

# **CIVIL-MILITARY RELATIONSHIP IN COMPLEX EMERGENCIES**

**- AN IASC REFERENCE PAPER -**

**28 JUNE 2004**

## *Introductory note:*

*This paper was endorsed by the Inter-Agency Standing Committee Working Group (IASC-WG) as an IASC Reference Paper at its 57th Meeting of 16-17 June 2004. It complements the “Guidelines on the Use of Military and Civil Defence Assets to Support United Nations Humanitarian Activities in Complex Emergencies” of March 2003.*

*The paper was drafted by the UN Office for the Coordination of Humanitarian Affairs (OCHA) in collaboration with members of the IASC, the UN’s Executive Committee for Humanitarian Affairs (ECHA) and the Advisory Panel of OCHA’s Military Civil Defence Unit (MCDU-AP), as well as academic reviewers and field colleagues in a number of organizations.*

*The paper will serve as a non-binding reference for humanitarian practitioners, assisting them in formulating country-specific operational guidelines on civil-military relations for particular complex emergencies. It will be updated as the environment in which we work changes and as new guidance on related issues becomes available.*

*Part 1 of the paper reviews in a generic manner, the nature and character of civil-military relations in complex emergencies. Part 2 lists the fundamental humanitarian principles and concepts that must be upheld when coordinating with the military, and Part 3 proposes practical considerations for humanitarian workers engaged in civil-military coordination.*

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# PART 1 INTRODUCTION

## A. Initial Remarks

1. Traditionally in complex emergencies, there has been a distinction between the military and the non-military domains: an approach built upon the principles of international humanitarian law that make a distinction between combatants and non-combatants, protecting the latter from armed attacks. In recent history, however, military forces have become increasingly involved in operations other than war, including provision of relief and services to the local population. At the same time, due to the changing nature of modern complex emergencies, the humanitarian community has faced increased operational challenges as well as greater risks and threats for their workers in the field, which at times have compelled some of them to seek the support or protection by military forces on a case-by-case basis<sup>1</sup>. Thus, practical realities on the ground have gradually necessitated various forms of civil-military coordination for humanitarian operations.

2. These developments, together with cases of military interventions claimed to be for ‘humanitarian’ purposes, have led to an erosion of the separation between the humanitarian and the military space<sup>2</sup>, and may threaten to blur the fundamental distinction between these two domains. It also raises significant concerns associated with the application of humanitarian principles and policies as well as operational issues. Furthermore these developments necessitate increased communication, coordination and understanding between humanitarian agencies and military actors, and require knowledge of each other’s mandates, capacities and limitations.

3. The humanitarian community therefore felt it necessary to examine the broad spectrum of issues arising from civil-military relations, and to come up with a reference paper that extends beyond the individual guidelines already developed, which cover either particular aspects of civil-military relations<sup>3</sup> or civil-military relationship in a specific complex emergency<sup>4</sup>.

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<sup>1</sup> In the last two years alone, military support and/or protection for certain humanitarian operations has been provided in various complex emergencies, including Iraq, Afghanistan, Cote d’Ivoire, Eritrea, Liberia, Northern Uganda, and Sierra Leone.

<sup>2</sup> For an explanation on ‘humanitarian space’ or ‘humanitarian operating environment’, see paragraph 3 of the “*Guidelines on the Use of Military and Civil Defence Assets to Support United Nations Humanitarian Activities in Complex Emergencies*” of March 2003.

<sup>3</sup> Existing guidelines on particular aspects of civil-military relations include: “*Guidelines on the Use of Military and Civil Defence Assets to Support United Nations Humanitarian Activities in Complex Emergencies*” of March 2003 and “*Use of Military or Armed Escorts for Humanitarian Convoys – Discussion paper and Non-Binding Guidelines*” of September 2001.

<sup>4</sup> Existing guidelines on civil-military relations in a specific complex emergency include: “*General Guidance for Interaction between United Nations Personnel and Military and Civilian Representatives of the Occupying Power in Iraq*” of 8 May 2003 and “*Relationships with Military Forces in Afghanistan – Guidelines for UNAMA Area Coordinators and other UN Personnel*” of 2002. “*General Guidance for Interaction Between United Nations Personnel and the UN-Mandated Multinational Force in Liberia*” and “*Relations avec les Forces Armees en Haiti: Ligne de Conduite pour le Personnel des Nations Unies*” exist in draft form as of 1 April 2004.

## **B. The Goal and Purpose of this Paper**

4. This paper has thus been prepared, following the request of the Working Group of the Inter-Agency Standing Committee (IASC)<sup>5</sup>, with the overall goal of enhancing the understanding of civil-military relations, including the difficulties and limitations of such relations. While numerous complicated questions arise out of this relationship, what remains vital for the humanitarian community is to develop a clear awareness of the nature of this relation, as well as a common understanding on when and how as well as how not to coordinate with the military in fulfilling humanitarian objectives.

5. The purpose of this paper is three-fold. First, it attempts to highlight, in a generic manner, the nature and character of civil-military relations in complex emergencies. Secondly, it reviews some fundamental humanitarian principles and concepts that must be upheld when coordinating with the military. Thirdly, attention is given to practical key considerations for humanitarian workers engaged in civil-military coordination.

6. The paper will serve as a general reference for humanitarian practitioners: a tool to which they can refer when formulating operational guidelines that are tailored specifically for civil-military relations in a particular complex emergency, such as the ones developed for Iraq and Liberia during 2003<sup>6</sup>. Any situation-specific set of guidelines requires sensitivity to the special circumstances of the particular operation and hence has to be developed on a case-by-case basis.

7. The focus of this paper is the relationship between humanitarian organizations and official military forces (i.e., military forces of a state or regional-/inter-governmental organisation that are subject to a hierarchical chain of command), be they armed or unarmed, governmental or inter-governmental. Such military presence may include a wide spectrum of actors such as the local or national military, multi-national forces, UN peacekeeping troops, international military observers, foreign occupying forces, regional troops or other officially organized troops.

8. The different mandates, characteristics and nature of these diverse military actors may necessitate that the humanitarian community relate to different groups with varying degrees of sensitivity or even with fundamentally different approaches at times. For example, interaction with an occupying force<sup>7</sup> would have to entail different considerations from that required vis-à-vis national forces, unarmed military observers, or UN commanded peacekeeping operations. The most important distinction to be drawn is whether the military group with which humanitarians are interacting is, has become, or is perceived to be a party to the conflict or not. Separate specific papers will be required to address and advise on the particular circumstances and requirements of the relationships between humanitarians and any of these individual categories of military actors. Such

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<sup>5</sup> The Inter-Agency Standing Committee Working Group (IASC-WG), at its 52<sup>nd</sup> Meeting in March 2003, requested OCHA to prepare "...a concept paper on the issue of military and humanitarian interface upon analysing thoroughly the current state of interface."

<sup>6</sup> For details, see footnote 4 above.

<sup>7</sup> For example, such as the Coalition Forces of the Occupying Powers currently deployed in Iraq.

policies may be formulated through various mechanisms. The present paper, however, is an attempt to address the subject of civil-military relations at a generic level. Therefore, it will not distinguish between the various military actors.

9. The relationship between humanitarian organizations and non-state armed groups<sup>8</sup>, private military, security companies and mercenaries, as well as any national or international police presence, although highly relevant in today's conflict situations, are excluded from the analysis of this paper to avoid dilution of focus. Issues of general security, including operational challenges faced under increasing threats of global terrorism, are also excluded for the same reason.

### **C. Definition of Key Terms**

10. In order to facilitate the understanding of the concepts elaborated herein and to avoid confusion arising out of a variety of possible definitions entailed in terminology, some key terms used in this paper are defined as follows:

***Civil-Military Coordination:***<sup>9</sup>

The essential dialogue and interaction between civilian and military actors in humanitarian emergencies that is necessary to protect and promote humanitarian principles, avoid competition, minimize inconsistency, and when appropriate pursue common goals. Basic strategies range from coexistence to cooperation. Coordination is a shared responsibility facilitated by liaison and common training.

***Complex Emergency:***

A complex emergency, as defined by the IASC, is “a humanitarian crisis in a country, region or society where there is total or considerable breakdown of authority resulting from internal or external conflict and which requires an international response that goes beyond the mandate or capacity of any single and/or ongoing UN country programme.”

***Humanitarian Actor:***

Humanitarian actors are civilians, whether national or international, UN or non-UN, governmental or non-governmental, which have a commitment to humanitarian principles and are engaged in humanitarian activities.

***Military Actor:***

Military actors refer to official military forces, i.e., military forces of a state or regional-/inter-governmental organisation that are subject to an hierarchical chain of

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<sup>8</sup> Field practices on engagements with non-state actors will be collected in the forthcoming ‘*Manual on Field Practices on Negotiations with Armed Groups*’. The Manual will be published in summer 2004 and relevant conclusions and principles from the Manual may be used to update this paper as appropriate.

<sup>9</sup> The definition of ‘Civil-Military Coordination’ is identical to that used in the “*Guidelines On The Use of Military and Civil Defence Assets to Support United Nations Humanitarian Activities in Complex Emergencies*” of March 2003. The UN Department of Peacekeeping Operations (DPKO) uses a different definition of Civil-Military Coordination; see DPKO’s paper on ‘*Civil-Military Coordination Policy*’ dated 9 September 2002.

command, be they armed or unarmed, governmental or inter-governmental. This may include a wide spectrum of actors such as the local or national military, multi-national forces, UN peacekeeping troops, international military observers, foreign occupying forces, regional troops or other officially organized troops.

#### **D. Background**

11. The humanitarian and military actors have fundamentally different institutional thinking and cultures, characterised by the distinct chain-of-command and clear organisational structures of the military vis-à-vis the diversity of the humanitarian community. The two groups have different mandates, objectives, working methods, and even vocabularies. It is important for military actors to understand the complex network of humanitarian assistance, which includes international organizations and local, national and international NGOs that work with national staff and local partners. Humanitarian action is also largely dependent on acceptance by the parties to the conflict. Most of the local actors engaged in humanitarian work are present on the ground long before the arrival of international personnel and will continue their functions after their departure. Susceptibility towards local sensitivities and adherence to the actuality and perception of impartiality and independence are therefore pivotal assets of any humanitarian operation, and this should be made known to the military. For humanitarian actors, on the other hand, it is important to be aware of the varied reasons and motivations why the military may undertake actions that can encroach on humanitarian space.

12. Within the context of civil-military relations, there are a number of situations where some level of coordination between the humanitarian and military actors may become necessary. As defined in paragraph 10, civil-military *coordination* is a shared responsibility of the humanitarian and military actors, and it may take place in various levels of intensity and form. Where cooperation between the humanitarian and military actors is not appropriate, opportune or possible, or if there are no common goals to pursue, then these actors merely operate side-by-side. Such a relationship may be best described as one of *co-existence*, in which case civil-military coordination should focus on minimizing competition and conflict in order to enable the different actors to work in the same geographical area with minimum disruption to each other's activities. When there is a common goal and agreed strategy, and all parties accept to work together, *cooperation* may become possible, and coordination should focus on improving the effectiveness and efficiency of the combined efforts to serve humanitarian objectives.

13. In any circumstances, however, it is important to maintain a clear separation between the roles of the military and humanitarian actors, by distinguishing their respective spheres of competence and responsibility. This approach is implicit in and builds on the principles of international humanitarian law, and is crucial to maintaining the independence of humanitarian action. The need for the humanitarians to maintain an actual and perceived distance from the military is especially important with regard to belligerent forces or representatives of an occupying power<sup>10</sup>. Any coordination with a party to an armed

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<sup>10</sup> As an example of principles and practical considerations including specifics on permissible and impermissible action when interacting with an Occupying Power, see the “*General Guidance for Interaction*

conflict must proceed with extreme caution, care and sensitivity, given that the actual or perceived affiliation with a belligerent might lead to the loss of neutrality and impartiality of the humanitarian organization, which might in turn affect the security of beneficiaries as well as humanitarian staff, and jeopardize the whole humanitarian operation in a conflict zone. Thus, *cooperation* – the closer form of coordination - with belligerent forces should in principle not take place, unless in extreme and exceptional circumstances and as a last resort.

14. However, the emphasis on distinction should not be interpreted as a suggestion of non-coordination between humanitarian and military actors. The particular situation on the ground and the nature of the military operation in a given situation will play a determining factor on the type of coordination that may take place. Possible features of civil-military coordination include the sharing of certain information, a careful division of tasks, and when feasible and appropriate, collaborative planning.

15. The military often have the capability to help secure an enabling environment on the ground in which humanitarian activities can take place in relative safety. The military may also have practical means to offer in the delivery of assistance, such as rapid deployment of large numbers of personnel, equipment, logistics and supplies. However, humanitarian expertise – including beneficiary identification, needs and vulnerability assessment, impartial and neutral distribution of relief aid, and monitoring and evaluation - will remain essential to an effective and successful humanitarian operation.

16. The nature of the relation between one or a group of humanitarian organization(s) and the military as well as the conduct of these actors in this relationship may also have an effect on other humanitarian agencies working in the same area and even beyond, possibly affecting the perception of humanitarian action in general. For example, the use of armed escorts by one humanitarian organisation may negatively influence the perception of neutrality and impartiality of other humanitarian organisations in the same area. Coordination amongst humanitarian actors, preferably leading to a common approach to civil-military relations in a given complex emergency, is therefore desirable.

## PART 2 PRINCIPLES AND CONCEPTS

17. All humanitarian action, including civil-military coordination for humanitarian purposes in complex emergencies, must be in accordance with the overriding core principles of *humanity*, *neutrality* and *impartiality*. This section outlines these cardinal humanitarian principles as well as other important principles and concepts that must be respected when planning or undertaking civil-military coordination.

### A. Humanity, Neutrality and Impartiality<sup>11</sup>

18. Any civil-military coordination must serve the prime humanitarian principle of *humanity* – *i.e.* human suffering must be addressed wherever it is found. In determining whether and to what extent humanitarian agencies should coordinate with military forces, one must be mindful of the potential consequences of too close an affiliation with the military or even the perception of such affiliation, especially as these could jeopardize the humanitarian principles of *neutrality* and *impartiality*. The concept of non-allegiance is central to the principle of *neutrality* in humanitarian action; likewise, the idea of non-discrimination is crucial to the principle of *impartiality*. However, the key humanitarian objective of providing protection and assistance to populations in need may at times necessitate a pragmatic approach, which might include civil-military coordination. Even so, ample consideration must be given to finding the right balance between a pragmatic and a principled response, so that coordination with the military would not compromise humanitarian imperatives.

### B. Humanitarian Access to Vulnerable Populations

19. Humanitarian agencies must maintain their ability to obtain access to all vulnerable populations in all areas of the complex emergency in question and to negotiate such access with all parties to the conflict. Particular care must also be taken to ensure the sustainability of access. Coordination with the military should be considered to the extent that it facilitates, secures and sustains, not hinders, humanitarian access.

### C. Perception of Humanitarian Action

20. The delivery of humanitarian assistance to all populations in need must be neutral and impartial – it must come without political or military conditions and humanitarian staff must not take sides in disputes or political positions. This will have a bearing on the credibility and independence of humanitarian efforts in general. Any civil-military coordination must also be mindful not to jeopardize the longstanding local network and trust that humanitarian agencies have created and maintained.

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<sup>11</sup> For example, the principles of humanity, neutrality and impartiality are stipulated as guiding principles for humanitarian assistance in *UN General Assembly Resolution 46/182* of 19 December 1991.

#### **D. Needs-Based Assistance Free of Discrimination<sup>12</sup>**

21. Humanitarian assistance must be provided on the basis of needs of those affected by the particular complex emergency, taking into account the local capacity already in place to meet those needs. The assessment of such needs must be independent and humanitarian assistance must be given without adverse discrimination of any kind, regardless of race, ethnicity, sex/gender, religion, social status, nationality or political affiliation of the recipients. It must be provided in an equitable manner to all populations in need.

#### **E. Civilian-Military Distinction in Humanitarian Action**

22. At all times, a clear distinction must be maintained between combatants and non-combatants – *i.e.*, between those actively engaged in hostilities, and civilians and others who do not or no longer directly participate in the armed conflict (including the sick, wounded, prisoners of war and ex-combatants who are demobilised). International humanitarian law protects non-combatants by providing immunity from attack. Thus, humanitarian workers must never present themselves or their work as part of a military operation, and military personnel must refrain from presenting themselves as civilian humanitarian workers.

#### **F. Operational Independence of Humanitarian Action**

23. In any civil-military coordination humanitarian actors must retain the lead role in undertaking and directing humanitarian activities. The independence of humanitarian action and decision-making must be preserved both at the operational and policy levels at all times. Humanitarian organisations must not implement tasks on behalf of the military nor represent or implement their policies. Basic requisites such as freedom of movement for humanitarian staff, freedom to conduct independent assessments, freedom of selection of staff, freedom to identify beneficiaries of assistance based on their needs, or free flow of communications between humanitarian agencies as well as with the media, must not be impeded.

#### **G. Security of Humanitarian Personnel**

24. Any perception that humanitarian actors may have become affiliated with the military forces within a specific situation could impact negatively on the security of humanitarian staff and their ability to access vulnerable populations. However, humanitarian actors operating within an emergency situation must identify the most expeditious, effective and secure approach to ensure the delivery of vital assistance to vulnerable target populations. This approach must be balanced against the primary concern for ensuring staff safety, and therein a consideration of any real or perceived affiliation with the military. The decision to seek military-based security for humanitarian workers should be viewed as a last resort option when other staff security mechanisms are unavailable, inadequate or inappropriate.

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<sup>12</sup> A similar provision on needs-based assistance is articulated as Principle 2 in “*The Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organisations (NGOs) in Disaster Relief*”. The principle of non-discrimination is expressed in a multitude of human rights instruments, including the *Universal Declaration of Human Rights* of 1948; *International Covenant on Civil and Political Rights* of 1966; *International Covenant on Economic, Social and Cultural Rights* of 1966, etc.

## **H. Do No Harm**

25. Considerations on civil-military coordination must be guided by a commitment to ‘do no harm’. Humanitarian agencies must ensure at the policy and operational levels that any potential civil-military coordination will not contribute to further the conflict, nor harm or endanger the beneficiaries of humanitarian assistance.

## **I. Respect for International Legal Instruments**

26. Both humanitarian and military actors must respect international humanitarian law as well as other international norms and regulations, including human rights instruments.

## **J. Respect for Culture and Custom<sup>13</sup>**

27. Respect and sensitivities must be maintained for the culture, structures and customs of the communities and countries where humanitarian activities are carried out. Where possible and to the extent feasible, ways shall be found to involve the intended beneficiaries of humanitarian assistance and/or local personnel in the design, management and implementation of assistance, including in civil-military coordination.

## **K. Consent of Parties to the Conflict<sup>14</sup>**

28. The risk of compromising humanitarian operations by cooperating with the military might be reduced if all parties to the conflict recognize, agree or acknowledge in advance that humanitarian activities might necessitate civil-military coordination in certain exceptional circumstances. Negotiating such acceptance entails contacts with all levels in the chain of command.

## **L. Option of Last Resort<sup>15</sup>**

29. Use of military assets, armed escorts, joint humanitarian-military operations and any other actions involving visible interaction with the military must be the option of last resort. Such actions may take place only where there is no comparable civilian alternative and only the use of military support can meet a critical humanitarian need.

## **M. Avoid Reliance on the Military<sup>16</sup>**

30. Humanitarian agencies must avoid becoming dependent on resources or support provided by the military. Any resources or support provided by the military should be, at its onset, clearly limited in time and scale and present an exit strategy element that defines clearly how the function it undertakes could, in the future, be undertaken by civilian personnel/means. Resources provided by the military are often only temporarily available and when higher priority military missions emerge, such support may be recalled at short notice and without any substitute support.

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<sup>13</sup> For example, see Principles 5 and 7 of “*The Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organisations (NGOs) in Disaster Relief*”.

<sup>14</sup> For example, see *UN General Assembly Resolution 46/182* of 19 December 1991.

<sup>15</sup> For example, see Paragraphs 7, 26, 30, 33 and 38 of “*Guidelines on the Use of Military and Civil Defence Assets to Support United Nations Humanitarian Activities in Complex Emergencies*” of March 2003.

<sup>16</sup> For example, see Paragraph 29 of “*Guidelines on the Use of Military and Civil Defence Assets to Support United Nations Humanitarian Activities in Complex Emergencies*” of March 2003.

## PART 3 PRACTICAL CONSIDERATIONS

31. This section outlines the main practical considerations for humanitarian workers engaged in civil-military coordination.

### A. Establishment of Liaison Arrangements

32. Liaison arrangements and clear lines of communication should be established at the earliest possible stage and at all relevant levels, between the military forces and the humanitarian community, to guarantee the timely and regular exchange of certain information, before and during military operations. However, these activities should be conducted with caution. Either mentioning or concealing to the public the existence of direct communication between the humanitarian and military actors could result in suspicion and/or incorrect conclusions regarding the nature of the communication. Due to its possible impact on the perception of humanitarian operations, at times, it may be reasonable not to disseminate or publicize the liaison arrangements between the humanitarian community and the military. Obviously, such a decision has to be balanced with the need to ensure accountability, transparency and openness towards the local population and beneficiaries.

33. There are a number of initiatives within the UN system that focus on preparing humanitarian personnel on civil-military issues and practical liaison arrangements in complex emergencies. This includes the UNCMCoord induction courses, organised by OCHA's Military and Civil Defence Unit (MCDU). This unit also conducts pre-deployment training and workshops tailored to a particular content and mission.

34. In addition to UNCMCoord Officers deployed by OCHA, UN agencies may deploy Military Liaison Officers (MLOs) to focus on specific sectoral and operational civil-military issues and DPKO may deploy Civil-Military Liaison Officers (CMLOs). Where established, the United Nations Joint Logistics Centre (UNJLC), an inter-agency facility, also provides a civil-military coordination function on an operational logistics level.

#### Issues arising<sup>17</sup>:

- How should the liaison arrangements between the humanitarian community and the military be conducted: in confidence or in transparency?
- What would the implications be of public knowledge of such liaison arrangements on the perception of the neutrality and impartiality of humanitarian activities?
- How can transparency of the civil-military liaison arrangements be ensured while maintaining the understanding of a clear distinction between the military and humanitarian actors?
- How can incorrect perceptions and conclusions be prevented regarding the nature and purpose of civil-military liaison arrangements?

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<sup>17</sup> These are questions to be addressed when drafting guidelines for civil-military relations in particular complex emergencies.

- Which circumstances call for formal liaison arrangements? When is it better to maintain liaison on an *ad-hoc* basis?
- What is the appropriate size and structure of the civil-military liaison component?
- When, if ever, should the liaison officers of the humanitarian and military communities be co-located in the same facility?

## **B. Information Sharing**

35. As a matter of principle any information gathered by humanitarian organisations in fulfilment of their mandate that might endanger human lives or compromise the impartiality and neutrality of humanitarian organizations should not be shared.

36. However, to provide protection and humanitarian assistance to populations in need, information sharing with the military forces may at times become necessary. In particular, information that might affect the security of civilians and/or humanitarian workers should be shared with appropriate entities. Information sharing between humanitarian and appropriate military actors may include:

- **Security information:** information relevant to the security of civilians and to the security situation in the area of operation;
- **Humanitarian locations:** the coordinates of humanitarian staff and facilities inside military operating theatre;
- **Humanitarian activities:** the humanitarian plans and intentions, including routes and timing of humanitarian convoys and airlifts in order to coordinate planned operations, to avoid accidental strikes on humanitarian operations or to warn of any conflicting activities;
- **Mine-action activities:** information relevant to mine-action activities;
- **Population movements:** information on major movements of civilians;
- **Relief activities of the military:** information on relief efforts undertaken by the military;
- **Post-strike information:** information on strike locations and explosive munitions used during military campaigns to assist the prioritisation and planning of humanitarian relief and mine-action/UXO activities.

### Issues arising:

- What kind of information should/could be shared, with whom and when?
- How can information that may be important for humanitarian purposes be differentiated from information that is politically, militarily or economically sensitive?
- How do we determine which information might serve purposes other than those which are strictly humanitarian? For example, how do we ensure that information on population movements or aid beneficiaries will not be misused for military purposes?
- Should information that is shared with one military group be shared with all other military and/or political groups as well? How should we ensure that no side is favoured over another while being mindful of sensitivities involved in information?

- When and how should we verify information provided by the military?

### **C. Use of Military Assets for Humanitarian Operations**

37. The use of military assets in support of humanitarian operations should be exceptional and only on a last resort. It is recognized, however, that where civilian/humanitarian capacities are not adequate or cannot be obtained in a timely manner to meet urgent humanitarian needs, military and civil defence assets, including military aircraft, may be deployed in accordance with the “*Guidelines on the Use Of Military and Civil Defence Assets to Support United Nations Humanitarian Activities in Complex Emergencies*” (“MCDA Guidelines”) of March 2003.<sup>18</sup> In addition to the principle of ‘last resort’<sup>19</sup>, key criteria in the MCDA Guidelines include: (1) *unique capability* – no appropriate alternative civilian resources exist; (2) *timeliness* – the urgency of the task at hand demands immediate action; (3) *clear humanitarian direction* – civilian control over the use of military assets; (4) *time-limited* – the use of military assets to support humanitarian activities is clearly limited in time and scale.

38. As a matter of principle, the military and civil defence assets of belligerent forces or of units that find themselves actively engaged in combat *shall not* be used to support humanitarian activities<sup>20</sup>. While there are ongoing hostilities, it will be necessary to distinguish between operations in theatre and those outside. In theatre, the use of military assets for humanitarian purposes should generally not be undertaken. Only under extreme and exceptional circumstances would it be appropriate to consider the use, in theatre, of military assets of the parties engaged in combat operations. Specifically, this situation may occur when a highly vulnerable population cannot be assisted or accessed by any other means. Outside the theatre of operations, military assets of the parties engaged in combat operations may be used in accordance with the above-mentioned principles and guidelines. However, preference should first be given to military assets of parties not engaged in combat operations.

39. Any humanitarian operation using military assets must retain its civilian nature and character. While military assets will remain under military control, the operation as a whole must remain under the overall authority and control of the responsible humanitarian organisation. Military and civil defence assets that have been placed under the control of the humanitarian agencies and deployed on a full-time basis purely for humanitarian purposes must be visibly identified in a manner that clearly differentiates them from military assets being used for military purposes.

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<sup>18</sup> For the full text of the MCDA Guidelines, see internet address in the Annex at the end of this paper.

<sup>19</sup> *Last resort* is defined as follows: ‘Military assets should be requested only where there is no comparable civilian alternative and only the use of military assets can meet a critical humanitarian need. The military asset must therefore be unique in capability and availability.’ (See paragraph 7 of the MCDA Guidelines.)

<sup>20</sup> See Paragraph 25 of the MCDA Guidelines.

Issues arising:

- Who defines last resort and what are the exact criteria for last resort?
- How can we ensure the credibility and security for a humanitarian operation that uses military assets and how can we maintain the confidence of the local population for such operations?
- How can we make sure that humanitarian actors retain the lead role and direction of humanitarian efforts even when military assets are used as the only means available?

**D. Use of Military or Armed Escorts for Humanitarian Convoys**

40. The use of military or armed escorts for humanitarian convoys or operations is an extreme precautionary measure that should be taken only in exceptional circumstances and on a case-by-case basis. The decision to request or accept the use of military or armed escorts must be made by humanitarian organizations, not political or military authorities, based solely on humanitarian criteria. In case the situation on the ground calls for the use of military or armed escorts for humanitarian convoys, any such action should be guided by the principles endorsed by the IASC in September 2001.<sup>21</sup>

Issues arising:

- Who should provide the escort (UN forces, other international forces, government forces, forces of non-state actors, armed guards provided by security services companies)?
- How can we ensure that humanitarian operations will not become dependent on military escort - to the extent that it becomes impossible to operate without them?
- How can the capability, credibility and deterrence of an escort be determined?
- How do we determine if the escorts themselves are a potential source of insecurity?
- How do we ensure that short-term gain in access by using armed escorts would not result in long-term loss of losing actual or perceived neutrality, impartiality, independence and even credibility of the humanitarian operation?

**E. Joint Civil-Military Relief Operations**

41. Any operations undertaken jointly by humanitarian agencies and military forces may have a negative impact on the perception of the humanitarian agencies' impartiality and neutrality and hence affect their ability to operate effectively throughout a complex emergency. Therefore, any joint civil-military cooperation should be determined by a thorough assessment of the actual needs on the ground and a review of civilian humanitarian capacities to respond to them in a timely manner. To the extent that joint operations with the military cannot be avoided, they may be employed only as a means of last resort, and must adhere to the principles provided in the above-mentioned "MCDA Guidelines".

42. One must be aware that the military have different objectives, interests, schedules and priorities from the humanitarian community. Relief operations rendered by military

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<sup>21</sup> See IASC Discussion Paper and Non-Binding Guidelines on the "Use of Military or Armed Escorts for Humanitarian Convoys" of September 2001. This paper was approved by the IASC and reviewed by the UN Office of Legal Affairs.

forces could be conditional and could cease when the mission of the military forces changes, the unit moves or if the assisted population becomes uncooperative. Such action by the military can also be conducted primarily based on the needs and goals of the force and its mission, rather than the needs of the local population.

Issues arising:

- How can the impartiality and neutrality of a humanitarian action be preserved when it is carried out as a joint civil-military operation?
- What are the implications of a joint civil-military operation regarding access to all civilians in need and the safety of humanitarian staff?
- What happens if the military is suddenly redeployed to another mission or location, after the start of the joint operation?

**F. Separate Military Operations for Relief Purposes**

43. Relief operations carried out by military forces, even when the intention is purely 'humanitarian,' may jeopardize or seriously undermine the overall humanitarian efforts by non-military actors. The other parties to the conflict and the beneficiaries may neither be willing nor able to differentiate between assistance provided by the military and assistance provided by humanitarian agencies. This could have serious consequences for the ability to access certain areas and the safety of humanitarian staff, not to mention the long-term damage to the standing of humanitarian agencies in the region and in other crisis areas if humanitarian assistance is perceived as being selective and/or partial. Assistance provided by the military is susceptible to political influence and/or objectives and the criteria used in selecting the beneficiaries and determining their needs may differ from those held by humanitarian organizations.

44. For these reasons, military forces should be strongly discouraged from playing the role of the humanitarian aid providers. Their role in relation to humanitarian actors should be limited to help create a secure operating environment that enables humanitarian action. If need be, diplomatic efforts should be used to explain and reiterate to political and military authorities the concern of the humanitarian community in this regard.

45. However, there may be extreme and exceptional circumstances that require relief operations to be undertaken by the military as a last resort. This might be the case when the military are the only actors on the ground or the humanitarians lack the capacity and/or resources to respond to critical needs of civilians.

Issues arising:

- What are the means and possibilities of humanitarian agencies to discourage separate military operations for relief purposes?

- In what circumstances should exceptions be recognized? For example, if belligerent forces were the only ones who could reach vulnerable populations and therefore alleviate extreme human suffering? Should the humanitarian community advocate for the involvement of military forces in such cases?
- If the military engages in relief activities, what kind of coordination arrangement should be established with the humanitarian community?

### **G. General Conduct of Humanitarian Staff**

46. The independence and civilian nature of humanitarian assistance should be emphasized at all times. A clear distinction must be retained between the identities, functions and roles of humanitarian personnel and those of military forces – i.e., travel in clearly marked vehicles, clearly mark offices and relief supplies, etc. Weapons should not be allowed on the premises or transportation facilities of humanitarian organizations. Humanitarian personnel should not travel in military vehicles, aircraft, etc., except as a last resort or for security reasons. Humanitarian workers should not wear any military-uniform-like clothing. Failure to observe this distinction could compromise the perception of neutrality and impartiality of humanitarian activities and thereby negatively affect the safety and security of humanitarian staff.

#### Issues arising:

- How should differences of opinion regarding civil-military coordination be settled between humanitarian and military actors? Who decides?
- How should public appearances (TV, radio, ceremonies, events, social functions, events sponsored by the military, etc.) be handled, in view of the sensitivity required in fostering the appropriate public images and perceptions?

## **ANNEX: Related Documents and Web-page Address**

### **Related Documents**

Guidelines on the Use of Military and Civil Defence Assets to Support United Nations Humanitarian Activities in Complex Emergencies (March 2003)

Use of Military or Armed Escorts for Humanitarian Convoys - Discussion Paper and Non-Binding Guidelines (14 September 2001)

General Guidance for Interaction between United Nations Personnel and Military and Civilian Representatives of the Occupying Power in Iraq (8 May 2003)

Relationships with Military Forces in Afghanistan – Guidelines for UNAMA Area Coordinators and other UN Personnel (2002)

Guidance On Use of Military Aircraft for UN Humanitarian Operations During the Current Conflict in Afghanistan IMTF (7 November 2001)

Civil-Military Coordination Policy by Department of Peacekeeping Operation (9 September 2002)

All the above documents as well as this reference paper, *Civil-Military Relationship in Complex Emergencies*, can be found at the following website address:

**<http://ochaonline.un.org/mcdu/guidelines>**