Mr. Chairman, Ladies and Gentleman,

Thank you for the opportunity to attend and address this important gathering on such a critical theme. I am honoured to have been asked to be a speaker at such an important event. The organisers of this conference are to be congratulated for having chosen such a topical and highly relevant theme for the NGO movement. As was pointed out by the Chair, the timeliness of the conference is extraordinary. Today's briefing of the Security Council may well see the world taking another step forward towards war in Iraq with a whole new set of humanitarian and human rights challenges.

Of the three themes chosen - the presence of military forces in humanitarian action, the strategic value of forgotten crises and the protection of displaced and migrants - the latter two are certainly not new at all, and have been discussed and argued over for many years now. But the conference organizers are right to suggest that the post Sept 11 political agenda has changed the terms of the debate for these issues. The cold reality of the age of counter-terrorism has created a new set of challenges and dilemmas for the international community and, in particular, for those NGOs that aspire to live by and promote fundamental international standards of human rights and humanitarian action.

And what do these three themes have in common? As I will seek to argue, they are all created or exacerbated by a fundamental and systematic attack on human rights and humanitarian principles in the name of "the war against terror". Where human rights and humanitarian standards are applied, it is being done so in an increasingly selective and politicised manner. Access to neutral and impartial humanitarian action or to protection due the displaced or refugees including protection against forced displacement itself has become, in so many cases, dependent upon the strategic and political importance of the country concerned to donors or whether or not its Government is perceived to be an ally in the war against terrorism.

This is an issue of great concern to my, organization: Human Rights Watch. Human Rights Watch researchers conduct fact-finding investigations into human rights abuses in all regions of the world. These findings are then used to name and shame the perpetrators in the eyes of their citizens and the world. We believe that sharp vigilance and timely protest can prevent the tragedies of the twentieth century from recurring. We are rooted in the principle that international standards of human rights apply to all people equally. Justice must not only be done but must be seen to be done. In so many humanitarian crises throughout the world, this is manifestly not the case.

It seems so long ago now, but it is worth remembering that, as we entered the new millennium just over three years ago, most of us in the NGOs did so, for the most part, with quite some optimism. The 1990s had seen a series of breakthroughs for the NGO community. NGOs played a major role in many of the world conferences of the 1990s securing for ourselves a role as key actors in many areas of global policy making: social development, human rights, the environment, women's rights and so on.

Funding for NGOs increased dramatically, particularly in the humanitarian area, giving NGOs much greater influence on the ground as well as in donor and political capitals. In addition, there were important legal developments in which coalitions of NGOs from all over the world played a key role, together with sympathetic Governments: the Statute of the International Criminal Court; the
Landmines Convention, the Optional Protocols to the Convention on the Rights of the Child - to name but a few. These have already had a profound impact.

Even the conservative Security Council started to develop some innovative approaches to peace and security, often as a result of intense NGO lobbying. The initiation of the human security agenda - protection of civilians, women, peace and security and children and armed conflict - at the highest levels, provided a recognition that conflict management had to address the human dimensions with human rights, refugee law, humanitarian law and principles at the core.

Not that all was positive. Events in Somalia, Bosnia, Rwanda and Kosovo - amongst others - reminded us of the fragility of humanitarian ideals and the lack of sustained commitment of the international community.

But there was enough in the 90s to give us the hope that we could humanize the political agenda. On that score much has been achieved. We are now witnessing an increasing tendency to politicize the humanitarian agenda.

Before going on to discuss the themes that have been put before this conference, I want to take a few minutes to reflect on the phenomenon of terrorism and the importance of ensuring that human rights are central to counter-terrorism measures.

We need to be clear that terrorism is antithetical to the values that underpin human rights. For that reason, the continuing spread of terrorism in 2002 was a major challenge to the human rights movement which has a direct interest in the success of the anti-terrorism effort. Yet, the tendency of many of those leading the counter-terrorism efforts to ignore human rights in fighting terrorism is not only disturbing in its own right. It is dangerously counter-productive. The smoldering resentment that it breeds risks generating terrorist recruits, puts off potential anti-terrorism allies, and weakens efforts to curb terrorist atrocities.

Counter-terrorism measures are weakened when the US and its allies embrace the governments that repress human rights. They are further weakened when entire communities are viewed as suspect, as many people from the Middle East, South Asia, and North Africa now feel, in Europe and North America. And, as they see the rich Western Governments failing to address the inequalities and injustices that have been exacerbated by globalisation and growing divides between rich and poor, underlying frustrations will also increase.

Clearly, Governments need to take extra security measures. After all, they have an obligation to protect their citizens from harm. But they must also pay attention to the pathology of terrorism--the beliefs that see civilians as legitimate targets, the belief that the ends justify the means. A strong human rights culture - which respects the right to life, the right to freedom from discrimination and the freedom and dignity of each and every human being by virtue of their humanity - is an antidote to this pathology. Human rights and security are mutually reinforcing. Yet in too many places Governments see human rights mainly as an obstacle to their goals.

• Pakistan, Saudi Arabia, Russia, China, and Israel are just a few of the countries that are using the fight against terrorism to cloak or intensify repression aimed at separatist, dissident, or nationalist movements that are themselves often abusive.
• Human rights and humanitarian law standards are under enormous attack and selectively applied. From the rejection by the US of the Geneva Conventions to its misuse of the "enemy combatant" designation, from its threatened use of substandard military commissions to try illegal combatants.
• Many countries in Europe, Australia, and the United States are tightening visa restrictions, using prolonged detention, and boat interception to deny access to asylum seekers.
• Others have introduced repressive measures that violate civil liberties.
An anti-terrorism policy that ignores human rights is a gift to terrorists. It reaffirms the violent instrumentalism that breeds terrorism as it undermines the public support needed to defeat terrorism. A strong human rights policy is integral to successful anti-terrorism actions and must endeavor to build strong international norms and institutions on human rights not provide a new rationale for avoiding and undermining them.

For this reason at this year's Commission on Human Rights which starts next month here in Geneva, HRW will be calling upon the CHR to request the SG to appoint a Special Representative for human rights and counter terrorism. The Special Representative would examine the effects of counter-terrorism measures on human rights and examine the compatibility of these measures with international human rights, humanitarian and refugee law.

Afghanistan, the primary focus of anti-terrorism efforts in 2002, illustrated many of the problems that this conference is highlighting. The removal of the highly abusive Taliban raised the prospect of greater freedom for the Afghan people. But the international community sought security on the cheap. It failed to deploy international troops outside of Kabul and took few meaningful steps to demobilize factional forces. It delegated security to resurgent warlords - many of them war criminals - provided them with money and arms and tolerated the inevitable and completely predictable continuing massive violations of human rights. A forgotten emergency. Resurrection of interest for political but not humanitarian reasons. Enormous flows of refugees and IDPs. Massive unmet humanitarian needs especially in the area of protection. The violation of humanitarian neutrality through military interference.

Let me say a few words about each of the three themes of the conference and give some suggestions for ways in which we might take the discussion forward.

The future of multilateral, neutral and impartial humanitarian action is under serious threat. The role of the US military and its allies in Afghanistan, as described in the excellent ACBAR case study is deeply troubling. The sight of soldiers - often disguised in civilian clothing as humanitarian workers - yet carrying weapons gives cause for enormous concern and threatens the safety of genuine humanitarian action. There is every indication that this problem will be exacerbated in Iraq under a US-led occupation Government. The failure of the UN to publicly and transparently engage in contingency planning for a possible Iraq war, is an indication that political and military factors threaten to dilute and distort a commitment to fundamental humanitarian principles: humanity, neutrality and impartiality.

In case I am accused of taking a classic NGO anti-military line, let me make it clear that the military can play an important role in humanitarian crises. Through their respect for humanitarian law and human rights they can ensure the well being of civilians. Parties to conflict and peacekeepers can and must ensure free, safe and unimpeded access for humanitarian actors to those in need and they must respect the neutrality of relief organizations and their personnel and permit humanitarian agencies to operate independently from any military or political authority. There may be occasions where they can help by repairing roads and bridges and the means of communication. They can help to clear landmines.

As many of you know, there have been ongoing and often difficult negotiations on the use of military assets in humanitarian crises between NGOs, UN agencies and Governments. Military assets can play a role in the provision of humanitarian assistance. But it must only be a measure of last resort where all other avenues have been explored and found wanting. It should not come from active belligerents for whom it will be an extension of their military efforts and therefore not humanitarian. Where possible it should be indirect support and not direct face to face. And it must always be under civilian control.

There are those who argue that neutrality and impartiality are passive attitudes - a relic of an older and simpler time. Others regard them as incompatible with the growing advocacy role that many NGOs play today. I would disagree. To be neutral and impartial is not to be passive or indifferent in the face of suffering. It is not to be silent. On the contrary, it is to respond without discrimination to assist and protect. Neutrality and impartiality continue to be vital and essential values ensuring
universal application of humanitarian standards. Humanitarian action cannot and must not be an extension of a political or military struggle, however well intentioned. We must ensure that we retain the right and the ability to reach all those in need regardless of race, religion, or political affiliation.

As has been wisely pointed out in some of the background documentation for this conference, there is no such thing as a "forgotten" crisis. If that were the case, it would almost be forgivable. In fact, these crises are not forgotten. They are neglected, marginalized, ignored, cast aside, shut out by indifference.

We are all too familiar with the chronic underfunding of so many humanitarian crises. Global humanitarian needs are vast and the response of donors is both inadequate grossly disproportionate. To the 1999 UN appeal for Kosovo and FRY donors gave $207 per head, to Sierra Leone $16 per head and to DRC $8 per head.

As the Overseas Development Institute points out in its recent analysis of the changing role of official donors, as humanitarian issues have become more explicitly linked to efforts in international peace and security, there has been increased earmarking of contributions and concentrations of resources on high profile emergencies. This represents a politicizing of the humanitarian agenda which I mentioned before.

The consequences of such unfairness are all too predictable. Growing resentment, deepening inequalities. I particularly want to draw your attention to the issue of sexual abuse and exploitation, of refugee and IDPs - especially women in girls - which in West Africa, in the DRC and now more recently in Nepal seems linked to chronic, marginalised and underfunded crises.

The neglect of such humanitarian crises because they have no strategic value is an egregious violation of the fundamental humanitarian principles of neutrality and impartiality and of the rights to health, education, clean water and an adequate standard of living. As Oxfam points out in its new paper "An end to forgotten emergencies?" "while conflict and calamity persist, all human beings are entitled to assistance and protection to ensure that their lives are protected and that they continue to enjoy dignity even in the midst of despair.

A few thoughts on how this might be addressed

• We need to be more effective and coherent in arguing that the international response to humanitarian crises be determined by need, and a commitment to international humanitarian law and principles and not strategic interest, or media coverage.
• In that light, we need to more professional in engaging with the media to long-term crises and to help them produce accurate and sensitive reporting. In doing so, we need to find a better balance between highlighting the unheeded suffering and protecting the dignity of those who have suffered.
• We need to improve our capacity to assess and evaluate the impacts of underfunding using the standards of the SPHERE guidelines.
• We need to make better use of the gains that we have made at the political level and on the human security agenda to focus attention on such crises and highlight the obligations of the international community, particularly Governments. Many of the excellent recommendations of the Secretary General, reflected in resolutions of the Security Council, have not been followed through.

Currently, more than 1 in every 280 people on earth is either a refugee, returnee or displaced person. For years we have struggled - with little success - to address in particular the needs of that neglected and underserved group: the internally displaced.
Our own refugee work - and that of many of our sister NGOs - has revealed governments' desires to withhold and weaken refugee protection, particularly since September 11th. As has been mentioned in some of the background documentation:

- security concerns are delaying resettlement programmes to first world countries even when refugees have been identified as at risk. We have documented such cases in Kenya and Uganda with Rwandan and Ethiopian refugees awaiting resettlement in Australia.
- FBI checks on those fleeing war zones and awaiting resettlement are trapping refugees in unsafe situation.
- In Cairo and Nairobi, arbitrary sweeps of refugees are justified by the threat of terrorism.
- In so many parts of the world there is the use of anti-terrorist rhetoric against foreigners and refugees;

This is an issue of awful relevance. We have argued in a new paper on Iraqi refugees, asylum seekers and displaced persons that a war in Iraq is likely have many serious consequences. It will produce new refugee outflows to neighboring countries. It will strain the resources of and possibly prompt a backlash within neighboring countries against Iraqi refugees. It will place new demands on donor states to provide increased assistance inside Iraq and to Iraq's neighbors, as well as to open their own doors to a significantly larger number of Iraqi refugees. In the event of war in Iraq, internal displacement and refugee flight are likely to result from a humanitarian crisis as well as from the direct effects of war, ethnic or other conflict, or human rights abuse. We are particularly concerned that Iraqi civilians be protected from forced displacement inconsistent with international humanitarian law, but be allowed to flee voluntarily to safety should conditions so dictate. An occupying power must ensure the security of the civilian population or allow civilians to voluntarily move out of harm's way, both within and outside the state's borders.

I would hope that the conference will address a host of issues around displacement and migration. I would simply draw attention to three:

- The protection gap, especially for IDPs: our failure to protect as we assist is well documented. Many displaced suffer as a result. One of the key reasons is our inability to define core competencies for protection and ensure expertise in the field to make it operational. We have failed to achieve consensus on what it means to "do" protection. This cannot continue. We need SPHERE standards for protection.
- In migration, the link between repressive deterrent policies and the increase in illegal human trafficking and smuggling rings needs also to be examined. Particular attention should be paid to the gender dimensions of human trafficking and smuggling, especially for purposes of sexual exploitation.
- The international refugee system is under threat - what role for NGOs in promoting respect for international refugee law.

Let me finish with a few more general thoughts on the themes of this conference and, more particularly the underlying problems of the failure to protect fundamental international standards, particularly in the name of counter terrorism.

- NGO activists and human rights defenders are naturally under threat in a climate of repression. It is vital that, as NGOs, we recognise our common interests and obligations to those whom we serve.
- Much of our greatest progress in the 1990s was achieved by coalitions of sympathetic governments, NGOs and UN agencies. We need to identify our strategic allies and mobilize
them in defence of our core values. In particular, UN humanitarian agencies are important allies. We NGOs need strong multilateral actors to create the space for humanitarian agencies.

- In recent years, humanitarian and development NGOs have developed important and innovative rights-based approaches to their work. The move from charity models to models based on the recognition of entitlements has been an important step forward. But much more remains to be done. We in HRW are beginning to develop a strategy and approach to economic and social rights which will, I believe, increase our capacity to address humanitarian issues from a rights based perspective.

- We continue too, to hope that professional standards in humanitarian action will address protection - identifying core competencies and minimum professional standards. This remains one of the most glaring weaknesses of contemporary humanitarian action and the current political climate has only increased the importance of addressing this issue.

- Human rights organizations need to engage more closely with humanitarian organisations and vice versa. As a sign of HRW’s commitment to this greater engagement between humanitarian and human rights issues, I am pleased to announce that HRW will be joining ICVA as an observer. We hope and fully intend to use our involvement with ICVA as a platform for greater engagement on these issues.

Ladies and gentleman. There is much to fear in today's repressive climate. On both sides of the war against terror there is hatred, intolerance and lack of respect for the dignity of our fellow human beings. But we as NGOs have achieved much and have many skills and experiences to draw upon. We know how to mobilize the media in support of our causes. We know how to inspire the public with our commitment and our integrity. We know how to name and shame those who violate national and international norms. We know how work with poor communities to help them to feed the hungry, heal the sick and protect the oppressed.

Let this conference therefore be an opportunity to renew our commitment to defend international standards and humanitarian principles and their application without discrimination to all those who have claim on them.

Thanks.