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**MCDA: DRAFT GUIDELINES, APPENDIX 4.1 AND COMMENTS**

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**Draft Guidelines on**

**The Use of Military and Civil Defence Assets To  
Support United Nations Humanitarian Activities in  
Complex Emergencies**

Geneva

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(Version 4.1)

Prepared by the Secretariat of the Oslo Guidelines Process based on Inputs provided by the Drafting Committee.

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## **Introduction**

### Aim:

1. This document provides guidelines for the use of international military and civil defence personnel, equipment, supplies and services in support of the United Nations (UN) in pursuit of humanitarian objectives in international complex humanitarian emergencies. It provides guidance on when these resources can be used, how they should be employed, and how UN agencies should interface, organize, and coordinate with international military forces. The document may also be of value in other large-scale emergencies.

### Scope:

2. These guidelines cover the use of United Nations Military and Civil Defence Assets (UN MCDA) -- military resources requested by the UN humanitarian agencies and deployed under UN control specifically to support humanitarian activities -- and military resources that might be made available from international military forces that may or may not be under the direction of the UN. These other forces on other missions are referred to as other deployed forces.

3. Principles, concepts, and procedures are provided for requesting and coordinating UN MCDA when these resources are deemed necessary and appropriate, and for interfacing with international military forces who are conducting activities which impact on UN humanitarian activities.

4. These guidelines are intended for use by UN humanitarian agencies and their implementing partners, Resident and Humanitarian Coordinators, UN MCDA commanders and commanders of other deployed forces performing missions in support of the UN humanitarian agencies and liaison officers coordinating UN humanitarian activities with international military forces.

5. They could also be used by decision-makers in Member States when considering the use of military resources to provide humanitarian assistance to civilian populations and international military commanders, including peacekeeping forces.

6. This document focuses on the use of military resources and the interface between humanitarian agencies and military personnel during humanitarian operations in complex emergencies. The foundation for effective coordination of military and civilian assistance during reconstruction and rehabilitation of a disaster or post-conflict society is often established during relief operations, however reconstruction and rehabilitation activities are beyond the scope of this document.

7. Guidelines for the use of international military resources in natural disasters and peacetime technological or environmental emergencies are provided in a separate document entitled: "Guidelines on the Use of Military and Civil Defence Assets in Disaster Relief" (May 1994) also known as the "Oslo Guidelines".

### Status:

Second background document: MCDA Guidelines & MCDU Review

8. The UN Inter-Agency Standing Committee (IASC) and the UN humanitarian agencies have agreed to these guidelines. UN agencies and their implementing and operational partners are expected to follow this guidance. Member States and regional organizations engaged in relief or military operations in complex emergencies are encouraged to use the principles and procedures provided herein. While a significant number of Member States have participated in the development of the guidelines and endorsed their use, they are not binding on Member States. The guidelines are considered a living document and may be reviewed as appropriate in the future.

Key Terms:

9. The following terms are essential for understanding the guidelines set out in this document.

xx. UN Civil Military Coordination (UN CMCoord) (final UN definition to be established as per ongoing discussions in the Advisory Panel to MCDU – see Appendix)

10. **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.”

11. **Humanitarian Assistance:** Humanitarian assistance is aid to a stricken population that seeks, as its primary purpose, to save lives, alleviate suffering or preserve assets of a crisis-affected population. Humanitarian assistance should comply with the basic humanitarian principles of humanity, impartiality and neutrality. For the purposes of these guidelines, assistance can be divided into three categories based on the degree of contact with the stricken population. These categories are important because they help define which types of humanitarian activities might be appropriate to support with international military resources under different conditions.

**Direct Assistance** is the face-to-face distribution of goods and services.

**Indirect Assistance** is at least one step removed from the population and involves such activities as transporting relief goods or relief personnel.

**Infrastructure Support** involves providing general services, such as road repair, airspace management and power generation that facilitate relief, but are not necessarily visible to or solely for the benefit of the stricken population.

12. **Relief and Emergency Humanitarian Assistance:** These operations are intended to respond to the immediate need to save lives, limit extraordinary suffering, prevent further injury to the population or damage to the society. Normally, these are operations of short duration. However, in complex emergencies when states are unstable or have failed, and the society has lost its ability to respond, protracted humanitarian emergencies requiring a sustained international presence can exist. The duration of any support to UN humanitarian activities should be determined by the Humanitarian Coordinator in consultation with supporting commanders and sending countries.

**13. Military and Civil Defence Assets:** MCDA, as defined in the 1994 “Oslo Guidelines”, “comprises relief personnel, equipment, supplies and services provided by foreign military and civil defence organizations for international humanitarian assistance. Furthermore, civil defence organization means any organization that, under the control of a Government, performs the functions enumerated in Article 61, paragraph a, of Additional Protocol I to the Geneva Conventions of 1949”. When these assets are under UN control they are referred to as UN MCDA.

**14. Other Deployed International Military Forces:** These are all international military forces deployed in the region other than UN MCDA. For the purposes of these guidelines these forces are divided into three categories based on their missions. These missions are peacetime, peace operation, and combat. The mission of a force is the primary factor that determines a military unit’s availability and appropriateness to humanitarian tasks, including respect for the International Humanitarian Law and whether or not it is perceived by others as neutral or impartial.

**Peacetime missions** include training and exercises in the region with no hostile intent.

**Peace operation missions** include a range of interventions by military forces, including peacekeeping, peace enforcement, peace building and other so-called peace support operations where international forces are deployed with the consent of states and under operational parameters that dictate a minimum necessary use of force.

**Combat missions** are those where the primary purpose of the operation is the defeat of a designated enemy.

**15. Civilian Control:** The degree of UN control of UN MCDA will be different than the UN direction of other deployed military forces performing *ad hoc* support tasks. In the case of UN MCDA they will normally be in “direct support” of a humanitarian agency. The missions within the agreed Terms of Reference will be assigned by the Humanitarian Coordinator in coordination with the Emergency Relief Coordinator (ERC) and the Inter-Agency Standing Committee (IASC). In the case of other deployed forces, the Humanitarian Coordinator will determine what task needs to be done and request support, and the supporting military commander will determine how he can best complete the task within his means and capabilities given his primary mission requirements.

**16. Resident Coordinator and Humanitarian Coordinator:** The Resident Coordinator is the head of the UN Country Team. In a complex emergency, the Resident Coordinator or another competent UN official may be designated as the Humanitarian Coordinator. In large-scale emergencies, a separate Humanitarian Coordinator is often appointed. If the emergency affects more than one country, a Regional Humanitarian Coordinator may be appointed. In countries where large multi-disciplinary UN field operations are in place and where there is a Special Representative of the Secretary-General, he or she has authority over the Resident and Humanitarian Coordinator in that country. It is important to note that the decision whether to and who to appoint as Humanitarian Coordinator is made by the Emergency Relief Coordinator (ERC), in consultation with the Inter-Agency Standing Committee. (Footnote to be added on IASC + membership.)

Organization:

17. The remainder of the document is divided into two parts. The first contains principles that guide the use of international military resources by UN humanitarian agencies in complex emergencies and their coordination with international military forces. The second section describes the tasks and responsibilities of key actors in situations where UN MCDA are used and in situations when other international military forces are requested by the United Nations to support relief or emergency humanitarian assistance.

Comments and Recommendations:

18. This document was prepared under the auspices of the UN MCDA Project. It complements the existing "Guidelines on the Use of Military and Civil Defence Assets in Disaster Relief" (May 1994) also known as the "Oslo Guidelines". The Military and Civil Defence Unit (MCDU) of the UN Office for the Coordination of Humanitarian Affairs (OCHA) provides the Secretariat for the UN MCDA Project and is responsible for maintaining these guidelines. Comments should be directed to the Chief, MCDU, Emergency Services Branch, OCHA (Geneva), Palais des Nations, CH-1211 Geneva 10, Switzerland, or [mcdun@un.org](mailto:mcdun@un.org)

## Principles and Concepts

### Core Humanitarian Principles:

19. As per UN General Assembly Resolution 46/182 of 1992, humanitarian assistance must be provided in accordance with the principles of humanity, neutrality and impartiality.

**Humanity:** Human suffering should be addressed wherever it is found. The dignity and rights of all victims must be respected and protected.

**Neutrality:** Humanitarian assistance should be provided without engaging in hostilities or taking sides in controversies of a political, religious or ideological nature.

**Impartiality:** Humanitarian assistance should be provided without discriminating as to ethnic origin, gender, nationality, political opinions, race or religion. Relief of the suffering must be guided solely by needs and priority must be given to the most urgent cases of distress.

20. In addition to these three principles, the United Nations seeks to provide humanitarian assistance with full respect for the sovereignty of States. As also stated in General Assembly Resolution 46/182 of 1992:

“The sovereignty, territorial integrity and national unity of States must be fully respected in accordance with the Charter of the United Nations. In this context, humanitarian assistance should be provided with the consent of the affected country and in principle on the basis of an appeal by the affected country.”

21. The United Nations humanitarian agencies involved in humanitarian activities subscribe to these principles and have incorporated these concepts in their respective mandates and operational guidelines.

22. Organizations supporting the humanitarian activities of the UN, in particular implementing and operational partners and members of international civil society, are generally expected to adhere to these basic humanitarian principles and have been encouraged to adopt the "Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organizations (NGOs) in Disaster Relief".

### Avoiding Reliance on Military Resources:

23. The UN humanitarian agencies and their implementing and operational partners rely upon States to guarantee their security and to provide full and unimpeded access to the affected population. When security cannot be assured by the host government (e.g. when areas are controlled by non state actors), and/or when there are difficulties accessing the affected people, the UN humanitarian agencies and their implementing and operational partners must rely upon their neutrality for security and use negotiation as the primary means of gaining access to the affected population. The use of military

Second background document: MCDA Guidelines & MCDU Review

resources should not undermine the perceived neutrality of the humanitarian actors nor jeopardize current or future access to affected populations.

24. Furthermore, most military forces provided by Member States explicitly for UN MCDA or resources diverted from other missions by international military forces to support humanitarian assistance, are only temporarily available. When higher priority military missions emerge these forces are often recalled by the Member States. Therefore, as a general principle, UN humanitarian agencies must avoid becoming dependent on military resources and Member States are encouraged to invest in increased civilian capacity instead of the *ad hoc* use of military forces to support humanitarian actors.

25. However, there are circumstances when most requirements or security conditions are such that military resources provide the means of last resort for addressing the needs in a timely, effective way. In such cases, military resources, if available, may be appropriate for use. In general these resources can be divided into two categories: United Nations Military and Civil Defence Assets (UN MCDA) and resources from other deployed international military forces.

26. The principal distinctions between these two types of resources are that UN MCDA have been placed under the control of the UN humanitarian agencies and deployed on a full-time basis specifically to support UN humanitarian activities. Only a limited number of these resources are normally available for most emergencies. Other deployed international military forces are under the direction, and/or support of other entities, normally have security related missions, and may or may not be readily available. However there may be occasions when support to humanitarian activities forms a specific part of the mandate.

*When to Use Military Resources to Support Humanitarian Activities:*

27. The decision of whether or not to use military resources in a complex emergency is one that must be taken with extreme care. The expedient and inappropriate use of military resources can compromise the neutrality of all humanitarian actors responding to the emergency. This loss of neutrality can result in relief workers becoming direct targets of the belligerents and being denied access to the stricken population, not only in the current emergency, but also in future humanitarian crises. In addition, the loss of neutrality can result in the stricken population becoming direct targets of the belligerents. Ultimately, decision-makers must weigh the risk to relief workers and their ability to operate effectively at the moment, and in the future, against the immediacy of the needs of the affected population and the need for the use of military assets.

28. Within the UN system, the decision of whether or not to use military resources will normally rest with the Humanitarian Coordinator or a designated Special Representative of the Secretary General. He or she will receive guidance from the Emergency Relief Coordinator (ERC), in consultation with the Inter-Agency Standing Committee for a particular emergency and this guidance should include the authority to request UN MCDA and any guidance on the use of other military resources to support humanitarian activities. The following questions are provided to help guide these decisions:

- Are they the only or most appropriate option?
- Based on an accurate assessment of the needs, is the military force capable of the task?
- Can they be committed for the duration of the task?
- Can they be deployed without weapons or security forces to protect their assets such as aircraft?



Second background document: MCDA Guidelines & MCDU Review

- What conditions of neutrality and/or impartiality can be applied in the conduct of military support to humanitarian activities?<sup>1</sup>
- What command and control arrangements are necessary / achievable (command, control, direction) and for how long?
- What are the consequences for other humanitarian actors and for the beneficiaries?
- Can they be relied upon to effectively coordinate activities and transition from military operations to civilian operations as soon as possible?
- Are they prepared to have their equipment clearly identified as UN assets, such as repainting military aircraft and trucks white with UN markings?

A negative response to any of the above does not necessarily rule out the use of those military assets. Judgements will have to be made on a case by case basis.

29. In principle, unarmed UN MCDA, accepted as neutral and impartial, and clearly distinguished from other military units, can be used to support the full range of humanitarian activities, including direct assistance, indirect assistance, and infrastructure support missions. If Member States contributing UN MCDA insist that they be armed, UN MCDA may be restricted to indirect assistance or infrastructure support missions.

30. The use of other deployed military forces to support UN humanitarian activities is more problematic. Many international military forces provide assistance to the civilian population in their areas of responsibility. While motivation for this can be purely humanitarian and needs based, assistance can also be motivated by a desire to legitimize missions, gain intelligence, and/or enhance protection of forces. Unilateral support of this nature can be inappropriate, lack longevity, and can disrupt assistance that forms part of a coherent immediate and long-term programme. While there is a need for humanitarian activities to be divorced from political and military agendas, this must be balanced with a clear need for a level of consultation and coordination that ensures assistance provided by international military forces is not destructive.

31. Nonetheless, other deployed international military forces often have resources that might be extremely useful in an emergency and these resources should not be ignored. The primary considerations, which should be evaluated on a case-by-case basis, will be the immediacy of the need, ability to fulfill needs with civilian assets, and the impact on the perceived neutrality and impartiality of the UN assistance effort.

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<sup>1</sup> For deployed military forces the application of neutrality and impartiality of their actions will normally be based on the authorizing mandate and not humanitarian principle.

32. The following operational principles are provided to ensure that when UN MCDA are used they are in concert with the core humanitarian and UN principles as well as international humanitarian law.

**Use of MCDA:** UN MCDA are means of last resort in responding to a humanitarian emergency. United Nations agencies will not request these assets unless they are urgently needed and civilian assets are not reasonably available.

**Civilian Direction:** Safety of UN MCDA is, and will remain, a UN MCDA command responsibility. However, to be effective, direction and coordination of an overall humanitarian effort is a function requiring professional humanitarian staff. This is, and will remain, a civilian responsibility. UN MCDA employed in the support of UN humanitarian activities will be under the supervision and control of a responsible civilian authority, such as the UN Humanitarian Coordinator.

**At No Cost:** UN MCDA, like all UN humanitarian assistance, is to be provided at no cost to the affected population or the receiving state or agency. This should not result in sending states' cutting or reducing other planned and programmed assistance, such as development aid resources, to recover the cost of UN MCDA or other relief support.

33. Military and civil defence personnel employed exclusively in the support of UN humanitarian activities should be clearly distinguished from those forces engaged in other military missions, including the military component of peacekeeping missions, peace operations and peace support, and accorded the appropriate protection by the affected state and any combatants.

34. Acceptable means for distinguishing UN MCDA from security and forces engaged in military operations are the markings of the supported UN humanitarian agency or the use of civil defence markings accorded protection under the Geneva Conventions. (Annex with markings to be added.)

35. Military personnel providing direct assistance should, if at all possible, not be armed and should rely on the security measures of the supported humanitarian agency. If military forces providing indirect assistance or infrastructure support missions must be armed, for their protection or the safeguarding of their equipment, they will operate under strict rules of engagement based on the Law of Armed Conflict and should take account of advice and guidance by the Humanitarian Coordinator, Special Representative, or other appropriate UN official, in consultation with the Inter-Agency Standing Committee.

36. Under no circumstance will the request for UN MCDA be construed as an endorsement of any military operations or be used as a justification for undertaking combat operations, resorting to the use of force, or the violation of sovereignty.

37. Under no circumstance will UN MCDA provided to support UN humanitarian activities be used as a security force against the population. A separate security force may, however, be used to ensure security in areas where humanitarian personnel may be attacked while delivering basic humanitarian assistance such as food, medical aid, and medical supplies. Such assistance, however, is not addressed in this document. Further reference can be found in the Non-Binding Guidelines on The Use of Military and Armed

Operational Principles for the Use of Other Deployed International Military Forces:

38. States that are parties to the Geneva and Hague Conventions have minimum obligations under International Humanitarian Law. These include an obligation not to impede humanitarian activities as well as responsibilities to leave access to the affected populations and the safeguarding of relief personnel.

39. Military forces deployed by Member States whose primary missions are other than humanitarian support may also provide support to UN humanitarian agencies when requested by the UN Humanitarian Coordinator or other designated officials, or may engage themselves in assistance to the population. When these forces undertake activities in support of UN humanitarian agencies or their partners, this support will be on a case-by-case basis, subject to a request, and the military resources will remain under the control of the military force commander. These forces should seek guidance through the civil-military coordination structures, from the Humanitarian Coordinator or his/her designated representative.

40. The military forces assigned missions, either in support to UN humanitarian agencies at the request of the UN Humanitarian Coordinator or on their own behalf, should avoid compromising the neutrality of the humanitarian actors. Military forces performing these missions are in principle not granted any special protection nor are they authorized to display the emblems of the supported UN humanitarian agencies.

41. MCDA and military forces undertaking missions to support UN humanitarian activities should reconcile their *modus operandi* with the circumstances of the operating environment and seek the concurrence of the Humanitarian Coordinator, or other responsible UN authority.

United Nations Civil Military Coordination (UN CMCoord) in Complex Emergencies:

42. International civilian organizations providing humanitarian assistance to the affected population and international military forces, regardless of their missions, should maintain some level of interface to ensure that the civilian population does not suffer unnecessarily, that those in need receive the necessary assistance, and that relief personnel are safeguarded to the maximum extent possible.

43. Liaison in the midst of perceived or actual offensive military activity should nonetheless take place even when a cooperative arrangement cannot be reached with military forces. Even in the worst of situations a minimum amount of liaison is required in order to protect personnel and assets from unintended harm, limit competition for resources and avoid conflict.

44. At the operational level, information sharing is critical for successful civil-military coordination. This aspect of coordination should take place within the strategic assistance framework for the emergency, which sets priorities based on needs and a common humanitarian action plan. Ongoing coordination functions include collection of information, contingency planning, monitoring implementation, avoiding duplication, integrating advocacy and facilitating negotiation. In most cases this will require close

communication with local authorities, and the development of inclusive local coordination structures.

45. In all cases, regardless of the mission or status of the military force, there will be a requirement for the sharing of information. Considerable humanitarian information can be gleaned by military forces going about their military business (e.g. state of the affected population, availability of key services and critical infrastructure). Operational security notwithstanding, military forces should endeavour not to classify this type of information and should make it readily available to appropriate humanitarian agencies through the civil-military coordination structure. Conversely, humanitarian agencies should provide necessary information regarding their activities in order that any military operations can be reconciled with those of humanitarian actors. Even this basic level of information exchange will help to avoid inadvertent damage, disruption and destruction of relief assets and preclude unnecessary risks to humanitarian personnel and the civilian population.

46. Military forces providing assistance to the affected population, for whatever reason, should in normal circumstances coordinate such action with the UN Humanitarian Coordinator. Military forces deployed as part of a UN commanded peace operation should coordinate all humanitarian assistance with the UN Humanitarian Coordinator through the missions' civil-military coordination structure. Timely coordination of such actions will avert inappropriate action, allow, where necessary, appropriate military-humanitarian delineation and promote an increased impact for the affected population.

47. Critical areas for coordination include security, logistics, medical, transportation, and communications. In these areas the steady flow of timely information is essential for the success of humanitarian missions. Within these areas there will often be opportunities for task sharing and joint planning at both senior levels of the UN and the military and at the field level.

48. One of the effective ways to share information, and when appropriate share tasks and participate in joint planning, is through the exchange of liaison personnel from the appropriate UN humanitarian agencies and the military at the necessary levels. The United Nations Office for Coordination of Humanitarian Affairs, Military and Civil Defence Unit (MCDU) offers training to military and civilian actors in civil military coordination and liaison in a complex emergency. Several UN humanitarian agencies have built up cadres of personnel experienced in liaising with military personnel. Trained liaison personnel are also available through the MCDU to UN humanitarian agencies and other actors responding to humanitarian emergencies.

## ***Tasks and Responsibilities***

### *Affected State and Transiting States:*

49. The affected State has primary responsibility for providing humanitarian assistance to persons within its borders. Even though UN humanitarian agencies have been requested by the affected State or the UN Secretary General to provide additional assistance, the affected State may decline the use of UN MCDA or reserve the right to approve the use of other military resources by UN humanitarian agencies on a case-by-case basis.

50. States adopting a specific policy on the use of foreign UN MCDA within its borders should make this position known to the UN Resident Coordinator and/or UN Humanitarian Coordinator (if present), and the UN Office for the Coordination of Humanitarian Affairs (OCHA).

51. States that permit UN humanitarian agencies to call on external forces or forces already deployed by other nations within their borders should make any restrictions on the use of these forces known to OCHA and should include these restrictions in the Status of Forces Agreements (SOFA) established between their governments and the governments or responsible alliance/coalition which have forces stationed in their country.

52. Affected States should provide security for UN MCDA operating in support of UN humanitarian activities in the same manner that they would provide security for other UN humanitarian personnel and resources. UN MCDA shall have the same freedom of movement, immunities, privileges, and exemptions afforded the UN humanitarian agencies when working in support of these activities, including when en route and returning to their units or stations.

53. Transiting States, especially those bordering the affected State, will facilitate the movement of requested UN MCDA in the same manner that they facilitate the movement of UN relief goods and personnel.

54. When a Humanitarian Coordinator has been designated, he or she is responsible for initiating requests for UN MCDA or approving the use of other military resources. If a Humanitarian Coordinator has not been appointed, the decision to request UN MCDA or use other military resources rests with the Resident Coordinator, after consultation with the UN Country Team.

55. Before requesting these assets the Humanitarian Coordinator/Resident Coordinator will consult with the appropriate authorities of the affected State, the Special Representative of the UN Secretary-General (SRSG) and the Resident Representative or Coordinator, as appropriate. If the affected State is capable of and willing to provide the coordination structure for a complex emergency, this arrangement should be used.

56. In the absence of a Humanitarian Coordinator, Resident Coordinator, or SRSG the decision on whether or not to use UN MCDA to support UN humanitarian activities, will be made by the Emergency Relief Coordinator (ERC), in consultation with the Inter-Agency Standing Committee.

57. The cognizant decision-making authority will ensure that the coordination mechanisms and specific guidelines are in place to effectively employ these by the United Nations humanitarian agencies responding to the emergency, to include means for the sharing of information and, where appropriate, the exchange of liaison personnel.

58. The Humanitarian Coordinator/Resident Coordinator will plan for the earliest possible release of UN MCDA and ensure that UN humanitarian activities do not become dependent on these or any other military resources, once the emergency has passed.

59. In circumstances where there is likely to be a protracted emergency, or emergency conditions are likely to reemerge, the supported UN humanitarian agencies will make arrangements for these needs to be met with resources available from the affected State or other civilian sources.

60. When MCDA are made available to UN humanitarian agencies or their implementing and operational partners, following a request from the cognizant decision-making authority, the Humanitarian Coordinator/Resident Coordinator will ensure that an appropriate system is put in place to control the use of UN MCDA.

61. When other deployed military forces are providing support on a case-by-case basis to UN humanitarian agencies and their implementing and operational partners, the Humanitarian Coordinator/Resident Coordinator will ensure that the provision of humanitarian assistance by military forces does not compromise the humanitarian actors and that the military forces performing these missions understand the importance and humanitarian purpose of such missions. The Humanitarian Coordinator/Resident Coordinator will also seek to ensure that assistance activities carried out by other deployed military forces on their own behalf do not compromise UN humanitarian efforts.

62. The Humanitarian Coordinator or Resident Coordinator or the designated UN authority requesting the military resources, should review, with MCDA and military commanders, the *modus operandi* of supporting forces and offer appropriate advice and guidance. A comprehensive list (but not exhaustive) of considerations is below:

1. Core tasks.
2. Whether the forces are armed.

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3. Type of uniforms.
4. Chain of command.
5. Use of liaison officers.
6. Exit criteria.

UN Operational Humanitarian Agencies:

63. UN humanitarian agencies will request the use of UN MCDA through the Humanitarian Coordinator or Resident Coordinator that has coordination responsibilities for the emergency. The individual charged with coordinating the UN effort will ensure that affected State clearance is obtained prior to processing the request at the country level.

64. Except in situations where there is imminent loss of life or acute suffering, UN humanitarian agencies will avoid *ad hoc* local requests for UN MCDA and the uncoordinated use of other military resources. If in exceptional situations UN MCDA or other military resources are used, UN humanitarian agencies will report this use to the responsible coordinator, including when they expect the assets to be released and how they intend to minimize their use in the future.

65. UN humanitarian agencies supported by UN MCDA will respect the integrity and chains of command of the supporting units. They will clearly state what they want the unit to accomplish and leave the unit commander as much latitude as possible in determining how he or she will accomplish the desired outcome.

66. UN MCDA supporting UN humanitarian activities will normally not be used in the direct delivery of assistance. When possible the supported UN humanitarian agencies will try to use UN MCDA in a manner that limits their visibility and focus on tasks that do not call into question the neutrality or impartiality of the agency, implementing and operational partners or other humanitarian actors.

67. UN humanitarian agencies should acknowledge the UN MCDA support being provided, but avoid making any public statements on behalf of the UN MCDA units.

68. UN humanitarian agencies making use of UN MCDA will report the arrival, departure and status of these assets to the Military and Civil Defence Unit of OCHA, through the Humanitarian Coordinator / Resident Coordinator, to ensure that the resources are properly tracked and the contribution is recorded and acknowledged by the United Nations.

(This section is possibly to be rephrased after release of the report of the MCDU Review Group.)

69. Within the Office for the Coordination of Humanitarian Affairs, Geneva, the Military and Civil Defence Unit (MCDU) has the primary responsibility for the mobilization of UN MCDA and civil-military coordination in a complex emergency.

70. MCDU will request UN MCDA on behalf of the Humanitarian Coordinator/Resident Coordinator and track the use of these resources by the UN operational humanitarian agencies.

71. MCDU, with donor support, will maintain a training programme for those involved in the use of military resources to support UN humanitarian activities, with special attention to the training of liaison personnel and the procedures and methods for Civil-Military Coordination (UN CMCoord) in complex emergencies.

72. On behalf of the Member States, and in accordance with the UN MCDA Project, MCDU will maintain a roster of UN CMCoord trained liaison personnel and assist in mobilizing these personnel to support the Humanitarian Coordinator or Resident Representative and the operational UN humanitarian agencies.

73. If a UN Joint Logistics Centre (UNJLC) is established, MCDU will coordinate the UN MCDA used to support logistics with the UNJLC. Likewise, MCDU will assist OCHA Humanitarian Information Centres (HIC) in obtaining relevant information from the military where a HIC or similar information-sharing activity has been established.

74. MCDU will maintain the necessary tools to facilitate and support civil-military coordination and the mobilization of UN MCDA in complex emergencies, to include database and communications capacity.

*Sending State and International Military or Civil Defence Commanders:*

75. States or regional organizations and peacekeeping forces involved in complex emergencies or other military operations beyond their borders should include in the guidance or orders issued to force or contingent commanders the parameters for the use of their resources to support UN humanitarian activities in a complex emergency. Commanders should establish their force modus operandi taking into account the operational circumstances, International Humanitarian Law, and core Humanitarian Principles and consult with the host nation and Humanitarian Coordinator or cognizant humanitarian authority, including the OCHA Military and Civil Defence Unit (MCDU) for further technical advice, before deploying into the crisis area.

76. In a complex emergency, prospective sending states with military resources deployed in the affected area, or in reasonable proximity, should facilitate coordination. This could include information on any assets available to support essential humanitarian functions including the transport of relief goods, the movement of persons at risk, and the reestablishment of basic human services, including medical care.

77. The commanders of UN MCDA assigned specifically to support UN humanitarian activities, and other deployed military forces performing humanitarian support missions at the request of the UN, will avoid compromising the neutrality and impartiality of these



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agencies, their implementing and operational partners and other humanitarian actors responding to complex emergencies. Likewise, all supporting activities will be conducted in a manner that respects the dignity, culture, religions, and laws of the affected population.

78. Military or civil defence organizations dispatched to support complex emergency activities should be self-supporting for the duration of their mission in terms of transport, fuel, food rations, water and sanitation, maintenance and communications, in order to avoid placing additional stress on overburdened local authorities or the supported humanitarian actors.

79. Unless specifically exempted, UN MCDA will abide by the security and movements procedures set by the UN Security Coordinator to ensure the safety of UN personnel and be prepared to provide non-security related assistance in the relocation or evacuation of UN personnel should the need arise.

80. The States providing UN MCDA will not exploit these missions for the purpose of intelligence collection, propaganda, or psychological operations.

81. When military forces have assumed responsibility for vital civilian functions, such as delivery of water, provision of power, or the safe operation of an airfield, regardless of how this responsibility was acquired, they will facilitate a smooth transfer of these functions to the appropriate civilian authority, in coordination with the UN Humanitarian Coordinator or Resident Coordinator as soon as possible. This will be done in a timely manner, well prior to terminating this support, to ensure that any disruption of services will not have an adverse impact on relief and recovery activities.

**Draft Guidelines on The Use of Military and Civil Defence Assets To Support  
United Nations Humanitarian Activities in Complex Emergencies**

**Appendix to Version 4.1**

**UN CMCoord Definition**

At the request of the Advisory Panel to MCDU (comprised of IASC Members), the establishment of a common UN definition of UN CMCoord has been included in the Work Programme of MCDU for 2002.

The current working definition of UN CMCoord is the following:

Civil-Military Coordination is the relationship of mutual support, joint planning, and constant exchange of information required at all levels between military forces structures and humanitarian organizations and agencies operating towards the same objectives in response to humanitarian emergency.

The ongoing discussion have included the following alternative wording:

Civil-Military Coordination with its key elements of information sharing, task sharing and joint planning is a shared responsibility between civilian and military actors in order to reduce conflict and competition and strengthen coexistence and cooperation in joint humanitarian disaster relief assistance. (OCHA/MCDU)

UN Civil-Military Coordination is the system of interaction, involving negotiation, de-confliction, mutual support, joint planning and exchange of information, between military elements and humanitarian organizations, development organizations or the civilian community to achieve UN objectives related to emergencies. (DPKO)

The relationship of interaction, cooperation and coordination, mutual support, joint planning, and constant exchange of information at all levels between military forces structures, civilian organizations and agencies, and in-theatre civil influences, which are necessary to achieve an effective response in the full range of operations. (United Kingdom MOD Civil Military Cooperation (CIMIC) Philosophy (2001))

**Draft Guidelines on the Use of Military and Civil Defence Assets to Support United Nations Humanitarian Activities in Complex Emergencies – Version 4.1**

**APPENDIX**

**Additional Comments by Drafting Committee Members**

**FRANCE**

*Unofficial Translation of Comments Submitted by France:*

Paragraph 14:

France attaches importance to the fact that the different armed forces on the ground not be treated on an equal basis. We find it particularly important that the document, which mentions the term "other deployed forces" on numerous occasions, distinguish between forces that are mandated by the international community and non-controlled armed groups. We therefore propose to modify the beginning of the 4<sup>th</sup> phrase in the following manner: "The mission of a force and its rules of engagement, including the respect for International Humanitarian Law, are the primary factors..". Furthermore, the definitions included in this paragraph do not have a place in a document which covers the use of military and civil defence assets to support humanitarian operations in complex emergency situations. The three last indents should therefore be deleted and the three types of peace operations enumerated in the Brahimi Report (paras 10-14) - "conflict prevention, peace-keeping and peace-building" – should be cited at the end of the second phrase of the paragraph, after "these missions are". The deletion of these three last indents also avoids the opening of a debate on the consent of the State which is not advisable because in this type of operation this agreement is not systematically obtained, in particular in failed State situations.

Paragraph 15:

Regarding the term "direction", we would like to have the assurance that OCHA and our partners understand this function in the same manner we do, that is "authority of coordination" for which the English definition is the following : "Authority granted to a commander for coordinating specific functions or activities involving forces of several countries. He has the authority to require consultation between agencies or their commanders involved, but he does not have the authority to compel agreement. In case of disagreement, he should attempt to obtain essential agreement by discussion. If not, he shall refer to the upper or appropriate authority".

Paragraph 28:

In the footnote corresponding to this paragraph, the words "and not humanitarian principle" should be deleted. In our view the current drafting seems to oppose the respect for neutrality and impartiality and the respect for humanitarian principles.

Paragraph 30:

We suggest to delete this paragraph which is very confusing and does not bring any element of practical application.

## **GERMANY**

All involved Federal Ministries (Federal Foreign Office, Defence, Interior) support the draft document v4.1 and the appendix to v.4.1 on the whole.

There is one point we would like to make regarding § 30: Our Defence Ministry assures us that our armed forces - even when performing a military-induced CIMIC action - refrain from intelligence by-activities. They tell us that otherwise the necessary mutual trust (armed forces, population) would become unsettled. As the mentioned activities in § 30, line 5 are perhaps not exhausting, why not delete "gain intelligence"?

§ 81: We would rather prefer that the UN Humanitarian Coordinator were responsible for a timely and smooth transfer of those functions to civilian authorities (this is stronger than "in coordination with". The military forces would facilitate that transfer and contribute to it).

## **SWITZERLAND**

In the spirit of making the applicability of these guidelines as broad as possible, the words "United Nations" in the new title could be left out.

## **DPKO**

Comments submitted for further advice and consideration in the continued process.

Para 6: I think we need to put ourselves in the seat of a military officer who is not UN-CMCoord trained. With this in mind I think we need to get some terms sorted out. We seem to be using: humanitarian operations, humanitarian assistance, emergency humanitarian assistance, relief, humanitarian activities, reconstruction, rehabilitation, disasters, a little too liberally or interchangeably.

Para 14: "The mission of a force is the primary factor that determines a military unit's availability and appropriateness to humanitarian tasks, including respect for the International Humanitarian Law and whether or not it is perceived by others as neutral or impartial." : This does not make sense the way it is drafted. Combat missions can be conducted within the requirements of IHL.

Para 15: This is not 100% correct. There could be cases in UN mandated peacekeeping operations where the mandate includes humanitarian related tasks for the military component. I think even in this case the HC will have the same level of direction over humanitarian tasking. The only real difference is that he/she will need to be cognizant of differing priorities for the military component.

Second background document: MCDA Guidelines & MCDU Review

Para 22: Suggestion to attach the "Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organizations (NGOs) in Disaster Relief", unless it is too big.

Para 35: After discussions with the UN Office of Legal Affairs: The suggestion is to use IHL or the principles of IHL as opposed to Law of Armed Conflict (LOAC).

Para 38: Safeguarding is not a task of MCDA.

Paras 69 – 74 (Office for the Coordination of Humanitarian Affairs) : This whole section will need rewriting. We could prepare two versions depending on the outcome of the IASC deliberations on the MCDU Review.

## UNHCR

*(Suggested wording incorporated in the draft text)*

Para 8: Add: "The guidelines are considered a living document and may be reviewed as appropriate in the future."

Para 15: Third sentence: "in coordination with the ERC and the IASC" added at the end.

Para 16: Last sentence: It is important to note that the decision "whether to and" (instead of "on") who to appoint...

Para 25: First sentence: ...military resources provide the "means of last resort for addressing" (instead of "most practical way of meeting") the needs...

Para 28: Second bullet: Based on an accurate assessment "of the needs"...

## UNICEF

We should keep in mind that before the Drafting Committee signs off on the latest draft there is potential for additional changes especially to the paras dealing with the role of OCHA (69-74) which might need to be modified resulting after the discussion on MCDU review by the IASC-WG in June.

*(Incorporated in the draft text)*

Editorial comments which were made in the meeting but are not reflected in the latest draft:

- Para 54: add to the end "after consultation with the UN Country Team".
- Para 63: add to the end of the first sentence " at the country level".

*Original Text - French*

Paragraphe 14 :

Second background document: MCDA Guidelines & MCDU Review

La France est attachée au fait que les différentes forces armées se trouvant sur le terrain ne soient pas évoquées sur un plan d'égalité. Nous estimons particulièrement important que le document, qui mentionne à de nombreuses reprises le terme "other deployed forces" fasse la différence entre les forces mandatées par la communauté internationale et des groupes armés non contrôlés. Nous proposons en conséquence de modifier le début de la 4<sup>ème</sup> phrase de la façon suivante : "The mission of a force and its rules of engagement, including the respect for International humanitarian law, are the primary factors.." Par ailleurs, les définitions incluses dans ce paragraphe n'ont pas lieu d'être dans un document dont l'objectif est de traiter de l'emploi des ressources militaires et de défense civile pour soutenir des opérations humanitaires dans le cadre d'urgences complexes. Il convient donc de supprimer les trois derniers alinéas et de citer, à la fin de la deuxième phrase du paragraphe, après "these missions are", les trois types d'opérations de paix retenues dans le rapport Brahimi (pour votre information paragraphe 10 à 14 du rapport) "conflict prevention, peace-keeping and peace-building". La suppression des trois derniers alinéas permet par ailleurs de ne pas ouvrir le débat du consentement de l'Etat qui n'est pas opportun car, dans ce type d'opération, cet accord n'est pas systématiquement acquis, en particulier dans les situations où l'Etat est défaillant.

Paragraphe 15 :

S'agissant du sens donné au mot "direction", nous souhaiterions avoir l'assurance que le BCAH et nos partenaires entendent cette fonction comme nous le faisons, à savoir celle d'"autorité de coordination" dont la définition en anglais est la suivante : "Authority granted to a commander for coordinating specific functions or activities involving forces of several countries. He has the authority to require consultation between agencies or their commanders involved, but he does not have the authority to compel agreement. In case of disagreement, he should attempt to obtain essential agreement by discussion. If not, he shall refer to the upper or appropriate authority".

Paragraphe 28 :

Dans la note de bas de page correspondant à ce paragraphe, il conviendrait de supprimer "and not humanitarian principle". En effet, à nos yeux, la rédaction actuelle semble opposer le respect de la neutralité et de l'impartialité au respect des principes humanitaires.

Paragraphe 30 :

Nous proposons la suppression de ce paragraphe qui est très confus et n'apporte aucun élément comportant une application pratique.