

Discussion Paper on Humanitarian Interaction With National Militaries

Background

The humanitarian community's engagement with governments will almost always include interaction with national militaries. The level and degree of interaction will largely be dependent on the type of mission the military performs. In most natural hazard-prone countries, national militaries act as the primary arm of the government, tasked to immediately respond to the humanitarian impact of natural disasters. National militaries offer distinct capability, can rapidly mobilize and deploy, and fill capacity gaps as needed. Generally, professional armed forces have genuine concern in helping their fellow citizens affected by natural disasters. They will be there and will do something about the situation. Given this reality, humanitarian actors are expected to interact with them in these types of scenarios where there are no or very few sensitive issues.

In conflict-induced humanitarian emergencies where national militaries are involved in the conflict as a belligerent force, the interaction with national militaries is almost exclusively delimited to preserving and protecting the humanitarian operating environment, protection of civilians and ensuring access.

Operational Issues

The overarching challenge for the humanitarian community is how to appropriately interact with national militaries given varying emergency environments, the level of professionalism of national militaries and their understanding of the role of the humanitarian community in emergencies. Just as not all humanitarian organisations are the same, not all militaries are the same. Mutual understanding of each other's roles in emergencies seems to be the key to appropriate interaction.

Humanitarians operating in a country need to have a good understanding of the endemic hazards that trigger humanitarian emergencies in the country and the national military's likely or predictable role(s) in those emergencies. This includes knowing the various military formations that cover certain geographical areas and their leadership. If and when the humanitarian community does a mapping and analysis of key government actors at the national and/or the sub-national level, the national military must be a key component of that process. This provides a good basis on how to engage national militaries and establish dialogue at appropriate levels. Dialogue keeps a two-way line of communication open; it links people, breeds understanding, dispels mistrust and builds mutual respect. Moreover, dialogue provides an opportunity to learn from the other party. Listening alone already promotes understanding, which allows parties to explore new possibilities and opportunities, with mutual respect for each other's mandates and responsibilities.

Timing, as strategists in war and business say, is everything. This proposition also applies to humanitarian interaction with national militaries. The humanitarian community needs to establish dialogue as a preparedness measure, before a new emergency happens and/or an escalation of an on-going humanitarian crisis transpires. It is essential that the humanitarian community does this coherently and at all appropriate levels. Mutual understanding of each other's roles and responsibilities will not magically happen overnight; it has to be a deliberate investment of time and collective effort on the humanitarian community's side to engage with national militaries.

Missions Dictate Appropriate Interaction

The humanitarian community needs to understand that national militaries perform various missions, such as support to humanitarian action¹, development support, stabilisation or maintaining law and order, and counter-insurgency types of operations which may involve actual combat. These varying missions dictate the appropriate degree of interaction with national militaries, which the humanitarian community needs to collectively and coherently apply to maintain neutrality and impartiality of humanitarian programmes and activities.

Mindsets

No two emergencies are the same. In the same vein, there is no "one size fits all" formula for humanitarian interaction with national militaries. The nature of the emergency and the role of the national military will determine the kind of interaction the humanitarian community should adopt. There are certain approaches that could be distinctly applied to natural disasters and complex emergencies:

Natural Disasters in Peacetime

Pursuing humanitarian aid effectiveness in natural disasters entails putting in place the following in support of affected States:

1. Reception, Staging and Onward Integration – facilitating the integration of deployed foreign military assets in the national coordination structure, which includes the national military.
2. Predictable on-site platform for humanitarian civil-military coordination – an affected State-led platform, supported by humanitarian civil-military coordination officers, that provides the coordination space where humanitarian capacity gaps are matched with available national and foreign military capacity to address humanitarian priorities.
3. Building a common situational picture – a sustained collective effort that will be facilitated by the predictable on-site platform.

Other suggested approaches with national militaries that play a key role in natural disaster preparedness and response are as follows:

- Establishment and maintenance of regular contact by designating a liaison officer for the Humanitarian Country Team (HCT).
- Promoting mutual understanding of capabilities, capacities and limitations.
- Understanding how the national military is integrated into the National Disaster Management System.
- Promoting clearly defined roles in National Disaster Response Plans (NDRPs) and rehearsals through the conduct of exercises, including HCT participation in regular joint exercises (CPX, FTX, INSARAG exercises, etc.).
- Joint in-country training.

¹ Direct assistance, indirect assistance, infrastructure support

Complex Emergencies

Addressing the needs of people in conflict requires a coherent approach on the part of the humanitarian community at national and sub-national levels. Essentially, the following activities are aimed at ensuring an acceptable degree of coherence:

1. De-confliction – an integral part of dialogue with national militaries where shared information ensures that humanitarian staff, programmes, activities, locations and affected people are not targeted or included in military offensives.
2. Establishing coordination platforms in conflict – a virtual or physical space where humanitarian liaison officers and national military liaison officers can thresh out misunderstandings and clarify operational issues that may impede delivery of humanitarian goods and services in critical areas of need.
3. Enabling a secure environment for humanitarian action – this is closely linked to de-confliction and coordination platforms where preserving humanitarian space, protection of civilians and ensuring access are the main benefits of a secure environment.

Other approaches in a conflict-induced emergency, complementary to the above, where the national military is a belligerent force may include the following:

- Designation of a humanitarian liaison officer who can convey messages from the humanitarian community and raise issues of concern requiring awareness and/or action on the part of the national military.
- Regular liaison visits for information sharing.
- Orientation and briefings for national militaries at appropriate levels.
- Dialogue for de-confliction in critical locations.
- Feedback to the national military on ground observations that require their awareness and/or action.

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Annex

Good Practices for Humanitarian Interaction with National Militaries: Case Studies

In 2014 and 2015, OCHA's Civil-Military Coordination Section (CMCS) carried out case studies on Colombia, Pakistan and the Philippines, to complement the Discussion Paper on Humanitarian Interaction with National Militaries, issued in November 2014. The in-country interviews and desk reviews looked at good practices for humanitarian interaction with national militaries. The main findings of good practices follow below.

Sovereignty and primary responsibility of the affected state (GA resolution 46/182): It is important to appreciate the value of the affected state's government and institutions, including the role of the military. The humanitarian community has experience in analysing the role and mandate of national militaries in the preparedness. Humanitarian civil-military coordinators are used to establishing dialogue with relevant counterparts. Successful dialogue focuses on 'how to' work with domestic militaries rather than 'if'. Humanitarian interlocutors can contribute to a working environment where actors trust and respect each other, including mutual understanding of neutrality and operational independence.

Although international actors emphasise the primary role of the affected state in most situations, they have often not fully taken into account its lead coordinating responsibility. A demonstrated acceptance thereof increases the likelihood that the government accepts the humanitarian principles of neutrality and impartiality. Accepting sovereign authority does not mean endorsing any disrespect for international legal instruments.

Consensus in the humanitarian community: A main challenge to civil-military interaction is the lack of awareness or understanding of humanitarian civil-military coordination (CMCoord) guidelines or different interpretations of context and strategy. The Humanitarian Coordinator (HC) and the Humanitarian Country Team (HCT) play a crucial role in finding a common approach through dialogue and understanding of CMCoord as a shared responsibility. The conduct of workshops and training events at all levels is a good practice from previous emergencies. It has proved useful to invite representatives of humanitarian and other organizations (human rights, mine action, development) to training programmes and to identify focal points for civil-military questions.

Country-specific guidance: Practitioners strongly recommend to develop country-specific guidance, with specific inclusion of national law and the role of national militaries. Country-specific guidance translates principles of global CMCoord guidelines into specific practical guidance adapted to the situation. Adding specific examples will also contribute to more efficient civil-military interaction.

An inclusive drafting process, under HC/HCT leadership, helps all actors to find a common approach. Inclusiveness is a key factor for acceptance and compliance. The government should ideally be part of the process and endorse the guidance. It also helps the government and its military entities to understand the position of the humanitarian community. The HC/HCT should develop a dissemination strategy for the guidance, to include training methodology and feedback mechanisms.

Building trust and acceptance: Sensitization about humanitarian principles and standards, especially the need for impartial needs assessments, builds trust and acceptance. Training sessions and workshops with military commanders constitute a good practice. These can be combined with protection and International Humanitarian Law (IHL) sensitization events in cooperation with other humanitarian organizations. Other good practices include inviting key

military actors (commanders, staff and CIMIC officers) to the global CMCoord training programme; offering in-country workshops and training programmes; and including CMCoord and other humanitarian matters in national military training curricula.

Mutual support: Militaries often have expectations that humanitarian actors cannot or will not meet (questions around intelligence, acceptance of military practices, PR, access to funding). It is crucial to clearly communicate these caveats. OCHA and the humanitarian community can offer advice to assist governments, disaster management authorities and militaries in establishing civil-military coordination policy, doctrines and structures. Affected states that have requested international assistance and their military commands may appreciate advice on how to deal with incoming foreign military assets, how to implement the Oslo, MCDA or existing country-specific guidelines, and how to organize military-military coordination.

Find the right entry-point: Operational civil-military coordination questions should be separated from political decision-making and addressed through a predictable humanitarian civil-military coordination platform. This can be a challenge where military actors have influence on political strategy. The humanitarian community should analyse the situation and establish a clear division of labour with regard to political, operational, protection, access and other issues. It may be difficult to identify and get access to military decision makers.

Find the right level: In some contexts the most successful strategy is to bring problems to the top level of a military command, for onward instructions to sub-ordinated units. In other contexts dialogue with unit commanders at the operational level produce the best results. Personal connections, personalities and informal channels play a significant role. Close coordination, civil-military information exchange and dialogue between country and local offices are essential to finding the best strategy.

An example is humanitarian access impediments that result from a lack of awareness by local military commanders. This could be addressed successfully through intervention at higher command levels in some cases and through sensitization efforts for local commanders by local HCTs and organizations in other instances.

Institutionalise good practices: Achievements, challenges and good practices are not always handed over to new commanders and units. Institutionalisation of good practices can help sustain the humanitarian-military dialogue despite change of command or frequent rotations.

Influence military doctrines: Military commanders may not be aware of CMCoord guidelines or rather focus on their own rules of engagement, doctrines, standard/standing operational procedures (SOP) and orders. CMCoord officers have successfully offered informal advice to military drafters, resulting in reference to humanitarian considerations, principles and guidelines. While the humanitarian community cannot prevent military actors from carrying out intelligence collection or psychological operations (PsyOps), they can explain associated risks and try to influence doctrines and SOPs.

Monitor military activities: This CMCoord function does not necessarily need to be carried out by a dedicated CMCoord officer. In some contexts it is carried out by the (local) protection cluster to analyse trends and define how to follow up on issues with the military. While humanitarian actors will most likely not be able to prevent military units from carrying out civilian-type activities within their intelligence, PsyOps or CIMIC strategies, they can convey affected people's concerns, sensitize military actors to risk factors and discuss alternatives.

For example, military tasks could include removing reminiscence of war (ammunition, improvised explosive devices (IED)) or demining instead of providing humanitarian-type

assistance. This 'indirect assistance' reduces risks to the local community and facilitates the acceptance of military support.

Local and implementing partners: Local partners often have best access to affected people and communities. They can convey local perceptions of the military and the humanitarian community. On the other hand they are often under pressure to collaborate with the local authorities. In addition, they may not be aware of CMCoord guidelines. The humanitarian community can offer sensitization training programmes and workshops (beyond inclusion of CMCoord principles in cooperation agreements) and help channel concerns vis-à-vis military units and authorities.

Local authorities are often not aware of risks associated with civil-military interaction, such as threats when associated with the military, militaries carrying out civilian services, and military objectives overruling needs-based approach. They often welcome or accept military civil-military cooperation (CIMIC) activities and 'direct assistance' where there is a lack of civilian resources. Sometimes civilian authorities are less aware of risks than the military. It is helpful to include civilian counterparts in CMCoord sensitization activities.

Training at all levels is crucial - for military counterparts, local partners and authorities and within the humanitarian community. Good practices to overcome limited resources (time, funding, personnel) include training of trainers, inviting key stakeholders to global training events for multiplier effects, including CMCoord principles in national curricula, joining efforts at the local level and reaching out to OCHA-CMCS or regional offices for back-up capacity.

Very good results have been achieved where local workshops have been co-hosted by several humanitarian organizations. It has allowed for sessions tailored to the local context on subjects such as CMCoord, IHL, human rights, humanitarian principles, access and protection.

Operational independence: In many contexts, the threshold of 'last resort' is disputed. Security concerns, requirements by government or security management, financial constraints, lack of resources and political pressure can put at risk the operational independence of humanitarian actors. Military actors repeatedly conveyed the perception that operational decisions are opportunistic. Military units reported that they operate where humanitarian actors leave gaps because of security or other constraints. Choices should not leave room for speculations that they are anything else than needs-based.

Develop alternatives: Humanitarian actors have developed alternatives to avoid dependence on military support. Good practices most frequently mentioned are community-based approaches, building of trust and contingency planning.

Donors and government representatives play a crucial role. Good practices include close dialogue with embassies and donor organizations for a needs-based approach to the use of foreign military assets (e.g. gap-fit analysis for military logistics capacity). Contingency plans are useful to identify operational and related funding needs.

Think local: Many context-specific alternatives to military support were mentioned in the case study interviews. The simplest solutions are often the most effective. Local communities and commerce, civil society actors and organizations have found solutions that can be used also by humanitarian actors. Good practices include the use of local assets such as fishing boats, donkeys, transport companies, informal and family networks.

Cluster coordination: The HC and HCT must make context-specific decisions on how clusters coordinate with government actors and link to the military. National military actors will most probably not be represented in humanitarian coordination structures. Good practices have been experienced where CMCoord officers or coordination cells have established links through inter-cluster coordination or operationally relevant clusters.

Competent liaison personnel: Coordination works best with competent liaison personnel at the strategic and operational levels. Field operations benefit the most when key humanitarian organizations and cluster lead agencies deploy their own civil-military liaison personnel, working closely with OCHA CMCoord officers and focal points. This is also the case for member states deploying foreign military assets. It is good practice to invest in dialogue with CIMIC and other military liaison personnel. CIMIC is mostly not a career function, resulting in new military counterparts often having little or no previous experience in that field.

Preparedness / contingency plans: CMCoord starts in the preparedness phase. OCHA can support CMCoord assessments and sensitization workshops, as well as the development of country-specific guidance and establishment of coordination mechanisms. The civilian authorities and the role of national military must be part of contingency plans and other preparedness activities.

OCHA can offer advice on in-country civil-military coordination structures. Training events, joint simulation exercises and awareness measures help to sensitize the military to humanitarian principles and standards.

Shared responsibility: CMCoord officers provide a single entry-point for the military. They help streamline communication, bring together expertise, and support a common approach in the humanitarian community. This helps humanitarian organizations save on resources and avoid 'being seen with the military', which is sometimes important for security and acceptance purposes.

Humanitarian civil-military coordination is only successful if carried out as a shared responsibility. This includes the HC/HCT, humanitarian access negotiators, security personnel, protection and logistics actors and clusters, inter-cluster coordination personnel and others according to the context. All should be aware of the CMCoord function, concept and principles.

Early recovery / transition to development: Military response activities usually focus on short-term rescue activities, with low priority on secondary affects (hunger, disease) and transition strategies. Handover from military to civilian activities requires dialogue, best started in the preparedness phase. It sometimes requires 'de-classification' of information.

The military often play an important role in the transition to the post-conflict phase. Practitioners considered it good practice to maintain CMCoord capacity immediately after a crisis in the transition of coordination structures to development actors.

Accountability to affected people: Aid effectiveness vs principled humanitarian action remains a disputed topic. The impact on affected people must remain the overarching consideration in any context.

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