



19.06.2019

Dear USG Lowcock:

In advance of the 2019 ECOSOC Humanitarian Affairs Segment, and on the occasion of the 70th anniversary of the Geneva Conventions, we, the undersigned organisations, write to request OCHA's fullest support for efforts to protect principled humanitarian action from the impact of counterterrorism measures.

The United Nations General Assembly and the Security Council have stated that counterterrorism measures should comply with international humanitarian law, as well as with international human rights law and international refugee law. Despite this, the undersigned organisations note that counterterrorism measures continue to threaten humanitarian access and restrict principled engagement with non-state armed groups. In doing so, these measures increase delivery costs, affect programme quality and efficiency, and risk staff security by fuelling perceptions that humanitarian organisations are not impartial.

Key areas of concern include the following:

- UNSC resolutions related to counterterrorism continue to be passed without adequate protections or safeguards, including explicit humanitarian exemptions, for the provision of humanitarian assistance. Member States' efforts to ensure counterterrorism measures comply with their obligations under IHL are extremely limited.
- At the domestic level, UN Member States are introducing increasingly broad, vague counterterrorism legislation and regulations, risking the criminalization of aspects of humanitarian aid in the process.
- Donor conditions related to counterterrorism are becoming increasingly risk averse, restrictive, and challenging to comply with in environments where non-state armed groups are present.

We thank OCHA for its work to date on these issues, including recent briefings to the Security Council and the Counterterrorism Committee. However, we remain concerned that these efforts have not always been commensurate with the scale and significance of the problem faced by the humanitarian community. We ask OCHA to prioritise, with urgency, efforts to limit the impact of counterterrorism measures and preserve the impartiality and neutrality of humanitarian action. Areas OCHA could consider focusing on are as follows:

- Addressing the inconsistencies in the approach to counterterrorism and principled humanitarian action across the UN.
- Encouraging Humanitarian Coordinators and Humanitarian Country Teams to share concerns regarding counterterrorism measures, and to document their impacts on humanitarian operations, particularly in hard to reach areas, to support advocacy and policy efforts to address these impacts.

- Ensuring Member States and donors are held to account when they impose counterterrorism measures that do not comply with IHL obligations, including through more regular engagement with stakeholders when these issues arise, and through Emergency Relief Coordinator/Under Secretary General reports to the Security Council.

In the year of the 70th anniversary of the Geneva Conventions, we have an opportunity to reinforce the importance of the delivery of life-saving assistance to those in need, without adverse distinction. Unless urgent action is taken, our work will increasingly be confined to government-held areas, to the detriment of impartial, needs-based humanitarian action, and the exclusion of affected populations from access to aid and protection.

We urge OCHA, and you, Mr. Under-Secretary-General, as Emergency Response Coordinator, to intensify efforts to prevent this from happening.

Yours sincerely,

ACTED

Action Against Hunger

Care International

Concern Worldwide

Handicap International

International Rescue Committee

Oxfam

Médecins du Monde

Mercy Corps

Norwegian Refugee Council

Première Urgence Internationale

Save the Children

Solidarités International