinity College Dublin on the Criminalisation of Humanitarian Space.

The discussion brought together representatives from across research, policy and humanitarian practice to discuss how restrictions on humanitarian action and access are changing; what humanitarian organisations are doing to overcome and navigate these challenges, and what donors and governments can do to help protect humanitarian space.

The panel included:

- **Andrew Anderson**, Executive Director, Front Line Defenders;
- **Markus Geisser**, Senior Humanitarian Affairs & Policy Advisor, International Committee of the Red Cross (ICRC);
- **Prof Niall Ó Dochartaigh**, Professor of Political Science and Sociology, NUI Galway;
- **Patrick Haughey**, Director of the Humanitarian Unit, Dept of Foreign Affairs and Trade; and
- **Dr Caitriona Dowd**, Assistant Professor in Security Studies, Dublin City University.

OVERVIEW OF DISCUSSION

The discussion brought together speakers and audience members from **across research, policy and practice**, and reflected the value of dialogue across these sectors. It also raised the importance of working across silos within sectors. For example, where restrictive financial regulations make humanitarian operations in conflict-affected contexts difficult, policymakers working on financial and compliance requirements may be unaware of these impacts.

The discussion also highlighted **connections between domestic and international policy**. Speakers drew on evidence from cases as diverse as Nigeria, North Korea, Mexico, Turkey, Israel and Russia, reflecting the fact that increasing restrictions are not confined to one geographic region alone. Restrictions are also being introduced not only in crisis-affected contexts by host governments, but also by donor governments in the OECD. Particular concerns were raised about recent developments in the UK and Netherlands that could potentially restrict actors' access, and create precedents for similar donor policies elsewhere.

Such **restrictions are often political**: speakers highlighted patterns in pressure applied to human rights defenders and humanitarian actors corresponding to political developments. Selective application of laws to target activists or aid workers was also noted. The discussion focused in particular on the politicisation of counter-terrorism measures in recent years, which presents serious challenges for humanitarian actors responding in designated 'no-go' areas, or where 'no contact' regulations restrict communication with particular armed actors. A distinction was drawn between concerted efforts to deliberately close civil society space - particularly for groups critical of government - and efforts to counter violence that may inadvertently impact humanitarian access. The political nature of restrictions also highlights the possibility of improvement, and the scope for opening, as well as closing, of space. It also underlines the important work of Ireland and other governments, championing civil society space globally.

Speakers highlighted how **humanitarian actors are differentially vulnerable**. Not all actors are equally at risk: larger humanitarian organisations may be better able to withstand legal and political pressure than smaller groups. Migrant human rights defenders may be more vulnerable to state reprisals because of their status. Local and national

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FURTHER READING

- **Front Line Defenders (2019)** *Defenders Beyond Borders: Migrant Rights Defenders under Attack in Central America, Mexico and the United States*, <https://www.frontlinedefenders.org/en/statement-report/defenders-beyond-borders-migrant-rights-defenders-under-attack-central-america>.
- **International Committee of the Red Cross (2018)**, *The Roots of Restraint in War*. <https://www.icrc.org/en/publication/roots-restraint-war>
- **Magone, C., Neuman, M., & Weissman, F. (Eds.) (2011)**, *Humanitarian Negotiations Revealed : The MSF Experience*. Médecins sans frontières (MSF), <https://www.msf.org/publication-humanitarian-negotiations-revealed>.
- **Government of Ireland (2018)** *A Better World: Ireland's Policy for International Development* <https://www.irishaid.ie/about-us/policy-for-international-development/>
- **Development Studies Association of Ireland (DSAI)** website for updates, news, events and further resources <https://www.dsaireland.org/>.

humanitarian actors may also be at greater risk compared to international counterparts, particularly where negotiations with armed actors are carried out by local third parties and interlocutors with inadequate support. Local staff and their families may also be more vulnerable to harassment and arrest than international staff. Gendered experiences of restrictions and reprisals among humanitarian actors and human rights defenders must also be considered.

Finally, the discussion drew attention to a **growing culture of counter-humanitarianism** in some contexts, reflected in an ideological backlash against humanitarian response and national interest-driven humanitarian policy. This raises the questions of how to more effectively communicate the importance of principled humanitarian action, and balance legitimate public demands for accountability and transparency with the need to keep compliance regulations manageable.

RECOMMENDATIONS

- **Donors and governments should continue to support civil society**, through high-quality, flexible and multi-annual funding to support their operations, but also through policies and legislation that protect and promote civil society space domestically and internationally.
- **Governments should include explicit exclusions for humanitarian assistance in counter-terrorism measures**, and civil society should collectively mobilise to communicate the importance of these exclusions and shape these processes. Drawing on learning from similar successful campaigns and research is important.
- **Humanitarian organisations should develop clear strategies for engagement with armed actors**, facilitating structured and consistent engagement and trust-building over time, and minimising transfer of risk to local partners or interlocutors. Evidence from research on political violence can provide valuable insights here.
- **Humanitarian and policy actors should work across silos**, effectively mobilising to communicate the implications of changes in financial and compliance regulations for humanitarian response. This requires engaging with a wider range of counter-terrorism stakeholders, such as in finance and domestic policy. Closer collaboration between researchers in these different fields should also be explored.