IASC Inter-Agency Standing Committee

Guidelines

USE OF MILITARY OR ARMED ESCORTS FOR HUMANITARIAN CONVOYS

September 2001

Endorsed by IASC Principals

Final 14 September 2001

USE OF MILITARY OR ARMED ESCORTS FOR HUMANITARIAN CONVOYS

Discussion Paper and Non-Binding Guidelines

Introductory note:

OCHA was requested by the Deputy Secretary-General's Task Force on security policy to prepare draft guidelines on the use of military and armed escorts for humanitarian convoys. The following text was elaborated in collaboration with IASC member bodies, UNSECOORD, DPKO, academic reviewers and field colleagues in a number of organizations. They were approved for implementation by the Inter-Agency Standing Committee Working Group meeting of May 2001. The text as approved by the IASC Working Group was then submitted to the Office of Legal Affairs for review, after which a number of additional modifications were made.

Part I reviews the broader policy context. It concludes that, due to changes in the nature of conflict and in the nature of humanitarian assistance, military or armed escorts are, in a limited number of cases, necessary. In these cases, they should be used sparingly, and only in accordance with clear guidelines. Part II consists of two sets of non-binding guidelines: one on when *escorts might be used, the other on* how *they might be used.*

Part I

Introduction: Efforts to sustain humanitarian operations in an environment characterized by the erosion of humanitarian space

One important assumption of humanitarian operations in war has been that military forces have more to gain by focussing their efforts on military targets than they do by focussing on non-military ones.[1] Parties to many conflicts have been willing to accept humanitarian operations in the belief that such operations do not represent a significant obstacle to the achievement of their own military goals and that humanitarian organizations are not a party to the conflict. International humanitarian law has sought to build on this distinction between the military domain and the non-military domain, seeking to create what is now sometimes referred to as 'humanitarian space'.[2] In seeking to consolidate this humanitarian space, the use of armed or military escorts for humanitarian convoys has generally not been appropriate.

The distinction between military targets and non-military targets, however, has often been problematic. Military and political leaders have frequently seen the entire population of the adverse party as the enemy, and as an appropriate object of military

[1] Claude Bruderlein, *Towards a New Strategic Approach to Humanitarian Protection and the Use of Protected Areas*, 2. New York and Geneva: United Nations (OCHA), 2000.

[2] Ibid, citing Jean Pictet, Development and principles of international humanitarian law." Geneva, Henry Dunant Institute, 1985.

operations. The suffering of 'enemy' populations is not, in these cases, an incidental consequence of military operations, it is often the object of those operations.[3]

Even when there has not been a deliberate attempt to target civilians, civilians have increasingly been the victims of 'area weapons', including the aerial bombardment of populated areas. By the time of World War II, the distinction between combatants and civilians was seriously strained.[4] Thus, despite the expansion and further codification of international humanitarian law and the laws of war, the number of civilians killed as a percentage of total mortality has risen during the past century.[5]

Within the humanitarian community there is an ongoing debate as to how to deal with this process. One viewpoint stresses that the appropriate response to this blurring of the military and non-military domains is to reassert the impartiality, neutrality and independent identity of the humanitarian community, and to take all reasonable steps to reinforce the distinction between military actors and humanitarian ones.[6] The emphasis here is on strengthening negotiated access to beneficiaries. A somewhat different view asserts that, with the erosion of consensual premises on which international humanitarian action is based, a new emphasis must be placed on the *enforcement*, including the enforcement by military means, of certain minimum standards.[7] In this context, the use of military or armed escorts is seen as a response to changed circumstances – as a new means to achieve a long-standing humanitarian goal.

This debate is made more urgent by two other processes. First, humanitarian workers are increasingly the victims of harassment and armed attack. Sometimes, this is part of a deliberate effort to thwart the delivery of humanitarian aid and services to 'enemy' populations, or a function of the extent to which 'humanitarian' organizations are no longer seen as impartial, neutral and independent. Sometimes, it is merely a function of the gangsterism, criminality and general fragmentation of authority that are associated with many modern conflicts, particularly in 'failed states'.[8]

---

[3] See, for example, Brooks D. Simpson and Jean V. Berlin, eds, Sherman's Civil War: Selected Correspondence of William T. Sherman, 1860-1865 (University of North Carolina Press, 2000).

[4] See, for example, Peter Calvocoressi, Guy Wint and John Pritchard, Total War, 2nd ed. (London: Penguin, 1989), 512.

[5] Estimates of the civilian percentage of total mortality are unreliable. Estimates in the following conflicts have been advanced within the United Nations (A/C/3 SR 1780), cited in Esbjorn Rosenblad, International humanitarian law of armed conflict, (Geneva: Henri Dunant Institute, 1979), 55-6.
World War I, 5 %; World War II, 48 %; Korean War 84 %; Vietnam War 85+%.

[6] See, for example, Ed Schenkenberg van Mierop in 'Civil-Military Cooperation in the Wake of Kosovo: A Humanitarian Perspective', Conference on Civil-Military Cooperation, Copenhagen, 1-2 September 2000.

[7] See, for example, the Brahimi report (A/55/305), paras. 50, 63.

[8] General Assembly resolution 54/192 (17 December 1999) deplores the increasing loss of life to United Nations humanitarian personnel in the field and the "continuous erosion of respect for the principles and rules of international humanitarian law." The Report of the Secretary-General on Safety and Security of

The second process driving the debate on the relationship between the military and humanitarian communities is the evolution of military thinking in regard to the provision of humanitarian aid and services. In NATO and elsewhere there has been an evolution of the doctrine of military-civilian operations, with an increasing tendency for military forces being used to support the delivery of humanitarian aid, and sometimes even to provide this aid directly.[9]

Preparation of guidelines – five preliminary questions:

In an effort to address some of these issues, the Deputy Secretary-General of the United Nations convened a Task Force on policy issues associated with staff security. This Task Force met in New York on 17-18 November 1999, and made recommendations in a number of areas.[10] One of those recommendations was that guidelines should be developed regarding the use of military or armed escorts for humanitarian convoys. OCHA was asked to draft the guidelines.

The number of missions in which this issue arises is relatively small. United Nations humanitarian convoys move without military or armed escorts in 15 of the 22 complex emergencies with which OCHA is closely involved at the present. Nevertheless, the issue speaks to wider issues of humanitarian-military relations.

In seeking to prepare guidelines on the use of military or armed escorts for humanitarian convoys, five sets of questions can be asked:

i. Does the nature of modern conflict present risks to humanitarian workers that were not present in the past?

ii. If so, is military or armed protection for humanitarian convoys an appropriate response, or would association with military actors compromise the impartiality of humanitarian organizations?

iii. If humanitarian convoys are at greater risk, and if association with the military would not compromise their principles or operations, would the provision of military or armed escorts actually be of use? Would it increase security or diminish it? Would it pass the threshold of the United Nations Minimum Operating Security Guidelines or fall below it? Would it increase the amount of assistance that could be delivered, or reduce it?

United Nations Personnel (A55/494, 18 October 2000) provides a more detailed account of the rising level of insecurity.

[9] See, for example, Jean-Daniel Tauxe, 'The ICRC and civil-military cooperation in situations of armed conflict', 45th Rose-Roth Seminar, Montreux, 2 March 2000.

[10] 'Report of the Task Forces on Policy and Legal and Operational Issues', circulated by a note of the Deputy Secretary-General dated 28 March 2000.

Would it increase the security of beneficiary populations or compromise it?

iv. What would be the consequences of not using armed or military escorts for humanitarian convoys?

v. What policies and practices have already been put in place with respect to the use of armed or military escorts and how effective have these been?

i. Growing threat to humanitarian workers

Modern warfare tends to offer increased risk to humanitarian workers. Three principal reasons can be identified for this.

(a) The increasingly irregular nature of warfare

During the period 1900-1950 the overwhelming bulk of military activity was conducted by regular forces. The forces were characterized by strong command, control and communication, strong internal discipline and a clear distinction between the use of force for military purposes and the use of force for private or criminal purposes. During this period, humanitarian workers – principally from Red Cross Movement – operated with the consent of the belligerents, and were rarely under any significant degree of physical threat. The Red Cross symbol provided a protective value that was almost universally recognized.[11]

During the period 1950-2000 the bulk of military activity was conducted by irregular forces. Inter-state warfare, which had accounted for most military activity in the previous half-century, was largely replaced by wars of national liberation, wars of insurgency, wars of secession and, in the last years of the century, a sort of gangster warfare that was part-ethnic, part-political and part-criminal. Command, control and communication was often weaker than in the preceding period, as was internal discipline. The increasing use of child soldiers, and of soldiers operating under the use of drugs, may have exacerbated this trend, as may have the criminalization and 'privatization' of conflict.[12]

(b) Erosion of perception of impartiality of humanitarians: The increasing number of humanitarian organizations

Prior to 1950, the Red Cross Movement was overwhelmingly dominant in the provision of humanitarian services in armed conflict. Its impartiality and neutrality were

[11] International Committee of the Red Cross (ICRC), "Principles and response in international humanitarian assistance and protection (C. The use of armed escorts)", Presented at the 26th International Conference of the Red Cross and Red Crescent, 15 September 1995.

[12] A/55/494, Annex II.

generally accepted. By the end of the 20th century hundreds of non-governmental organizations were active in major conflict areas.[13] Many of these had religious, ethnic or national affiliations which made them the objects of suspicion in conflicts which themselves had a religious or ethnic character. In some cases, the suspicions were well founded, and other organizations – genuinely committed to humanitarian principles – suffered by association.[14]

(c) Erosion of perception of impartiality of humanitarians: The changing role of humanitarian organizations

During the major conflicts of the period 1900-1950, humanitarian organizations tended not to undertake activities that might have affected the outcome of the conflict. No humanitarian organization, for example, provided food to the general population of Leningrad during the 1941-1944 siege of that city. Indeed, there seemed to be a general acceptance that the German policy of starving Leningrad into submission was a legitimate war aim.[15] There was, therefore, no conflict in that case between the actions of the besiegers and those of the humanitarian community.

Fifty years later, there is increasingly a clash of purposes. The use of hunger as a weapon of war is one example. The resurgence of this practice in recent conflicts has been met by a growing insistence by the humanitarian community that food aid must be brought to those in need. When one or more belligerents has made active use of hunger for military purposes in conflicts in Afghanistan, Angola, Bosnia and Herzegovina, Croatia, Kosovo, Somalia, southern Sudan, northern Uganda and elsewhere, humanitarian organizations have put themselves in harm's way by attempting to provide food.[16] The humanitarian community has sometimes responded, as in Bosnia and Herzegovina, by associating itself with military actors which are (or are seen to be) party to the conflict.[17]

---

[13] In Bosnia and Herzegovina, over 3,000 people from over 250 humanitarian organizations carrying valid UNHCR ID cards in 1995. Mark Cutts, 'The Humanitarian operation in Bosnia and Herzegovina, 1992-95: Dilemmas in negotiating humanitarian access,' (Geneva: UNHCR, New Issues in Refugee Research – Working Paper No. 8, 1999), 7. In Kosovo, at least 180 NGOs were operating in 1999. Suhrke, Barutciski, Garlock and Sandison, 'The Kosovo Refugee Crisis: And independent evaluation of UNHCR's emergency preparedness and response,' (Geneva: UNHCR, February 2000), 65.

[14] See, for example, Cutts above, 7, 23-4. See also, ICRC, above, "Principles and response."

[15] Just as the Lieber Code (Art. 17) states that, "It is lawful to starve the hostile belligerent, armed or unarmed, so that it leads to the speedier subjection of the enemy," so the Military Tribunal at Nurenberg stated that, in respect of the siege of Leningrad, "the cutting off of every source of sustenance from without is deemed legitimate." War Crimes Reports Vol. 12, 84.

[16] See, for instance, Action Against Hunger (ACF), Geopolitics of Hunger: 2000-2001 – Hunger and Power. Boulder: Lynne Rienner, 2000. See also, Catherine Bertini, "Statement to the United Nations Security Council Debate on Security of UN Humanitarian Personnel, New York, 9 February 2000," (Rome: World Food Programme, 2000).

[17] Larry Minear et al, 'Humanitarian Action in the Former Yugoslavia: The U.N.'s Role, 1991-1993', Watson Institute Occasional Paper Series #18, 1994, 83-103.

ii. *Impartiality and the use of force including armed escorts*

There are many cases in which the use of force, including armed escorts, would compromise the impartiality of humanitarian organizations.

There are also circumstances, however, in which the use of armed or military escorts for humanitarian convoys would *increase* the capacity of such organizations to provide assistance in an impartial manner, that is, "regardless of the race, creed or nationality of the recipients … and on the basis of need alone."[18] The example of siege situations has already been given, and could be expanded to cover other situations in which one belligerent, controlling access to areas controlled by another belligerent, might seek to reduce the amount of aid flowing to what they see as an enemy population. During the conflict in Bosnia and Herzegovina, humanitarian organizations were unable to deliver aid on the basis of need due to the lack of cooperation of those military factions controlling access to the most needy populations. Only when military escorts were provided – and when a credible use of force projected by those providing the escorts – was the imbalance somewhat corrected.[19]

iii. *Utility of armed or military escorts*

There are many cases – the great majority – in which the use of armed or military escorts would be counter-productive. The use of such escorts can compromise the security of humanitarian personnel and can reduce their capacity to provide assistance effectively on the basis of need and regardless of race, creed or nationality. For example:

- Cooperation with an outside military force – including cooperation with a UN-mandated force – can lead local actors to associate humanitarian organizations with the political and military objectives of that force.

- Cooperation with armed or military escorts which do not have the capacity to prevail if attacked – and to keep routes open for further convoys – can make a convoy or convoy route more vulnerable than it would be without an escort.

- Dependence on support from a military or armed force – whether foreign or local – often makes it impossible to operate without such force.

- Cooperation with one belligerent can make it impossible or unsafe to operate in territory controlled by another belligerent, unless there is an agreement on hand-over at the boundary.

[18] This formulation of the humanitarian imperative is that of Article 2 of the 'Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Relief', 1994.

[19] Cutts, 14-16.

These problems are exacerbated when, as is usually the case, humanitarian actors remain in a conflict zone after the departure of external military forces.

iv. Consequence of non-use of military or armed escorts

Regardless of their utility, there are some humanitarian organizations which – for reasons of broader principle – will not use military or armed escorts to protect their convoys. This position may contribute to a general trend towards direct provision of humanitarian services by foreign military forces.

When humanitarian organizations are unwilling or unable to provide humanitarian services, foreign military forces are increasingly likely to fill the gap. This is true whether the reasons are military (e.g. when they are part of an effort to secure the good will of the population within which a force is operating), or narrowly institutional (e.g. when there is a need for military forces to be seen to be active during periods of low threat) or immediately political (e.g. as a part of a public relations effort directed towards constituencies in the sending state).

The experience in Kosovo appears to be a further example of the extent to which bilateral and military actors can and will assume functions normally carried out by independent humanitarian organizations.[20] Even if the Kosovo case is not repeated, however, "certain Western states, the EU and NATO are rethinking military doctrine, particularly in the field of security, and are seeking way of using some of their military capabilities and assets, which are presently under-utilized, for civilian purposes."[21]

v. Policies and practices already in place

Within the United Nations, the development of policies with respect to the use of armed and military escorts for humanitarian convoys, and with respect to related issues such as the use of armed or military security for fixed installations, has been fragmented. Broadly, however, members of the United Nations system have adopted policies which recognize the need for armed or military escorts in exceptional circumstances.[22]

The use of armed guards provided by security service companies to escort convoys would be governed by the Security Directive disseminated on 9 January 1996 on the use of armed guards by organizations of the United Nations system. Such use would be subject to the authorization of the United Nations Security Coordinator.

---

[20] For more, see Larry Minear et al, 'NATO and Humanitarian Action in the Kosovo Crisis' in Watson Institute Occasional Papers Series #36, 2000.

[21] Tauxe, ibid.

[22] Compare, for example, UNHCR, *The Security and Civilian and Humanitarian Character of Refugee Camps and Settlements*, EC/49/SC/INF.2, 1999 with UNSECOORD, *United Nations Security Operations Manual*, 1995.

With respect to the protection by United Nations forces, the authorization for the dispatch of such a force, whether in the case of peacekeeping or peace enforcement, falls within the competence of the Security Council, which shall also determine the mandate of such a force. Any protection expected from a military component of a UN peace operation to humanitarian convoys must be consistent with the mandate of the UN peace operation as established by the Council.

Within the community of humanitarian organizations outside the United Nations there is a spectrum of policy. The Red Cross Movement holds that, "as a general principle, any armed protection for any component of the Movement is in conflict with the following Fundamental Principles: humanity, independence, impartiality and neutrality."[23] Some other organizations, including especially implementing partners of United Nations agencies, have no such policy objections.[24]

Some efforts have been made to establish a common policy for all humanitarian organizations, including both those members of the United Nations system with humanitarian mandates as well as humanitarian non-governmental organizations. In 1995, the Inter-Agency Standing Committee Working Group adopted the Report of the Task Force on the Use of Military and Civil Defence Assets in Support of Humanitarian Operations.[25] The Report did not refer to the use of armed or military escorts in particular, but did establish six general 'operating principles' with respect to the use of all military assets in support of humanitarian operations. These stated that:

i. Decisions to accept military assets must be made by humanitarian organizations, not political authorities, and based solely on humanitarian criteria.

ii. 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 nature or timeliness of deployment, and its use should be a last resort.

iii. A humanitarian operation using military assets must retain its civilian nature and character. The operation must remain under the overall authority and control of the humanitarian organization responsible for that operation, whatever the specific command arrangements for the military asset itself. To the extent possible, the military asset should operate unarmed and be civilian in appearance.

[23] International Committee of the Red Cross (ICRC), 'Report on the use of armed protection for humanitarian assistance', extracted from 'Working Paper, Council of delegates, 1995', presented at the ICRC and International Federation, Council of delegates, Geneva, 1-2 December 1995.

[24] Cutts, 6-10.

[25] United Nations Department of Humanitarian Affairs, 'Inter-Agency Standing Committee Working Group, XIXth Meeting, 27 September 1995, Geneva: Summary Record'.

iv. Countries providing military personnel to support humanitarian operations should ensure that they respect the code of conduct and principles of the humanitarian organization responsible for that deployment.

v. The large-scale involvement of military personnel in the direct delivery of humanitarian assistance should be avoided.

vi. Any use of military assets should ensure that the humanitarian operation retains its international and multilateral character.[26]

The broadest of these principles – points i and ii above – can clearly be applied to the specific case of armed and military escorts. Points iii-vi may be less applicable. Point iii, for example, might undermine the capacity of an armed or military escort to offer a credible deterrent to would-be attackers.

In practice, the positions of the various humanitarian organizations are not far apart, though different criteria may be applied in the decision-making process.

Conclusion:

The generally restrictive practice of all major humanitarian organizations is appropriate. Whatever policy guidelines are put in place should reflect the broad aim of limiting the circumstances in which organizations will have to resort to the use of armed or military escorts.

The convergence of practice among humanitarian organizations in the field is to be applauded, and should be reinforced, with a view, where possible, to having a common position among all humanitarian organizations in any given operation.

Whatever guidelines are approved should reflect two levels of decision-making: first, *when* to use armed or military escorts and, second, having taken the decision to use such an escort, *how* to do so.

[26] United Nations Department of Humanitarian Affairs, 'The Use of Military and Civil Defence Assets in Support of Humanitarian Operations: Report of the Task Force', 27 September 1995.

Part II

Non-binding guidelines on when to use military or armed escorts

General rule

As a general rule, humanitarian convoys will not use armed or military escorts.

Exceptions (criteria)

Exceptions to the general rule will be considered, as a last resort, and only when all of the following criteria have been met:

i. *Sovereignty.* The sovereign power or local controlling authority ('the local authorities') is unwilling or unable to provide a secure environment without the use of military or armed escorts.

ii. *Need.* The level of humanitarian need is such that the lack of humanitarian assistance would lead to unacceptable human suffering, yet assistance cannot be delivered without the use of military or armed escorts.

iii. *Safety.* Armed or military escorts can provided in a way which would provide the credible deterrent needed to enhance the safety of humanitarian personnel and the capacity to provide assistance to intended beneficiaries without compromising the security of beneficiaries and other local populations.

iv. *Sustainability.* The use of an armed or military escort would not compromise the longer-term capacity of the organization safely and effectively to fulfil its mandate.

Exceptions (procedures)

Within the United Nations system, the determination as to whether or not the criteria have been met will normally be made by the Designated Official. The Designated Official is accountable for matters concerning the security of United Nations personnel and property to the Secretary-General, through the United Nations Security Coordinator.

Note: In most cases, but not all, a single individual serves as Humanitarian Coordinator, Resident Coordinator and Designated Official. The authority of the Resident Coordinator with respect to UN staff and property is stated in full in section V paragraph 20 of the UN Field Security Handbook.

Recognizing that a common position among humanitarian actors will increase the security of all, the Designated Official (or Humanitarian Coordinator, as appropriate) will consult widely within the humanitarian community before making a determination. The Designated Official will invite representatives of the non-UN humanitarian community to participate, either as members or as observers, in the work of the Security Management Team.

With respect to the *sovereignty* criterion, the Designated Official will formally engage the local authorities to determine whether or not they are willing or able to provide the necessary secure environment and to fulfil their obligations under international humanitarian law. The Designated Official will formally advise members of the humanitarian community as to the role of forces operating under a Security Council mandate with respect to support to that community, and to the provisions of status-of-forces agreement that may be in force.

> *Note: There has been confusion in some cases as to whether or not a country agreement/SOFA/SOMA is in force, who is covered by it, and what it means in practice. The Designated Official will endeavour to clarify this issue for representatives of the wider humanitarian community as a basis for security planning.*

With respect to the *safety* criterion, the factors to be considered by the Designated Official will include the following:

- Who is providing the escort? (E.g. UN forces conducting peace operations, whose actions shall be governed by decisions of the Security Council; other international forces; government forces; forces of non-state actors; armed guards provided by security service companies, whose use, for the UN community, is subject to the approval of the UN Security Coordinator.)

- What are their capacities? (E.g. Can they provide intelligence on the security situation? Will they represent an effective deterrent to attack? Will they be credible in the event of such an attack? What are their rules of engagement? What are the command and control arrangements? Do they have a capacity for extraction? Can they keep a route open and secure for future convoys once force has been used to move one convoy through?)

- How high is the protection of humanitarian convoys on the priorities of those providing the escorts? Are the escorts themselves a potential source of insecurity?

- Is there a choice? (E.g. Are those who are providing the escorts insisting – for political, military, economic or criminal reasons – on their use? If so, what are the possible consequences of resisting?)

. Would the use of escorts in one area have a deleterious effect on the capacity of the organization to fulfil its mandate in other areas? (E.g. If escorts are to be provided by a belligerent, would that affect the ability to operate in areas not controlled by that belligerent?)

With respect to the *sustainability* criterion, the Designated Official will consider whether the use of armed or military escorts might make it more difficult to provide aid later. (E.g. If escorts are being provided by an external military force, what will happen when, as is usually the case, that military force leaves, but humanitarian operations have to continue?)

Note: There are occasions when the safety or sustainability criteria will not be met, as determined by the DO. In these cases it may be appropriate to suspend operations or to withdraw. Persisting with operations in the face of unacceptably high risk is rarely an effective means of meeting humanitarian needs. On more than one occasion, political authorities have encouraged humanitarian actors to continue operations – under military and armed escort, and in the face of unacceptably high risk – as an excuse for not addressing the root causes of a humanitarian crisis.

Relations with forces operating under a United Nations mandate

The role and mandate of forces operating under a United Nations mandate is defined by the United Nations Security Council, and is binding. The Secretary-General's Note of 30 October 2000 will guide the relationship between Representatives of the Secretary-General, Resident Coordinators and Humanitarian Coordinators in the execution of this mandate. The relationship between the political/military elements of the United Nations presence and the humanitarian presence – including on the use of military escorts for humanitarian convoys – will be determined by agreement between the SRSG/RSG and HC/RC, and will be congruent with the Security Council mandate. In accordance with paragraph 8 of the Secretary-General's Note, the SRSG/RSG and the HC/RC should resolve policy differences at the field level. Where this is not possible, the issue will be brought to the Headquarters task force for resolution.

Note 1: The number of situations in which there is the possibility of escorts by U.N.-mandated forces is very few. At present, only East Timor, Eritrea/Ethiopia and Sierra Leone are possible examples, and in none of those are escorts actually used.

Note 2: The Brahimi report (Section II/E) proposes a notion of impartiality which would, in some circumstances, be quite distinct from the humanitarian principles that would govern the delivery of humanitarian assistance. In such circumstances, there would not be automatic identity of interest between United Nations elements reporting to the RSG/SRSG and those coordinated by the HC/RC.

Non-binding guidelines on how to use military or armed escorts

Guiding principles for humanitarian-military relations

In situations in which an external military actor is present, the relationship between the humanitarian community and the external military forces should be based on a number of guiding principles, including:

i. *The primacy of the humanitarian organizations in humanitarian work.* In the first instance, humanitarian work should be performed by humanitarian organizations. Insofar as military organizations have an immediate role to play in supporting humanitarian work, it should be in the provision of a secure environment and/or in the provision of logisitics support when requested by humanitarian organizations.

ii. *Primacy of humanitarian criteria.* 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.

iii. *Humanitarian identity.* Humanitarian convoys must retain their civilian nature and character. Other than the vehicles, weapons and personnel providing the escorts, the convoys must remain exclusively humanitarian and armed personnel should remain in separate vehicles. In order to give visibility to the civilian character of humanitarian convoys, vehicles other than the ones used to transport armed escorts may be fitted with "No Weapons" stickers.

Note: Where external military actors are involved, the above guiding principles should be agreed in advance. Representatives of the humanitarian community may wish to consider the preparation of agreements with major military establishments confirming these principles as a basis for cooperation and division of labour in the area of escorts for humanitarian convoys.

Collective action by the humanitarian community – Negotiation process

Where possible, a single team – representing all humanitarian organizations seeking armed or military escorts for their convoys – should negotiate the escort arrangements. Prior to these negotiations, the team should have a common approach to the procedural elements to be negotiated.

Note: For example:

- *Whether the humanitarian organizations will make a consolidated agreement on behalf of all interested organizations, or whether separate agreements with each organization will be necessary.*

- *With which parties the escort agreement will be negotiated.*

- *At what level the escort agreement will be negotiated.*

- *Whether the agreement will be a formal and written one, or whether it will be an informal understanding.*

- *What terms and conditions will be accepted; whether or not the escort provider will be paid, and costs involved.*

- *What the political ramifications of the agreement are; what issues of legal liability arise, and whether or not the privileges and immunities of the United Nations can be invoked, and who will be covered by them.*

- *Whether or not the existence and contents of the agreement will be made generally available.*

Collective action by the humanitarian community – Negotiation substance

Where possible, the humanitarian negotiating team should have a common position on the substantive elements to be negotiated.

Note: For example:

- *Procedures with respect to pre-movement security assessment (e.g. the role of the DO and SMT in assessing the threat level and making appropriate arrangements; whether or not there will be a formal determination of 'phases', each requiring an appropriate configuration).*

- *Procedures with respect to the composition of convoys (e.g. whether UN and NGO vehicles be mixed; whether or not a consolidated manifest will be available, and to whom; whether passengers will be allowed and, if so, what categories of passengers.)*

- *Procedures with respect to convoy command and control (e.g. who will have authority over the configuration of the convoy and over whether or not to abort a convoy, or to reroute it; whether or not escorted vehicles will have the authority to leave the convoy unilaterally).*

- *Procedures with respect to the carriage and use of weapons (e.g. humanitarian convoys must retain their civilian nature and character. Other than the vehicles, weapons and personnel providing the escorts, the convoys must remain exclusively humanitarian. Armed personnel should remain in separate vehicles).*

- *Procedures with respect to communication and liaison (e.g. how will the escorts communicate with those escorted, en route and at headquarters).*

- *Procedures with respect to demands for preapproved movement, checkpoints, stops, searches, payment, etc.*

- *Procedures with respect to interacting with persons encountered en route.*

- *Procedures with respect to security incidents.*

Collective action by the humanitarian community -- Codes of Conduct

The humanitarian community will encourage the development of situation-specific codes of conduct, based on a common framework, to be elaborated by representatives of the UN and non-UN humanitarian community. Such codes of conduct should be consistent with the United Nations Minimum Operating Security Standards for that location.