

## EVIDENCE BRIEF 2

The Secretary General's report *One Humanity: Shared Responsibility* recognises the unprecedented challenges presented by current humanitarian crises and calls for 'accepting and acting upon our individual and shared responsibilities [to] be the central theme

of the World Humanitarian Summit'. The report identifies five core responsibilities that will be the focus of discussion and proposed action. The JLIF&LC – in support of the WHS Special Event on Humanitarianism and Religious Engagement – has prepared evidence briefs linked to each of these responsibilities. Each brief summarises key evidence regarding the role of local faith communities (LFCs) and faith-based organisations (FBOs) with respect to that responsibility, provides links to key research and documentation, and highlights significant issues and strategies for dialogue to secure more effective engagement with religious actors in this area.



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## The role of religion in upholding humanitarian and human rights norms

### **CORE RESPONSIBILITY 2: Respect Rules of War: Uphold the norms that safeguard humanity**

Despite 150 years of the development of clear and binding international law governing conflict and humanitarianism, 'our global landscape is still blighted with the brazen and brutal erosion of respect for international human rights and humanitarian law.' The Secretary General's report envisions three priorities in response to this situation: '**minimise suffering and protect civilians**'; '**condemn, track and hold accountable all violations of international law**'; and '**launch a global campaign to improve accession to and compliance with specific international law instruments**'.

Underpinning much of the UNSG's report – and the WHS agenda – is the recognition that capacity regarding the safeguarding of humanity is critically eroded. For some, religion has been a major contributory factor to such fragility. For others, concern regarding the neutrality and impartiality of religiously motivated humanitarian organisations discourages their integration into mainstream humanitarian efforts. However, the evidence suggests that effective humanitarian response frequently depends upon the mobilisation of communities within which religion plays an important role. Religion may also provide a motivational basis for protecting and promoting humanity, whilst upholding the other core humanitarian principles of humanitarian action – neutrality, impartiality, and independence.

### **The norms codified in human rights and humanitarian law are also identifiable within multiple religious traditions**

International human rights law (IHRL) is foundational to the contemporary understanding of humanitarian response. The UNSG's focus in Core Responsibility 2 is the ratification and implementation of all legal instruments pertaining to human rights. Achieving widespread compliance with humanitarian and human rights law depends on broader and deeper support from the general public, organised civil society, institutional and state support for its underpinning values of solidarity – many of which are enshrined in and shaped by religious traditions.<sup>1</sup>

<sup>1</sup> Slim, H. *Humanitarian Ethics: A Guide to the Morality of Aid in War and Disaster*. Hurst: London, 2015.

*“The wellspring of the principle of humanity is in the essence of social morality which can be summed up in a single sentence, ‘Whatsoever ye would that men should do to you, do ye even so to them.’ This fundamental precept can be found, in almost identical form, in all the great religions, Brahmanism, Buddhism, Christianity, Confucianism, Islam, Judaism and Taoism.”*<sup>10</sup>

**Jean Pictet**

Local religious customs and ancient local customary law have also made valuable contributions to international humanitarian law (IHL). For example, the ‘cardinal rules of distinction, proportionality and precautions’<sup>2</sup> are also found in Islamic jurisprudence.<sup>3</sup> As a recent UN consultation on religion and post-2015 development noted, it is possible to see: ‘International Conventions and frameworks [as] reflections of universal values and traditions, accumulated by humanity over time, and enshrined in the Universal Declaration of Human Rights.’<sup>4</sup>

Religious convictions continue to hold great influence over people’s value systems, with around 84% of the global population continuing to identify with a religious community.<sup>5</sup> There is increasing evidence to show that engaging with the particular religious language and concepts of local communities can be more effective in addressing human rights issues related to sensitive cultural issues, such as sex and gender-based violence, than using ‘universal’ secular language alone.<sup>6,7</sup>

Much has already been done through global inter-faith platforms like Religions for Peace, and in partnership with UN organisations,<sup>8</sup> to develop a shared discourse between religious values and human rights. However, much more is needed to build understanding of shared values and norms at the local level. This can be achieved by strengthening the religious literacy of humanitarian staff to help them identify and engage local religious leaders who champion humanitarian values. It can also be encouraged by creating spaces for faith communities to discuss human rights and international humanitarian law in a language they recognise as their own, thereby enabling them to support human rights in the public arena.

The stakes of overcoming this communication gap are potentially high: ‘Unless we are able to explain to one another why we think human rights are important...the world community will be unable to elicit the widespread and consistent support necessary to prevent human rights abuses.’<sup>9</sup>

#### **CASE STUDY: The Language of the Qu’ran and of CEDAW Regarding the Rights of Women**

*Workers with local faith groups in Jordan noted the alternative strategies that they were able to draw upon to reinforce the rights of women. One noted: “When women suffering from gender-based violence come to me, I tell them you have rights in Shari’ah law. Islam clearly says that your men should not abuse you. I do not use CEDAW to convince these women they have rights. I use something incontestable for them: the Qu’ran. I tell them a hadith that commands men to take care of their wives and ‘do good unto them.’ I tell them that in the age of the prophet, women were judges and business people and they had the freedom to ask for divorce. Does that make us an Islamic organisation or a secular one? Neither. All the people I am helping are Muslims who believe in the same thing I do.”*

#### **Religious resources and discourse provide mechanisms to hold persons accountable for human rights violations**

Religious groups are well placed within local communities to help monitor violations of international humanitarian law. Religious authorities are often trusted members of communities and religious buildings are protected by international humanitarian law and are one of the first places where victims of abuse seek sanctuary. The Acholi Religious Leaders partnership of Muslim and Christian organisations, for example, provided evidence of the systemic abuses of children by the Lords Resistance Army for over a decade, and was

consulted on and officially observed the Juba Peace Talks with the Lord’s Resistance Army in 2006. It has been the focal point for debate regarding the relationship between international justice mechanisms such as the International Criminal Court and local, often religious, traditions of justice.<sup>11</sup>

Religious networks continue to operate within hard to reach communities, which are shut off from international aid and are exposed to the worst atrocities of warring parties. Religious leaders in contexts such as Syria, DR Congo and Myanmar have shown leadership in speaking out about these abuses. An increasing range of such examples has been documented.<sup>12</sup>

<sup>2</sup> Pictet, J. *Development and Principles of International Humanitarian Law*, 1985, Geneva: Henry Dunant Institute, 5-24.

<sup>3</sup> Hayati, M. Islam, international law and the protection of refugees and IDPs. *Forced Migration Review: Islam, human rights and displacement*, 2012, 2-3.

<sup>4</sup> UNFPA. Religion and Development Post-2015: Report of a Consultation among Donor Organizations, United Nations Development Agencies and Faith-based Organizations. New York: UNFPA, 2015.

<sup>5</sup> Hackett, C. & Grim, B. J. *The global religious landscape. A report on size and distribution of the world’s major religious groups as of 2010*. Pew Research Center Forum on Religion and Public Life.

<sup>6</sup> Beasley, M. et al, Enabling Faith-based Organisations to Address Sexual Violence in Schools: A Case Study from the DRC. *Practical Theology*, 3, 2, 191-202.

<sup>7</sup> <http://jifl.com/resources/a-scoping-study-on-the-role-of-faith-communities-and-organisations-in-prevention-and-response-to-sexual-and-gender-based-violence-implications-for-policy-and-practice/>

<sup>8</sup> UNHCR. *Welcoming the Stranger*. 2013, Geneva: UNHCR.

<sup>9</sup> Bucar, E. and Barnett, B. Does Human Rights Need God? 2005, Grand Rapids, MI: Erdmans.

<sup>10</sup> <http://www.ifrc.org/PageFiles/40669/Pictet%20Commentary.pdf>

<sup>11</sup> <http://www.arpi.org/about-us>

<sup>12</sup> Frazer, O. and Friedli, R. *Approaching Religion in Conflict Transformation: Concepts, Cases and Practical Implications*. 2015, Zurich: Center for Security Studies.

Faith communities may have resources that enable the empowerment of affected communities. Shramadana Societies in Sri Lanka use a Buddhist spiritual framework of sarvodaya (awakening of all) and shramadana (sharing of labour) that has resulted in 'marginalised populations becoming recognised as participants and leaders in conversations concerning their protection.'<sup>13</sup>

However there is a still very limited integration of these informal networks into humanitarian and human rights monitoring mechanisms. Capacity building and dialogue are needed and there are some emerging examples of best practice.<sup>14</sup>

**Neutrality and impartiality are recognised as key principles, but their practical applicability poses challenges for both local and international agencies**

Humanitarian crises occur in the context of political decision-making and humanitarian response must contend with power from external and local actors. The humanitarian principle of neutrality guides a humanitarian agency's action so that it is not perceived to be taking sides with any party to a conflict. Impartiality seeks to ensure that resources are distributed according to need and without discrimination. If the religious affiliation of religious assets, such as building and volunteer networks, is perceived to be discriminatory or lacks neutrality, humanitarian coordination mechanisms may be reticent to incorporate these.<sup>12</sup>

These concerns remain one of the greatest barriers to effective engagement with faith groups.<sup>15</sup> Initiatives such as the formulation of UNHCR's Welcoming the Stranger and DFID's Faith Partnership Principles have provided a basis for FBOs and LFCs to affirm their commitment to impartiality, a sentiment that is regularly reinforced in field reports.<sup>5,16,17</sup>

Evidence indicates the complexity of this issue in the context of local response. While FBO service providers are committed to impartiality—as evidenced by the number that are signatories of the International Red Cross and Red Crescent Code of Conduct<sup>18</sup>—they are frequently serving those of their own faith, owing to the pre-existing relationships that enable their rapid response. A case study of Myanmar<sup>19</sup> documented how 'IDPs move to the closest institution that

shares their faith.' However there are many more examples demonstrating how religious institutions opened their doors to those of other faiths, inter-faith cooperation in CAR being amongst the most vivid of recent examples.<sup>20</sup>



Here, as in most contexts, the legitimacy and public influence of religious leaders is rooted in their representation of specific groups, not their independence (an issue explored more fully in Evidence Brief 1).

It is also important for international humanitarian agencies to seek to understand how they are perceived as external actors when in dialogue with local faith-based humanitarian organisations and religious leaders. International humanitarian organisations may not be experienced as neutral, impartial actors, despite their endorsement of humanitarian principles. They may be seen as representing values and financial interests of other nations, which can make local agencies reluctant to enter into partnership.<sup>21</sup> Research conducted in Irbid, Jordan amongst local faith based humanitarian organisations, for example, revealed that international agencies were often perceived to be serving foreign interests.<sup>17</sup> Procedures of financial institutions in the context of increasingly stringent counter-terrorism legislation have led to the closure of bank accounts of a number of NGOs, which represents a potential risk to the impartiality of aid.<sup>22</sup>

<sup>13</sup> Barry-Murphy, E. and Stephenson, M. Engaging IDPs in Sri Lanka: a Buddhist approach. *Forced Migration Review*, 2014, 48, 59

<sup>14</sup> Robinson, M. and Hanmer, S. *Partnering with Religious Communities for Children*, 2012, New York: UNICEF, 9.

<sup>15</sup> UNHCR, *Partnership note on faith-based organisations, local faith communities and faith leaders*. 2014, Geneva: UNHCR.

<sup>16</sup> DFID, *Faith Partnership Principles*, 2012, London: DFID.

<sup>17</sup> El Nakib, S. and Ager, A. *The engagement of local faith groups and other civil society organizations in humanitarian response to the Syria crisis*. 2015, New York: Columbia University.

<sup>18</sup> <http://www.ifrc.org/en/publications-and-reports/code-of-conduct/>

<sup>19</sup> Benson, E. and Jacquet, C. Faith and responses to displacement. *Forced Migration Review*, 2014, 48.

<sup>20</sup> Mahony, C. An inter-religious humanitarian response in the Central African Republic. *Forced Migration Review*, 2014, 48, 42-44

<sup>21</sup> Ager, A. and Ager, J. Faith, *Secularism and Humanitarian Assistance*. 2015, New York: Palgrave

<sup>22</sup> Svoboda, E. *Strengthening Proximity and Access to serve the needs of people in conflict*, ODI, 2015

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## Core Commitments and Key Actions

WHS Core Commitments<sup>23</sup> relevant to aspects of the core responsibility to 'Uphold the norms that safeguard humanity' considered above include:

**Core Commitment 1:** To promote and enhance respect for IHL, IHRL, and refugee law

**Core Commitment 2:** To promote and enhance the protection of civilians and civilian objects

**Core Commitment 5:** To speak out and systematically condemn serious violations of IHL and IHRL and to take steps to ensure accountability of perpetrators

The evidence reviewed regarding local faith communities and faith-based organisations suggests the following Key Actions in support of these commitments:

**1. Support religious leaders who actively promote humanitarian principles and condemn violations of international humanitarian and human rights law,** especially in relation to the arbitrary withholding

of humanitarian access, direct attacks on civilians and civilian objects, and indiscriminate attacks, encouraging inter-faith platforms where possible.

**2. Train religious leaders in the principles of humanity, impartiality, neutrality and independence** in humanitarian action including how these values are reflected in different religious traditions.

**3. Invest in preventative and remedial responses to humanitarian protection issues** that utilise the social and political capital of local faith communities.

**4. Integrate local faith communities into a new global watchdog** to systematically track, collect data and make transparent trends of serious violations in the interests of identifying persistent perpetrators and fighting impunity.

**5. Document lessons learnt and fund further research into faith-based partnerships** that advocate for IHL and actively promote their realisation on the ground.

## Key Sources

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JLIF&LC has collated all submissions made during the course of WHS consultation related to religion and faith at: <http://jliflc.com/world-humanitarian-summit-resources/>

A fuller annotated bibliography on sources relevant to the engagement of local faith communities in humanitarian response is available at: <http://jliflc.com/resources/the-evidence-base-faith-religion-and-humanitarian-action-annotated-bibliography/>

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<sup>23</sup> Full, updated details are available on the WHS site at <http://www.worldhumanitariansummit.org/summit/roundtables>