

**Principal Deputy Assistant Secretary
for International Organization Affairs**

James B. Warlick

**Statement to the Senate Foreign Relations Committee,
Subcommittee on International Development, Foreign Assistance,
Economic Affairs and International Environmental Protection
June 17, 2008**

Thank you, Mr. Chairman, Senator Hagel, and Members of the Subcommittee. I appreciate the opportunity to talk with you today about international disaster assistance and policy options.

Since the earliest days of the modern humanitarian movement, launched by Henri Dunant following the battle of Solferino in 1858, those who would aid the victims of disaster, whether natural or man made, have recognized the importance of neutrality. Only by keeping their efforts separate from the political positions and alliances established by governments could they obtain the consent of sovereign governments. As a result, humanitarian assistance has generally been provided on a non-political basis, dedicated to relieving the suffering of humanity without taking sides in a disagreement or conflict, armed or otherwise. This approach has saved millions of lives. It has also given humanity some of its most decent and altruistic institutions, including the Red Cross Movement, and has earned Nobel peace prizes for two United Nations (UN) agencies, the World Food Program and the High Commissioner for Refugees.

It is therefore important to recognize that, in examining the way forward on disaster assistance policy options, we must not interfere with the humanitarian community's ability to offer its assistance wherever needed without political conditionality. By maintaining this principled stance, the assistance community may be able to save countless lives in the future in circumstances where a regime bars representatives of states they consider hostile or suspect.

Perhaps the best policy option available to the U.S. when our bilateral assistance is shunned is to turn to the UN Secretariat and operational agencies, whose goals, structure and service providers closely parallel our own. Within the Secretariat, the UN Emergency Response Coordinator (ERC) and Office for the Coordination of Humanitarian Affairs (OCHA)

focus precisely on the issue of disaster assistance. In addition, the ERC advocates strongly for humanitarian action: former ERC Jan Egeland was among the earliest and most passionate advocates of humanitarian action in Darfur; his successor, John Holmes, spent more than a week in Burma after cyclone Nargis struck, pressing the regime to open up to outside help. He is now actively engaged in efforts to persuade the Government of Zimbabwe to rescind its decision to suspend all nongovernmental organizations (NGOs) activity in that country.

There are also the UN operational agencies themselves. Like USAID, they rely on and provide funds to field-based NGO implementing partners whenever possible. Thus, even when a U.S. presence is not welcome in a particular country, a UN presence can assure the adherence to humanitarian policies, procedures and goals similar to our own. Often, the UN presence also provides an umbrella through which U.S. goods and services can reach those in need.

The ideal, of course, is for a state to welcome direct bilateral assistance as well as the presence of multilateral agencies. Under such circumstances the population will benefit, I would note in particular, from the Office of U.S. Foreign Disaster Assistance (OFDA), our lead U.S. government (USG) agency for response to disasters. In many instances, including the Bam Earthquake in Iran, and hurricanes in Cuba, OFDA has provided vital, impartial assistance to populations in need in countries that usually exclude our help. It is clearly important that the USG maintain robust civilian organizations with proven track records of impartiality that can link with the broader humanitarian community to meet urgent needs in any part of the world. Our close relations with other bilateral donor agencies, the Red Cross Movement, and the United Nations humanitarian agencies give us numerous policy options and are essential to effective impartial civilian-led interventions.

The art of humanitarian response lies in finding the best combination of responders for a specific crisis. At times, the civilian agencies are supported by their colleagues at the Department of Defense (DOD). DOD's logistical capacity to move materials, coupled with the skills and compassion which our soldiers, sailors, airmen, and marines bring to humanitarian emergencies, are proven and invaluable. For instance, when the tsunami devastated the lives of millions of people in the Indian Ocean states, the U.S. military was a key partner in putting together a rapid and effective response.

However, it is important to note that in responding to the tsunami the U.S. military was there by invitation, and that it operated in support of a civilian-led USG and global effort.

As we have seen most recently in Burma, the international willingness to respond may be rejected or impeded even more broadly by local forces. In some cases, regional groupings of states have stepped forward in an effort to broker some arrangement for providing assistance. ECOWAS (Economic Community of West African States) performed such a role in Sierra Leone and Liberia; the AU (African Union) has attempted to help in Darfur and Somalia; and ASEAN (Association of South East Asian Nations) has stepped forward in Burma. Such regional groupings often can carry more weight and exert more influence on a neighboring state than large bilateral donors can, and they can provide an acceptable platform through which the international community can channel assistance.

In the broadest sense, the multilateral framework for humanitarian intervention is set out in the Charter of the United Nations, which reflects the “sovereign equality” of all member states. Consistent with this, it is generally accepted that we should look in the first instance to the state involved to address the needs of its people. Often, states can do this with little or no outside help, or make voluntary arrangements with other states, international organizations or volunteer groups to assist them.

When a state is unable to assist its people and unwilling to accept foreign assistance, the international community, through the United Nations, can use diplomatic and other peaceful means to try to persuade the state to allow assistance in.

The question – what is our last resort if all else fails – poses the greatest challenge in humanitarian intervention. What if the door is barred to all: the Red Cross Movement, the UN operational agencies, the NGOs, the bilateral donors (both civilian and military), and the regional political groupings? Must the world stand by while people suffer and die because they are denied access to assistance that is waiting just over the horizon?

This is an issue that has both legal and practical dimensions. On the legal side, for example, there is no question that the international community can act, even without the consent of the host government, when acting pursuant to decisions of the UN Security Council under chapter VII of the

UN Charter. The predicate for such action is a determination by the UN Security Council that the situation presents a threat to international peace and security.

The language on responsibility to protect that was adopted by heads of state and government in the World Summit Document of September 2005 makes an important contribution in this regard. It is based on the recognition that certain situations that might in one sense be viewed as presenting internal threats – war crimes, genocide, crimes against humanity, and ethnic cleansing – do in fact present a threat to international peace and security. They are therefore proper subjects of concern to the international community as a whole, and proper subjects of action by the UN Security Council. While the Summit Document was focused on these four particular categories of atrocities, the broader principle – that seemingly internal actions can threaten international peace and security – is an important one.

But there is a practical dimension as well. Forced intervention for the purpose of delivering humanitarian aid may have unintended consequences, putting more people at risk and cutting back on whatever assistance might already be flowing in. Military intervention may well involve interruption of commercial activity, including the delivery of private aid, and displacement of previously unaffected portions of the population. Hostilities could erupt, putting U.S. forces and local civilians in harm's way. Even the use of civilian airdrops could draw hostile fire and prompt a government to expel or restrict humanitarian agencies already working on the ground. Thus, while humanitarian intervention without the consent of the host government cannot be ruled out as a policy option of last resort, its risks can be grave and its impact uncertain.

In examining the recent events in Burma, our success has been limited but has improved incrementally. First, the U.S. Embassy immediately requested emergency financial assistance and channeled it to UN agencies already operating in the country. Later, when the Government of Burma agreed to allow U.S. military cargo planes to begin delivering humanitarian supplies, Director for Foreign Assistance Fore and Admiral Keating were on the first flight. In these contacts with the Burmese authorities, our message has been clear: we are here to help. However, the regime remained intransigent on two key offers of bilateral assistance: the USAID DART team positioned in Bangkok, and direct delivery of assistance by our military assets in the region.

As the USG pursued efforts to provide bilateral assistance, the UN Secretary General also made a direct appeal to Burma's generals. He first sent the UN Emergency Relief Coordinator, Under Secretary Holmes, to advocate for increased access by humanitarian workers, and within a few days, boarded a plane to deliver the message in person. Like us, the UN made clear that their sole motive was to assist the Burmese people. In addition, ASEAN member states undertook diplomatic efforts to organize a regional response. Burmese authorities were more amenable to this approach, which led to a joint UN-ASEAN donors conference and a joint assessment, currently under way, to identify and fill gaps in humanitarian assistance.

Throughout these diplomatic efforts, work was underway in Burma to relieve the suffering. NGOs and UN agencies already operational in the field, many with strong financial support from USAID and the Department of State, began to assess humanitarian needs, coordinate responses, and deliver relief. In some cases, the Burmese authorities have allowed them to strengthen their staff and expand their roles.

Has the Burmese response to these efforts been acceptable? No. Have the Burmese people suffered needlessly? Yes. We and our partners therefore continue to work to deliver additional resources and skilled personnel to resolve the substantial needs which remain six weeks after the cyclone struck, and to examine humanitarian policy options to determine how more can be done.

By contrast, following the December 2004 Indian Ocean tsunami, host governments welcomed nearly all offers of international assistance. While some incidents of government rejection of aid from a specific donor or efforts to restrict the movements of assistance workers and journalists were reported, they were few given the scale and scope of the disaster, which affected 12 countries, killed a quarter of a million people, and left 10 million homeless.

Even in the Bam earthquake in Iran, as noted, a hostile government recognized and accepted the neutral and impartial offer of assistance from OFDA and other western donors. In Somalia, we are confronted not by the actions of a hostile government, but by the challenges of operating in a failed state where corruption, banditry and piracy hinder the movement of

civilians and impede the provision of humanitarian assistance. The crisis there remains primarily one of security.

Darfur, however, is an example where both lack of security on the ground and government interference impede humanitarian operations. The U.S., as you know, has led the effort to rally world-wide condemnation of the genocide there, and to support efforts to position AU and UN peacekeepers with the physical capacity and legal authority to protect civilians and project force. Like the earlier Operation Lifeline Sudan in the South, the Darfur efforts are subject to constantly changing conditions and new obstacles created by the Khartoum government. Rebel forces also pose serious challenges and are responsible for some of the numerous attacks on humanitarian workers in clear violation of international law.

As each of these crises has shown, the U.S. in particular and the global community in general have a strong desire and capacity to assist the victims of disaster. We do so in the best of the humanitarian tradition. Our diplomatic efforts, like our policy options, are designed to move the marker ever closer to the goal of aiding the victims of humanitarian disasters. We stand ready to work with any state in furtherance of that goal.

Thank you, Mr. Chairman. I would be happy to take your questions at this time.