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31<sup>st</sup> International Conference of the Red Cross Red Crescent  
Geneva, 28 November–1 December – For humanity



## **International Humanitarian Law and Humanitarian Access and Assistance**

(Commission E)

Concept note

### **Objectives**

Commission E is aimed at facilitating dialogue on humanitarian access and assistance during armed conflicts. Participants are invited to share their experience and views on the most appropriate ways to provide rapid and appropriate response to civilian populations in need of humanitarian assistance. This debate will put particular emphasis on the relevant rules of international humanitarian law (IHL). It is not intended to deal with the issue in a conclusive way.

### **Rationale**

Commission E will address one of the most serious humanitarian concerns related to armed conflicts. In such situations, civilian populations are often deprived of essential supplies, including food, water and shelter, and are unable to access health care and other basic services. Rapid access and provision of assistance to these populations is therefore a priority in a number of armed conflicts, whether international or non-international.

While constraints on humanitarian access and assistance are rarely the result of purely legal reasons, reliance on the relevant provisions of IHL may prove to be a useful tool in practice to secure access to affected populations and to conduct effective humanitarian operations. However, resorting to this legal framework may be challenging for different reasons. Some aspects of relevant rules of IHL are not always sufficiently clear and may raise diverging interpretations. Another problem is the lack of knowledge of these rules, including by practitioners and belligerent parties. The ICRC's Report on *International Humanitarian Law and the challenges of contemporary armed conflicts* provides further details on these difficulties.

Humanitarian access and assistance during armed conflict is an issue of common interest and shared responsibility for all members of the International Conference. The debate to take place at Commission E is therefore particularly relevant. It will provide a unique opportunity to exchange views from different perspectives, involving the participation of different States and components of the Red Cross and Red Crescent Movement, as well as to gather experiences from a variety of regions and contexts.

### **Guiding questions**

1. What are the main obstacles in gaining access to civilian populations in need of humanitarian assistance? What are the main obstacles to the delivery of rapid and appropriate humanitarian assistance to these populations? What are the most effective means to overcome these obstacles?
2. Do you consider that IHL is an adequate tool to ensure humanitarian access and the delivery of rapid and appropriate humanitarian assistance? Which measures would you

propose to ensure better understanding, knowledge and use of the rules of IHL governing humanitarian access and assistance?

3. How should States, components of the Red Cross and Red Crescent Movement and other actors concerned cooperate in this regard?

#### **Practical details**

The thematic commission will be held twice on Tuesday 29 November (from 13.30-16.00 and 16.30-19.00). Following panel presentations by speakers that are yet to be confirmed, the Chair will introduce the debate and open the floor for statements from the participants.

Delegates are invited to limit their statement to three minutes and to respond to the guiding questions presented above. Delegates speaking on behalf of a group of participants may extend their statement to five minutes. At the end of each Commission Session, the Chair will make some concluding remarks.

#### **Reference to official working documents**

*International Humanitarian Law and the challenges of contemporary armed conflicts*, Report, Document prepared by the International Committee of the Red Cross, Geneva, October 2011, 31IC/11/5.1.2.