

The Safety of Humanitarian Aid Workers in Time of Armed Conflict:
A Critical Legal Analysis

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**The Safety of Humanitarian Aid Workers in Time of Armed Conflict:
A Critical Legal Analysis**

**By
Ahmad Aqeil Mohammad Al-Zaqibh**

**A Thesis Submitted to the College of Law, Government and
International Studies (COLGIS) In fulfillment of the requirements for
The Degree of Doctor of Philosophy Universiti Utara Malaysia**

DEDICATION

To My Dear Father, Mother,

Brothers and Sisters

With Love

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July 2010

Ahmad Aqeil Mohammad Al-Zaqibh
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ABSTRACT

This research explains the meaning of humanitarian workers and the conflict zone in which they carry out their duties to the needy. It also points out that members of independent humanitarian organizations have less protection, legally speaking, than most of them probably think. Two key features of their work neutrality and independence as well as practical steps they take to implement these principles, actually place them outside much of the protection afforded to either civilians or authorized medical staff. Through this research, the international legal protection currently available to independent humanitarian organizations is examined, and consideration on whether there is scope for improvement of both the content of this framework and respect for the same. Beyond the lack of willingness of states to do so for political reasons, some more technical aspects should be emphasized. The implementation of sanctions is too often seen solely through the prism of international law, without enough attention being paid to the complexity and diversity of municipal legal systems. The analysis and discussion also on nature, types and aim of each aid workers as different types of aid workers need different type of protections and the aid workers at the armed conflict areas such as in Afghanistan, Iraq has been highlighted. This research's objective is to analyze the instruments applied to the personnel security in the humanitarian field of armed conflict under or through the international humanitarian law, and to reflect the need to take measures in order to ensure the security of the staff, so that they can indeed reach those civilian people and act on their behalf.

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General Assembly Resolution

General Assembly Report

Security Council Resolution

Article 7 -9 of the International Criminal Court (ICC)
Statute

Convention On The Safety Of United Nations
And Associated Personnel 1994

Abb.	Full List
ACBAR	Agency Coordinating Body for Afghan Relief
ACC	Administrative Committee on Coordination
ACF	Action Against Hunger
ANSO	Afghanistan NGO Safety Office
ANSO	Afghan NGO Security Office
BAAG	British Agencies Afghanistan Group
BPHS	the Basic Package of Health Services
CARE	Cooperative for Assistance and Relief Everywhere
CCW	Certain Conventional Weapons
CCWC	Convention on Certain Conventional Weapons
CERF	Central Emergency Response Fund
DAC	Development Assistance Committee
DHEP	Dental Health and Education Project
ECHO	Directorate-General for Humanitarian Aid
ECOMOG	Economic Community of West African States Monitoring Group
EPRO	European Partnership of (Christian) Relief Organizations
FSO	Field Security Officers
GAO	U.S. General Accounting Office
HPG	Humanitarian Policy Group
HQ	Headquarters
HSPN	The Humanitarian Security and Protection Network
IASC	Inter Agency Standing Committee
ICC	International Criminal Court
ICISS	International Commission on Intervention and State Sovereignty
ICRC	International Committee of the Red Cross
IDPs	Internally displaced persons
IHL	International Humanitarian Law
ISAF	International Security Assistance Force
LTTE	the Liberation Tigers of Tamil Eelam
MCAs	military civilian actions

MoU	Memorandum of Understanding
MSF	Médecins Sans Frontières
NANGO	National Association of Nongovernmental Organisations
NATO	North Atlantic Treaty Organization
NGHAs	Non-Governmental Humanitarian Agencies
NGOs	Non-Governmental Organization
NSP	National Solidarity Programme
OECD	the Organization for Economic Co-operation and Development
OEF	Operation Enduring Freedom
OLS	the Operation Lifeline Sudan
OXFAM	Oxford Committee for Famine Relief
PRT	Provincial Reconstruction Teams
PSP	Private Security Providers
SERVE	Serving Emergency Relief and Vocational Enterprise
UN	United Nations
UNAMA	United Nations Mission in Afghanistan
UNDHR	United Nations Declaration on Human Rights
UNDP	United Nations Development Programme
UN-HABITAT	United Nations Human Settlement Programme
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNOCHA	United Nations Office for the Coordination of Humanitarian Affairs
UNRWA	United Nations Relief and Works Agency
UNSECOORD	United Nations Security Coordinator
USAID	United States Agency for International Development
USCRI	US Committee for Refugees
WFP	World Food Programme

CHAPTER ONE

INTRODUCTION

1.1 Introduction

The nature of humanitarian relief has changed dramatically in the past decade as conflicts have ceased being wars between states and are now largely internal conflicts taking place amid the anarchy of weakened or collapsed states.¹ Increasingly, civilians and those who try to protect and assist them are seen as legitimate targets for extortion, harassment, rape, and brutality.² The conduct of providing assistance while protecting the providers is the dilemma facing all international aid organizations.³

In recent years, the number of NGO personnel who have been threatened, harmed, or killed around the world has gained increasing attention from agencies and organizations working in the contexts of violence or war, as well as from international media.⁴ Over the years, it has sparked endless debates and raised many questions on the ability of these organizations to fulfill their mandate and the future of humanitarian action.

¹ Burkle FM. Lessons learnt and future expectations of complex emergencies. *BMJ* 1999;319:422-6.

² Aboutanos MB, Baker SP. Wartime civilian injuries, epidemiology and intervention strategies. *J Trauma* 1997;43:719-26.

³ Thoughts for safety of aid workers in dangerous places. *Lancet* 1999;354:609.

⁴ "Context Matters: Identifying Micro and Macro Level Factors Contributing to NGO Insecurity," CCHS Human Security Bulletin, November 2003.

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