# Civilian-Military Coordination in Humanitarian Response

## *Expanding the Evidence Base*

**WATSON INSTITUTE**
INTERNATIONAL & PUBLIC AFFAIRS
BROWN UNIVERSITY

**CHR&HS** CENTER FOR HUMAN RIGHTS & HUMANITARIAN STUDIES

THE UNITED STATES NAVAL WAR COLLEGE
VIRIBUS MARI VICTORIA

# Introduction and Acknowledgments

When the *Center for Human Rights and Humanitarian Studies (CHRHS)* at the **Brown University Watson Institute for International and Public Affairs** and the *Humanitarian Response Program (HRP)* at the **U.S. Naval War College** embarked on this important research effort in the fall of 2018, we aspired to break new ground within the humanitarian ecosystem by expanding the evidence-base for effective civilian-military coordination in humanitarian response. We aimed to impact a field that has been constrained by barriers to information sharing and limited best practices to develop evidence-based guidelines for civilian-military coordination during humanitarian emergencies.

Through the generous support of the **Carnegie Corporation of New York**, we sought to develop new avenues for information sharing between humanitarian, military, and academic communities, and expand upon our ongoing work with these distinct groups who interact on a daily basis in some of the most dangerous and challenging environments in the world. In an effort to find more effective ways to better save lives and alleviate the suffering of hundreds of millions of vulnerable people across the globe, we aspired to leverage new networks and an expanded knowledge-base that would be developed during this effort to help inform the development of new military doctrine and United Nations guidelines around humanitarian civil-military coordination.

Nearly two years later and during the greatest pandemic to affect our global community in over a century, we are honored and delighted to release the results of four critical research projects that we hope will serve as a catalyst for future research and action in the crucial field of humanitarian civil-military coordination. At our 2018 Civil-Military Humanitarian Response Workshop, our participants identified four priority research topics. Together we built an interdisciplinary team of experienced researchers who developed scientific protocols, secured ethical approval, collected data, analyzed the results, and developed evidence-based recommendations related to each of the four topics, which we are pleased to present to you in this summary report. We are truly grateful for the amazing work completed by our team of incredible researchers: Naysan Adlparvar, Rob Grace, Chris Kwaja, and Sangeetha Yogendran; and deeply grateful for the wonderful group of humanitarians and academics who served on four advisory groups to help drive each individual research effort and ensure that they focused on the most critical elements in every distinct area being investigated.

We acknowledge that there is still much work to be done, and there is clearly a pressing need for greater global collaboration in the areas of research, education, and advocacy in order to develop and implement more effective and principled practices in the humanitarian civil-military coordination field. *CHRHS* and *HRP* are fully committed to working tirelessly to help the humanitarian ecosystem foster more consistent, ethical, and evidence-based coordination between military and humanitarian actors during both acute onset disasters and long-term complex humanitarian emergencies, leading to better outcomes for affected populations.

Sincerely,

Adam C. Levine, MD, MPH, FACEP
Director, Center for Human Rights &
Humanitarian Studies
Brown University Watson Institute for
International & Public Affairs

David Polatty
Professor & Director
Humanitarian Response Program
U.S. Naval War College

# Civilian-Military Coordination in Humanitarian Response: Expanding the Evidence Base

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# Surmounting Contemporary Challenges to Humanitarian-Military Relations

*A Report of the Center for Human Rights and Humanitarian Studies at the Watson Institute for International and Public Affairs, Brown University*

Author:

**Rob Grace**

Center for Human Rights and Humanitarian Studies

Watson Institute for International and Public Affairs

Brown University

# Acknowledgements

# About the Author

Rob Grace is a researcher and affiliated fellow at the Center for Human Rights and Humanitarian Studies (CHRHS), based at the Watson Institute for International and Public Affairs, Brown University, where he undertakes research on humanitarian-military relations. During the 2019-2020 academic year, he is a USIP-Minerva Peace Scholar at the United States Institute of Peace and a Graduate Research Fellow at the Program on Negotiation at Harvard Law School. Since 2011, he has been a researcher at Harvard University—first at the Program on Humanitarian Policy and Conflict Research (HPCR) and then at the Harvard Humanitarian Initiative (HHI)—where he has led research projects on humanitarian negotiation and international fact-finding. He is the co-editor of the *HPCR Practitioner's Handbook on Monitoring, Reporting, and Fact-finding*, published by Cambridge University Press in 2017. His work has also been published by *Journal of Conflict & Security Law*, *World Health & Population*, *Conflict and Health*, *Journal of International Humanitarian Legal Studies*, *Negotiation Journal*, the European Society of International Law, Professionals in Humanitarian Assistance and Protection, the Foreign Policy Association, and Foreign Policy in Focus. He also co-teaches a graduate course on international disaster management at the Heller for Social Policy and Management at Brandeis University. He is a doctoral candidate in political science at Brown University, where he is working on a dissertation analyzing humanitarian access negotiations.

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# Executive Summary

## Introduction

Humanitarian-military relations has emerged as an important and ever-expanding field of policy analysis and practice. However, this strand of literature, and the associated policy discourse, suffers from three overarching deficiencies. First, the field remains empirically sparse. Second, this field of policy discourse remains fragmented. It is largely based on case studies, with little social-scientific comparative analysis undertaken thus far. There has also been little to no effort made to incorporate theoretical and empirical insights from the broader field of social-scientific literature on civil-military relations, a rich strand of analysis that dates back at least to the middle of the 20th century. Third, this field has not been agile in its responsiveness to current events. This field of analysis remains largely stunted and disassociated in any useful way from the challenges of the real world.

This paper examines the state of this discourse and recommends steps toward correcting these deficiencies. The paper is based on an assessment of available primary and secondary literature, as well as 38 semi-structured interviews conducted with a wide array of professionals engaged in different dimensions of humanitarian-military relations.

## I. The History of Humanitarian-Military Relations: A Story Yet to be Told

The history of militaries' involvement in humanitarian action, and how this engagement has evolved over time, remains murky. On the one hand, a great deal of literature in this field asserts that military involvement in humanitarian response has grown in recent decades, although empirical evidence to bolster this claim is sparse. On the other hand, this literature is quick to note that military involvement in this area is in no way new. The history of this domain has yet to be written. It is thus difficult to accurately contextualize contemporary developments. Are the challenges faced in recent humanitarian crises novel? If so, why? If not, what lessons can be learned from historical cases? Without a thorough mining of history, one cannot know the answers to these questions. This holds true for natural disasters, pandemics, armed conflicts, and situations of forced displacement.

The risks of leaving these questions unanswered are particularly acute given the very dire current state of international emergency response. Many more humanitarian organizations, international and local, seem to exist than ever before, and there are a multitude of armed actors—militaries, multilateral peacekeeping missions, non-state armed groups (NSAGs), private military and security companies, and urban gangs—who also impact the humanitarian sector. The nature of conflict has shifted, with non-international armed conflicts dominating the landscape of contemporary warfare, although efforts have begun to prepare for a return to great power conflict in the future. Climate change is already exacerbating humanitarian vulnerabilities. Urbanization is changing the nature of the world, and hence, of the humanitarian crises that emerge.

Humanitarian actors also perceive that humanitarian space is shrinking, that aid workers are increasingly being attacked, and that their work is more at risk of instrumentalization and politicization than ever before.

But how should one track progress in this field? Should one focus on the speed of the delivery of aid? The cost? Other aspects of effectiveness and/or efficiency? The perceptions of recipients of aid? More attention is needed on these questions. We are thus left with several important questions. What drives militaries to engage in emergency response? What factors shape fruitful and principled humanitarian engagement with armed actors? What has changed? Why has it changed? What has been the impact of these changes? These questions point toward a scholarly research agenda that researchers have begun to analyze. However, answers to these fairly basic questions remain elusive. This field has much left to explore.

## II. What is Humanitarian-Military Relations? Into the Conceptual Morass

What is humanitarian-military relations? This question has no easy answer, as conceptualizations are fragmented across different organizations, with different terminology used by different actors. The term used by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), "humanitarian civil-military coordination," is not entirely appropriate. First, the word "civil" is too expansive. This word is a shorthand for civilian entities engaged in humanitarian response. But what is the dividing line between a civilian organization that is humanitarian and one that is not? The answer is not clear and can be hotly contested. Second, the word "military" is too restrictive, as the field also includes non-military armed actors, such as police and NSAGs. Third, the past decade or so has seen a shift in how humanitarian actors conceptualize and define the term "coordination." It used to refer to military engagement in humanitarian assistance and disaster relief (HA/DR), which is widely recognized as the military term for humanitarian operations. Now it also encompasses interactions related to humanitarian access, security, and humanitarian protection.

The previously narrow conception of the field as limited to the use of military assets in HA/DR has shaped the conceptual frameworks that have been developed to inform policy thinking and planning, as well as training and capacity building activities. A framework sometimes known as the "Three C's" conceptualizes how military involvement in direct engagement, indirect engagement, and infrastructure support should vary across different context types. The particular insight of this framework is that military visibility in humanitarian assistance, and direct military engagement with humanitarian actors, can be higher in natural disaster settings but should be lower in conflict settings.

*Figure 1: The Traditional View of "Humanitarian*
*Civil-Military Coordination" Across Context Types*



Cooperation ———— Communication ———— Coexistence

*Non-conflict*
*Settings*
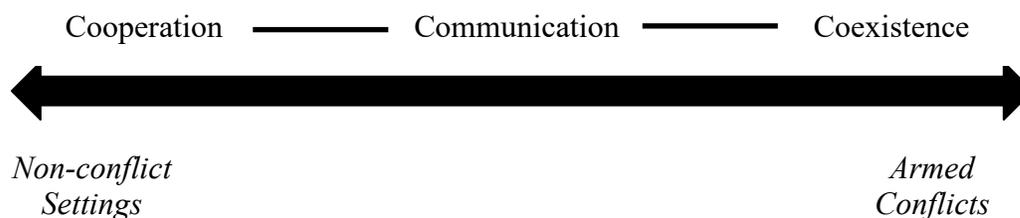
*Armed*
*Conflicts*

In light of the expanded definition of what "coordination" means (encompassing also access, security, and protection), and as we move from natural disaster settings to complex emergencies, the array of issues on which humanitarians and armed actors engage with one another does not decrease but rather increases, resembling the trends that the below figure details.

*Figure 2: The Contemporary View of "Humanitarian Civil-Military Coordination" Across Context Types*
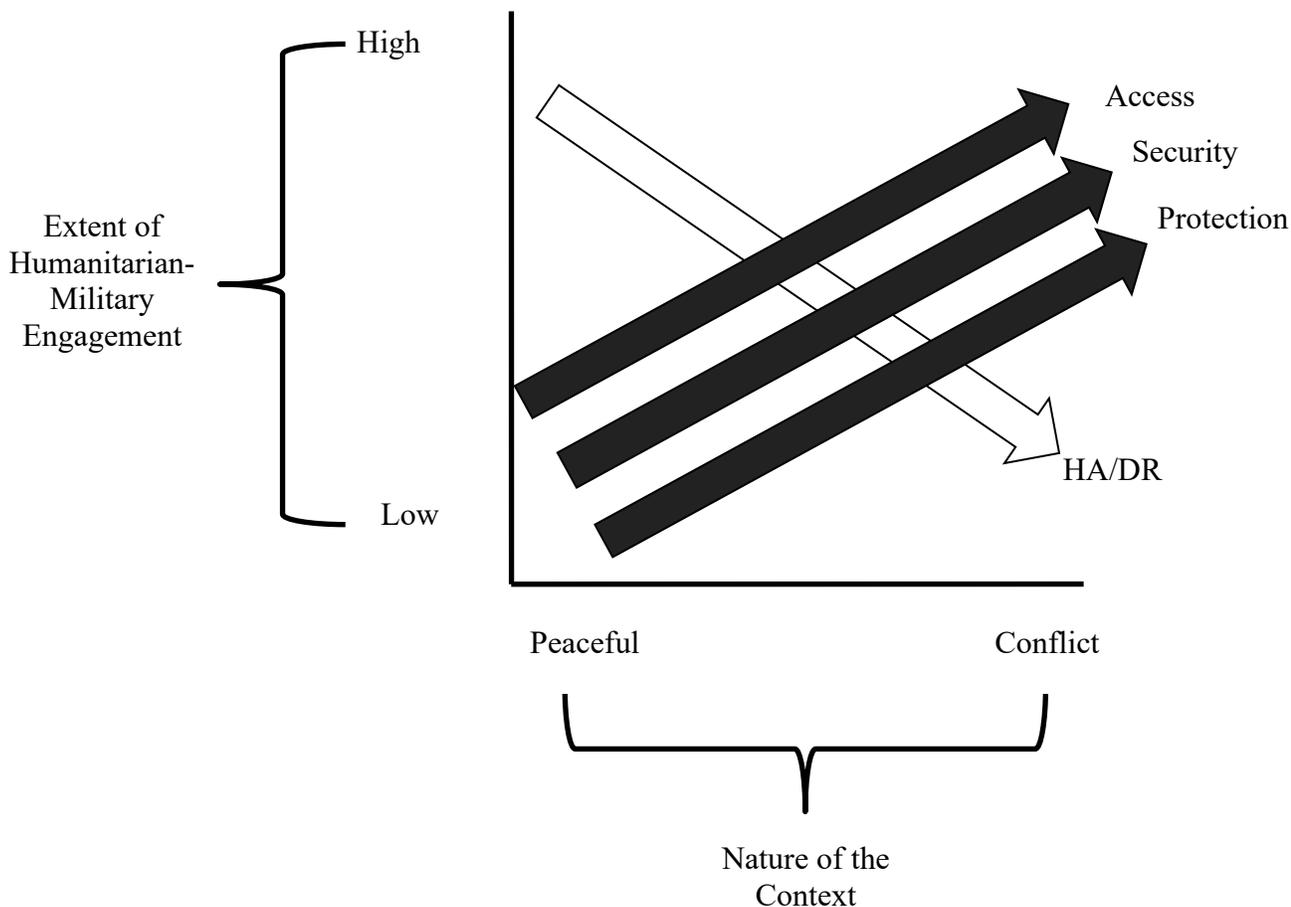


## III. The Overarching Challenge: Two Different Types of Organizations

The common conception of this overarching challenge is as follows. The primary aim of militaries is warfighting. Consequently—although some militaries have developed specialized capacity to manage and respond to humanitarian crises, in particular, natural disasters—many militaries struggle to develop expertise in humanitarian response, and in general, have room to grow in terms of understanding the humanitarian impact of their activities. However, militaries wield great capacities—for example, supplies, personnel, unique transportation capabilities such as airlift and sealift, ability to build and repair infrastructure—that can be useful in humanitarian response. In

contrast, for a humanitarian organization, mitigating suffering during large-scale emergencies is the central organizational aim. Humanitarian organizations have the necessary expertise for needs assessments, project implementation, and monitoring and evaluation. However, humanitarian organizations tend to lack the capacity and assets to respond as quickly as is necessary. The resulting question is: how can humanitarians work with militaries to fill this capacity gap with military assets while mitigating the risks that come from the fact that, first, militaries might lack necessary training and competencies, and second, militaries are driven by political aims that may conflict with humanitarian principles?

However, there are important shortcomings for humanitarian organizations as well. First, humanitarians too can lose sight of what should be their overarching objectives, allowing themselves to prioritize bureaucratic or public relations considerations. Second, the fragmented nature of the humanitarian sector can lead to a lack of coherence even within the same organization. A final important point is that humanitarian organizations, just like militaries, can also do more to mitigate unintended adverse effects of their programming. Indeed, various analyses have noted that humanitarian efforts can feed into a war economy; fuel insecurity; and breed local dependence on international assistance, thus stymying development. In other words, despite best intentions, humanitarians can break the "do no harm" principle. Moreover, the question of how humanitarians can and should balance the potential benefits of humanitarian programming with the risks of potential knock-on effects is one of sometimes intense professional contestation.

Nevertheless, there is a cultural divide between military and humanitarian actors that can be challenging to bridge. It is important that both sides across the humanitarian-military divide invest more in understanding one another. Militaries face issues of breaking down prejudices, capacitating themselves to deepen their understanding of humanitarian organizations and humanitarian action more broadly, and directing sufficient resources toward these ends. The humanitarian sector also has insufficiently invested in capacitating aid workers to better understand military actors.

## IV. Key Contemporary Challenges in Complex Emergencies

This section examines four particular contemporary challenges of humanitarian-military relations in complex emergencies. These issues are not unique to complex emergencies. Nevertheless, the four issues that this section examines are emblematic of the new world of humanitarian-military relations that has expanded beyond the formerly narrow conception of the field as limited to HA/DR.

1) Navigating Access, Proximity, and Humanitarian Principles. There are three core humanitarian-military relations access challenges. The first challenge is that armed actors sometimes inhibit access, aiming to control humanitarian action. The second challenge relates to how closely humanitarian actors should engage, coordinate, and operate in collaboration with state armed forces. This issue arose as pertinent during the Battle of Mosul (2016-2017). The third challenge is how to provide medical care in territories controlled by NSAGs, and even to wounded NSAG fighters themselves, while managing the resulting strain to relations with a government combating the NSAG in question. Furthermore, when discerning whether to engage with NSAGs listed as terrorist groups by national, regional, or international bodies, humanitarians must consider

potential consequences from the state (in terms of legal prosecution or being declared persona non grata, hence losing the ability to operate in the country), as well as from governmental donors (including legal risks inherent in domestic counterterrorism legislation and restrictive donor contract language proscribing engagement with listed groups).

2) <u>Humanitarian notification systems</u>. Humanitarian notification systems refer to humanitarians providing information to military actors about the locations of humanitarian activities, personnel, and objects in order to facilitate humanitarian security. There has been a debate about the appropriateness of the term "deconfliction" (previously a term of art) for these processes because it is a military term used to describe coordination between allied forces. "Deconfliction" has become a hot topic of debate across the humanitarian sector due to the widespread concern about the great number of attacks against humanitarian and health workers across various contemporary armed conflicts.

There are at least six key areas of concern with humanitarian notification systems. First, there is concern that handing over information to authorities about the location of humanitarian personnel, supplies, and facilities could have the opposite of the intended effect and actually facilitate the deliberate targeting of humanitarian or health facilities by militaries or NSAGs who fail to comply with international humanitarian law. Second, "deconfliction" can lead to the impression that combatants have no other obligations under international humanitarian law to ensure the military character of their targets. Third, the "deconfliction" process, if combatants delay or refrain from acknowledging receipt of notifications, can be used to control humanitarian actors. Other actors—for example, guards at checkpoints—in some contexts have required "deconfliction" paperwork in order to grant access. There is thus a risk that armed actors can use the "deconfliction" process as a clearance or approval mechanism to slow down or halt humanitarian movements. Fourth, there remains ambiguity about what types of people and facilities should be "deconflicted," and humanitarians in some context have interpreted the scope in increasingly expansive terms. Fifth, there is a lack of transparency regarding why the United Nations engages certain combatants but not others—for example, governments but not NSAGs—in the "deconfliction" process. Sixth, humanitarian practitioners lack guidance or direction on how to respond if something that has been "deconflicted" is subsequently struck in an armed attack by a combatant who had previously acknowledged receipt through the "deconfliction" process.

3) <u>Armed escorts</u>. There are at least four key implications at stake when humanitarian organizations decide whether or when to use armed escorts. First, the use of armed escorts can compromise humanitarians' adherence to the principle of neutrality, in terms of perceptions or reality. Local actors are likely to associate humanitarians with the armed actors upon whom they rely for security. If armed escorts do need to resort to the use of armed force, this can draw humanitarians directly into the conflict itself. Second, relatedly, the use of armed escorts can lead to fissures between humanitarians and the local population if it results in a loss of trust by local actors. Third, it can also be difficult to reverse the decision, meaning that any decision to use armed escorts has definitive long-term implications. Also, if one humanitarian organization accepts the use of armed escorts, it can make it difficult for other organizations to gain permission from authorities to operate without them. Fourth, relying on armed escorts means that humanitarians remain at the whim of military actors' availability. If an armed escort is not available, a humanitarian organization that has agreed to use an armed escort cannot operate.

Humanitarians have used armed escorts where they weren't actually needed, evidently because they did not know about available guidance on this issue or because they assessed the security situation incorrectly. It is important to involve people in the decision-making process who understand how using armed escorts can complicate acceptance-based approaches. Concerns exist about the UN Department of Safety and Security, which is involved in decisions about armed escorts, in this regard. It is also important to note that the use of armed escorts can be negotiated, although the political pressure to use armed escorts can be very high.

4) <u>Humanitarian protection</u>. According to the definition recognized by the Inter-Agency Standing Committee, humanitarian protection includes activities aimed at ensuring full respect for individuals' rights in accordance with human rights, refugee, and international humanitarian law. The state of humanitarian-military engagement on humanitarian protection is a pertinent manifestation of the organizational and cultural divide between humanitarian and military actors. Militaries and humanitarians alike can do more to facilitate effective engagement on this issue. Indeed, the way that military and humanitarian actors discuss this topic can fuel tensions across the humanitarian-military divide in ways that are counterproductive.

The traditional view of humanitarian protection as a humanitarian-military relations challenge, at least from the humanitarian side, is that militaries lack a sufficient understanding of the humanitarian impacts of their activities, as well as humanitarian protection and international humanitarian law more broadly. However, humanitarians themselves have expressed a great deal of cynicism about humanitarians' poor track record in humanitarian protection. Just as military actors should foster an understanding of the humanitarian consequences of their actions, humanitarians should ensure that they understand the military dimensions of engaging in humanitarian protection. Humanitarian-military dialogue on humanitarian protection will not be productive if humanitarians do not approach the interaction with a sound understanding of measures the military has actually sought to put in place to mitigate harm to civilians and what measures can realistically be put in place moving forward.

## *V. Managing Humanitarian-Military Relations*

To bridge the gap between humanitarian-military relations and the broader field of civil-military relations, this section presents a new framework adapted from this strand of scholarship: The Humanitarian-Military Relations "Trinity." In this framework, coordination interacts with two other factors: 1) effectiveness (i.e., having plans, structures and processes for formulating and implementing objectives, and devoting resources toward these ends), and 2) efficiency (meeting objectives in a cost-effective manner).

The insight that this conceptualization offers is that coordination facilitates effectiveness. However, coordination can exist in tension with efficiency. The reason is that coordination can be a costly endeavor. OCHA's decision in 2018 to disband the Civil-Military Coordination Section (CMCS) as a means of grappling with a budgetary shortfall is a pertinent reminder of this reality. Similarly, effectiveness can conflict with efficiency. A manifestation of this phenomenon would be using an aircraft carrier, which is potentially useful but incredibly expensive in humanitarian response, instead of a more effective and efficient naval capability, such as an amphibious ship.

*Figure 3: The Humanitarian-Military Relations "Trinity"*
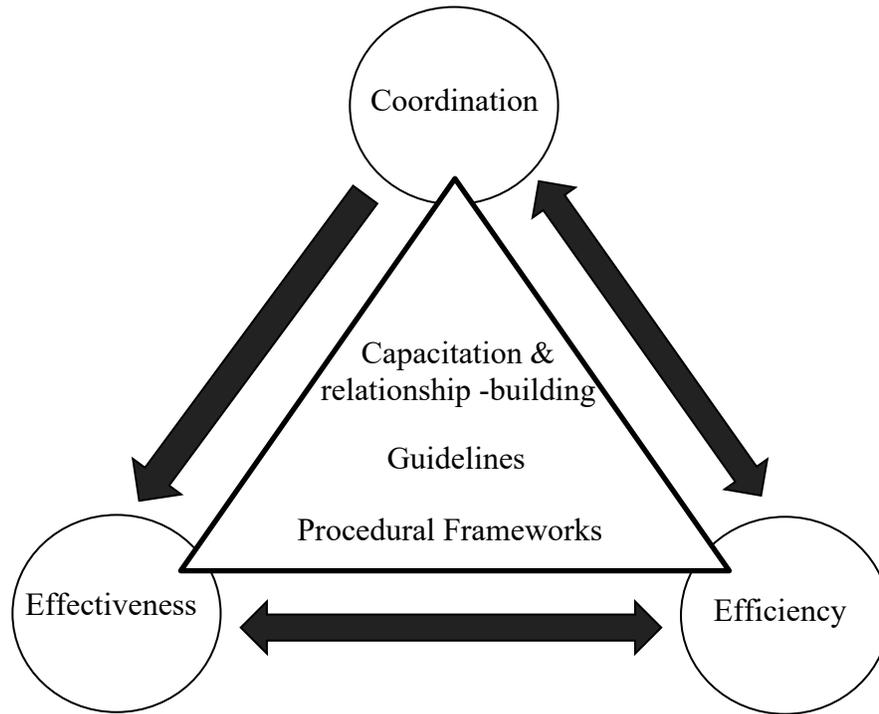


## Conclusion

We have entered a new world of humanitarian-military relations. Whereas decades ago the field focused primarily, if not solely, on the use of military assets in HA/DR, the contemporary state of the field has expanded to encompass various dimensions of humanitarian access, security, and humanitarian protection. More work is needed to synthesize this field within the broader field of civil-military relations. This paper has taken a preliminary step by presenting a framework, adapted from the literature on civil-military relations, that describes the interaction between coordination, effectiveness, and efficiency. However, researchers, policymakers, and practitioners themselves will need to build more bridges and forge deeper synergies between their sometimes-disparate professional worlds. Indeed, pushing the research agenda and the policy discourse forward will require managing the academia-real world divide to produce work that is both scientifically rigorous and practical.

# Introduction

Humanitarian-military relations has emerged as an important and ever-expanding field of policy analysis and practice. There is indeed a wealth of literature that examines the challenges inherent in military engagement in disaster relief activities, including in situations of natural and technological disasters, pandemics, complex emergencies, and forced displacement. This literature also addresses the concurrent efforts of humanitarian actors—such as United Nations (UN) agencies, non-governmental organizations (NGOs), and the Red Cross and Red Crescent Movement—to engage with military actors in these endeavors.

However, this strand of literature, and the associated policy discourse, suffers from three overarching deficiencies. First, despite decades of analytical energy directed toward this area, the field remains empirically sparse. Based on available data, little can actually be said with confidence about current trends in humanitarian-military relations, what has driven these trends, and what the future likely holds. Second, this field of policy discourse remains fragmented. It is largely case study based, with little social scientific comparative analysis undertaken thus far. There has also been little to no effort to incorporate theoretical and empirical insights from the broader field of social scientific literature on civil-military relations, a rich strand of analysis that dates back at least to the middle of the 20th century.[1] Third, this field has not been agile in its responsiveness to current events. As the nature of humanitarian crises evolves, so do the challenges of humanitarian-military relations, and so must this field of policy analysis. Instead, the result has been a field of analysis that—like the practical guidance available to practitioners in this domain, as this paper will later examine—remains largely stunted, not linked in a useful way to the challenges that the real world currently presents.

This paper will examine the state of this discourse and will recommend steps toward correcting these deficiencies. As this paper later explores, there are various terms that one could use to label this field, but this paper uses the term "humanitarian-military relations" in order to disassociate from any of the existing terms and definitions.[2] The term "humanitarian" refers to civilian entities (non-governmental, governmental, or intergovernmental) engaged in humanitarian assistance and protection. The term "military" is intended to broadly encompass any organized armed entity, including non-state armed groups (NSAGs), with whom civilian humanitarian organizations engage.[3]

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[1] See Huntington (1957), Janowitz (1960), and Finer (1962), which are among the core foundational scholarly texts in this field.

[2] See Metcalfe, Haysom, and Gordon (2012), pp. 1-2 for an overview of relevant terms and abbreviations.

[3] The term "military" in this field has become somewhat of a term of art in this regard, intended to more broadly encompass organized armed actors. For example, a field handbook produced by the UN Office for the Coordination of Humanitarian Affairs in 2018 discusses engagements with "non-traditional armed actors," including police (in the context of UN peacekeeping operations), NSAGs, and private military and security companies. See OCHA (2018)a, pp. 93-104. There sometimes can be ambiguity about whether the term "military" is intended to encompass NSAGs. In other cases, the more expansive definition is made explicit. For example, the "Operational Guidance for Humanitarian Notification Systems for Deconfliction (HNS4D)," produced by the UN Office for the Coordination of Humanitarian Affairs, asserts, "For the purpose of the HNS4D, military includes both armed forces of a state, as well as organized non-state armed groups." See OCHA (2018)b, p. 3.

The paper is based on an assessment of available primary and secondary literature, as well as 38 semi-structured interviews conducted with a wide array of professionals engaged in different dimensions of humanitarian-military relations.[4]

This paper proceeds in six parts. Part I examines the empirical gap regarding basic trends of humanitarian-military relations. Part II discusses the evolving nature of how this field has been defined and conceptualized. Part III probes the overarching tension inherent in the fact that this field entails coordination between two types of actors—humanitarian and military—that have different overarching aims, cultures, and organizational structures. Whereas these notions already feature prominently in the policy discourse in this area, the paper will emphasize the similarities between military and humanitarian organizations and will highlight various important critiques of humanitarian organizations that are relevant to understanding humanitarian-military interactions. Part IV probes various contemporary issues faced particularly in complex emergencies. Part V takes stock of efforts to bridge the humanitarian-military divide and enhance humanitarian-military relations through relationship-building and capacitation efforts, as well as initiatives to develop and disseminate relevant guidance. This section also draws links to the aforementioned strand of social scientific research on civil-military relations. Part VI provides concluding remarks.

# I.   The History of Humanitarian-Military Relations: A Story Yet to be Told

The history of militaries' involvement in humanitarian action, and how this engagement has evolved over time, remains murky. On the one hand, a great deal of literature in this field asserts that military involvement in humanitarian response has grown in recent decades. When exactly this trend gained traction appears to be an open question, and empirical evidence to bolster this claim is sparse. Perhaps Hurricane Mitch, which hit Central America in 1998 and killed over 20,000 people, represented a turning point in international military involvement in disaster response.[5] Or perhaps the response to the Indian Ocean tsunami in 2004—which entailed domestic and international military engagement in numerous countries—was the watershed moment.[6] Perhaps it was the massive international response, involving dozens of international militaries, to the 2010 Haiti earthquake.[7] In the post-Cold War era, the United States began directing more military assets toward military operations other than war, or MOOTW, but why exactly this trend arose, deepened, proliferated across the globe, and became increasingly formalized by military and

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[4] The annex to this paper includes additional details about the interviewee pool and the interview methodology.

[5] See Metcalfe, Haysom, and Gordon (2012), p. 15; Ferris (2012), p. 3; and Madiwale and Virk (2011), p. 1086, which are emblematic instances of works on humanitarian-military relations that mention the Hurricane Mitch response in passing. For more in-depth assessments of the humanitarian-military dimensions of the response, see McHugh (1999), Gunby (1999), and Lidy et al. (2001).

[6] See CRS (2005), which notes that the various countries affected included Indonesia, Sri Lanka, India, Thailand, Myanmar, The Maldives, Diego Garcia, Malaysia, Bangladesh, Somalia, Kenya, Tanzania, Seychelles, Madagascar, Mauritius, and South Africa.

[7] See Etienne, Powell, and Faux (2010); Cecchine et al. (2013); Greenburg (2013); Naor et al. (2018); and Grünewald (2011).

humanitarian actors alike is not entirely clear.[8] A precise narrative of the recent history of this field, moving beyond case studies of particular disaster responses, has yet to emerge.

On the other hand, literature in this field is quick to note that military involvement in this area is in no way new.[9] Relevant historical examples include the Berlin Airlift in 1948-1949, during which the U.S. and British air forces delivered 2.3 million tons of cargo to West Berlin amidst the Soviet-imposed blockade;[10] various U.S. Navy natural disaster responses in the early years of the post-World War II era;[11] and the United Kingdom's mobilization of military assets to contribute to the response to the Bhola cyclone in then-East Pakistan in 1970.[12] The scattered references to various historical cases throughout this policy literature, often mentioned in passing, indicates that the history of military involvement in humanitarian response has yet to be written. It is thus difficult to accurately contextualize contemporary developments in this domain. Are the challenges faced in recent humanitarian crises novel? If so, why? If not, what lessons can be learned from historical cases? Without a thorough mining of history, one cannot know the answers to these questions.

The same lack of empirics extends to pandemic response. The West African Ebola outbreak in 2014-2016—which primarily impacted Guinea, Liberia, and Sierra Leone, with over 20,000 reported cases[13]—raised questions about the role of militaries in preparing for and responding to pandemics.[14] The Ebola outbreak in the Democratic Republic of the Congo (DRC), first declared in 2018, has brought forth even more vexing complexities in light of the securitized nature of the response in the context of an ongoing armed conflict.[15] But military pandemic response is also not new. A fact that emphasizes the central role that militaries have long played in halting the spread of pandemics is that Carl von Clausewitz—a giant in the field of military theory and strategy—died while on military duty not from warfare, but from cholera.[16] He was commanding the Prussian military's cordon sanitaire, which aimed to control population movements in response to a massive cholera outbreak on the European continent.[17]

Turning to situations of armed conflict, one can further discern that contemporary challenges and dilemmas echo those from an underexplored history. The story of Henry Dunant at the Battle of Solferino in 1859—the origin story of the Red Cross and Red Crescent Movement—is one of civil-military coordination, in which humanitarian actors filled militaries' capacity gap for treating

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[8] See Zegart (2020), which contextualizes the immediate post-Cold War period in terms of the evolution of U.S. foreign policymaking. Also see Ayers (1996); Vick et al. (1997); and Taw, Agmon, and Davis (1997).

[9] For example, see Ferris (2012), p. 3, which states, "The military has long played a role in responding to major disasters, and military involvement both at home and abroad has grown since the early 1990s."

[10] See Miller (1998).

[11] Arancibia (2016), p. 349.

[12] Thamestv (1970), at 14:00.

[13] BBC (2016).

[14] See Kamradt-Scott et al. (2016); Anderson and Nevin (2016); Davies and Rushton (2016); Lightsey (2016); Brett-Major (2016); Grunewald, Leon, and Greenwood (2017); Draper and Jenkins (2017); and Konyndyk (2019).

[15] See Evans (2019); Synder (2019); and Freudenthal (2019).

[16] The author thanks Ruben Stewart for bringing this fact to his attention.

[17] See Smith (2004), pp. 17-20; Evans (1998); and Ross (2015). For an examination of quarantines throughout history, see Rothstein (2015). Military engagement today is a double-edged sword: on the one hand, militaries can enhance monitoring abilities, while on the other hand, military actors can themselves act as agents who spread disease. See Chretien et al. (2007).

wounded soldiers.[18] Dunant, after witnessing wounded soldiers' suffering, began organizing medical relief efforts and later successfully lobbied European governments to erect standing relief organizations that could quickly be mobilized during wartime for this purpose.[19] Red Cross Societies sprouted up across Europe, a trend that later spread to the rest of the world, and governments adopted the First Geneva Convention of 1864.[20] However, these developments evoked pushback rooted in concerns that militaries and governments could instrumentalize these humanitarian impulses. Florence Nightingale, who had risen to prominence after organizing medical relief for soldiers during the Crimean War just a few years earlier, initially did not support Dunant's vision upon reading Dunant's popular book, *A Memory of Solferino.*. Her response to the idea of an international network of civilian organizations mandated to treat soldiers during wartime was that "such a Society would take upon itself duties which ought to be performed by the Government of each country and so would relieve them of responsibilities which really belong to them and which they only can properly discharge and being relieved of would make war more easy."[21] She believed that the more desirable route would be to build up militaries' own medical capacities.[22]

This same concern resonates in analyses of the trauma response during the Battle of Mosul in 2016-2017. In this context, certain civilian medical responders opted to be "co-located" with or "embedded" within divisions of the Iraqi army.[23] A widely praised case study published by the Johns Hopkins Center for Humanitarian Health concluded, in words reminiscent of those of Florence Nightingale more than a century and a half earlier:

> [U]ltimately it is the obligation of the Iraqi government, and many would say the [U.S.-led] coalition, to provide protection and emergency health care to wounded civilians and combatants (Iraqis and ISIL [Islamic State of Iraq and the Levant]). Given the scale of resources expended on training and combat operations in Mosul, a greater commitment to train and support a stronger Iraqi medical capability would seem not only possible, but appropriate.[24]

There are also historical antecedents to humanitarian action in the context of counterinsurgency operations. In the post-9/11 era, humanitarian organizations struggled to maintain their independence while working alongside, and in collaboration with, predominantly military Provincial Reconstruction Teams (PRTs) in Afghanistan and civilian PRTs embedded in U.S. military combat teams in Iraq.[25] The tensions inherent in this operating environment are particularly evident in remarks that then-Secretary of State Colin Powell delivered just a month and a half after the September 11 attacks. Powell, speaking to an NGO audience, highlighted that

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[18] Slim (2011) draws this connection between the more modern discourse on humanitarian-military relations and the events at the Battle of Solferino. For a firsthand account, see Dunant (1939).
[19] Moorehead (1998), pp. 10-50.
[20] Ibid.
[21] Nightengale, quoted in Moorehead (1998), p 30.
[22] Ibid.
[23] CIVIC and InterAction (2017); Spiegel et al. (2018); Fox et al. (2018); and Parry et al. (2019).
[24] Spiegel et al. (2018), p. 26.
[25] See McDonough (2007); Sovacool and Halfon (2007); Franke and Gutteri (2009); Howell and Lind (2009); Donini (2011); Williamson (2011); Naland (2011); Haysom and Jackson (2013); Leprince (2013); Morris (2015); Denn (2015); Malkasian and Meyerle (2009); and Petřík (2016).

"cooperation between governments and NGOs is not the same as co-opting you. Always, we must respect your independence. After all, it is the very fact of your being independent and not an arm of government that makes you so valuable, that permits you to do your essential work, and that gives you the flexibility that you need to do it."[26] However, in an oft-cited portion of this speech, Powell also asserted that "NGOs… are such a force multiplier for us, such an important part of our combat team."[27] Meanwhile, similar issues played out forty years prior in the context of the Vietnam War.[28] Catholic Relief Services, for example, came under heavy criticism for aligning itself with U.S. foreign policy objectives in South Vietnam.[29]

One might surmise that one element that has changed in recent years is the increased devotion to humanitarian protection that many contemporary governments and militaries exhibit, especially since the end of the Cold War. But this trend dates back centuries, if not millennia. In the 19th century, European governments began multilateral discussions and debates about the value of exercising restraint in warfare to mitigate suffering.[30] Moreover, there is evidence that empires at least as far back as ancient Greece adopted measures to limit the use of certain indiscriminate weapons; spare the lives of non-combatants; protect the lives of detainees; refrain from attacking certain civilian objects (in particular, sacred religious sites); and ensure burial rites for fallen soldiers.[31] The "human security" paradigm that gained traction in the 1990s is the manifestation of a trend that stretches back more than two thousand years.[32]

Scholars have begun to sink their analytical teeth into the history of the humanitarian sector writ large. One seminal work is Michael Barnett's *Empire of Humanity*, which tells a historical tale of the humanitarian sector's evolution, beginning in the 18th century with a phenomenon that Barnett calls the "Humanitarian Big Bang." During this period, Barnett writes, there was a "revolution in moral sentiments and the emergence of a culture of compassion" through which "the alleviation of human suffering became a defining element of modern society."[33] These humanitarian impulses were institutionalized in charitable organizations that, once oriented towards particular identity groups, began to define their objectives in universal terms. One example is the Scots Society of Norwich, founded in 1775 to provide aid for Scottish natives living in England who did not qualify for public relief programs.[34] Within a decade of its founding, the organization expanded its reach and aims and rebranded itself as the Society of Universal Goodwill.[35] In 1835, the International Shipwreck Society—as one scholar describes it, "what may have been the first transnational

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[26] Powell (2001).

[27] Ibid.

[28] See Metcalfe and Haysom (2012), pp. 5-6, which, in discussing "the specific challenges posed by comprehensive or stabilisation approaches and counter-insurgency," notes, "These trends are not new: since their conception in the 1950s, counter-insurgency strategies for example have consistently sought to use humanitarian assistance and the provision of basic services to pursue political or military objectives." See also de Montclos (2014), p. 234.

[29] See Flipse (2002).

[30] For example, for an analysis of the inter-governmental negotiations at the Brussels Peace Conference in 1874, see Dowdeswell (2017).

[31] Bederman (2001), pp. 242-263.

[32] For an overview of the concept of "human security," see OCHA (n.d.)a, which is, as the document notes on p. 2, "a guide for practitioners who wish to integrate the added value of the human security approach into their work…"

[33] Barnett (2011), p. 49.

[34] Moniz (2016), p. 67.

[35] Moniz (2016), pp. 74-75.

humanitarian organization to be 'international' in both name and structure"—was founded.[36] Dunant's experience at Solferino was just one manifestation of this trend.

What emerged from this time period is indeed something historically novel. One could reasonably assert that charitable organizations—like militaries—have existed since time immemorial.[37] But from this time period arose a professional sector devoted, at least in principle, to serving humankind regardless of politics or identity characteristics. The normative underpinning of contemporary professional humanitarian action consists of the principles of humanity (addressing suffering regardless of where it arises), neutrality (refraining from taking sides in conflicts), impartiality (implementing programming based on need alone), and independence (maintaining autonomy from political forces).[38] In the 20th century, humanitarian organizations made these principles (as well as others) official in the Fundamental Principles of the International Red Cross and Red Crescent Movement in 1965, the Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organizations in Disaster Relief in 1994, as well as UN General Assembly resolutions 46/182 (1991) and 58/114 (2004).[39] The overarching tension in humanitarian-military relations—or at least, how this tension is usually conceived—relates to how humanitarian organizations devoted to these principles can constructively interact with militaries, which are inherently political entities.

As the nature of humanitarianism has evolved—and as humanitarian organizations' understandings of, and approaches to operationalizing, humanitarian principles have also morphed—the dynamics of humanitarian-military relations have shifted as well. Just as Barnett and others have crafted histories of humanitarianism, a similar history could be written, though has not been yet, about militaries' engagement in this domain. There are indeed through-lines that one can draw from Solferino to Mosul, from Vietnam to Afghanistan and Iraq, from ancient Greece to the policy that the North Atlantic Treaty Organization (NATO) adopted on the protection of civilians in 2016, to note just one example.[40] But absent a scholarly devotion to mining the history of this field, humanitarians and militaries alike will have a limited conception of how to historically contextualize these issues, will likely wind up continually surprised by the same recurrent challenges, and will remain prone to reinvent the wheel each time they grapple with these impediments.

These risks are particularly acute given the very dire current state of international emergency response, as numerous interviewees attested. Turning back to Barnett's notion of a "humanitarian big bang," it is worth recalling that, for most of the 20th century, scientists assumed that the expansion of the universe, which began at the moment of the actual big bang, was slowing down. In the 1990s, astronomers discovered evidence that the expansion of the universe was actually accelerating.[41] Similarly, the humanitarian universe—first launched in the "humanitarian big bang" in the 18th century—has definitively been accelerating, a trend that shows no sign of

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[36] Davies (2018), p. 465.
[37] For an early historical example, see de Montclos (2014), p. 238, which discusses the Order of Malta, initiated in 1113 as a charitable organization and over time became militarized.
[38] See OCHA (2012)a, p. 1.
[39] Schenkenberg van Mierop (2016), p. 297.
[40] See NATO (2016).
[41] Leibundgut and Sollerman (2001).

reversing. Many more humanitarian organizations, international and local, seem to exist than ever before, and there are a multitude of armed actors—militaries, multilateral peacekeeping missions, NSAGs, private military and security companies, and urban gangs—also involved within the humanitarian sector. The nature of conflict has shifted, with non-international armed conflicts dominating the landscape of contemporary warfare, although efforts have begun to prepare for a return to great power conflict in the future.[42] Climate change is already exacerbating humanitarian vulnerabilities.[43] Urbanization is changing the nature of the world, and hence, of the humanitarian crises that emerge.[44]

Humanitarian actors also perceive that humanitarian space is shrinking, that aid workers are increasingly being attacked, and that their work is more at risk of instrumentalization and politicization than ever before. One author, writing about humanitarian action in the context of the U.S.-led "war on terror," has stated:

> Everyone is a humanitarian now. A word once used to describe principled civilian assistance to people suffering in natural or manmade disasters now provides a reassuring gloss for the actions of politicians and the military. This has both compromised and endangered the work of aid workers who had believed that their independence and impartiality would be enough to protect them.[45]

There is a sometimes-fierce debate among analysts and practitioners about the veracity of the shrinking nature of humanitarian space, and even about whether humanitarian space is actually a useful concept at all.[46] Nevertheless, there is a widespread sense that the ever-accelerating "humanitarian big bang" continues to foist new and more vexing challenges onto professionals engaged in international emergency response.

But how should one track progress in this field? Herein lies another puzzle. On the one hand, there appears to be a widespread sense, even in spite of the aforementioned challenges, that humanitarian-military relations are improving. According to one interviewee, "I do think the situation is getting better. I think there has been improvement in the dialogue and coordination mechanisms." Another interviewee asserted, "Things are definitely better today than they were twenty years ago." On the other hand, there is a recognition, as another interviewee stated, that "It's still a space where there isn't a lot of hard empirical evidence on what works and what doesn't."

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[42] See Freedberg (2018); Mahanty and Shiel (2019); and Slim (2019), in which Hugo Slim asserts, "We need humanitarian multilateralism urgently today as geopolitics leans towards great power contest and competition once again and as new technology sees us on the cusp of a paradigm shift in new weapons and non-human combatants—a new arms race."

[43] See Walker, Glasser, and Kambli (2012); Nicoson and von Uexkull (2019); and Peters et al. (2019).

[44] Patel and Burke (2009); Duijsens (2010); Archer and Dodman (2017); and Archer (2017); ICRC and InterAction (2017).

[45] Gill (2016), p. 1.

[46] Colona (2017), p. 127 notes that humanitarian space might not be shrinking, but rather, "in fact, humanitarian organizations seem to be able to reach out more people in need and not less." Also, see de Montclos (2014), which critiques the notion of humanitarian space, as well as Weissman (2016), which critiques analyses of data on attacks against aid workers.

Indeed, there has not even been much reflection about how to gauge success. Should one focus on the speed of the delivery of aid? The cost? The perceptions of aid recipients? Several years ago, a literature review in this field concluded, "[P]erhaps the most glaring gap in the literature is the absence of an analysis of the extent to which the civil–military relationship impacts upon affected populations. Analysis of how more effective civil–military coordination can support humanitarian outcomes for these populations would inform more effective policy and guidance on this issue, and act as a motivation for improved practice."[47] This observation remains relevant today.

There is a growing pool of case studies in this field produced by individual practitioners reflecting on their own experiences and by researchers seeking to undertake methodologically rigorous and comprehensive assessments of particular disaster responses.[48] Nevertheless, interviewees expressed concern about the state of this research. One interviewee articulated a desire for more case study research that adopts "a 360-degree view, interviewing all participants, coming from their different perspectives." Another interviewee stated, "I would like to see a wider range of case studies. There's a danger that we keep mining the same cases from PRTs in Afghanistan and Ebola and we are talking to the same set of military actors. There are important exceptions in the literature, but I'd like to see more of them engaging in the perspectives of southern military actors." There is indeed a great deal of focus on large-scale disasters, but smaller-scale disasters suffer from analytical neglect.[49] Additionally, humanitarian-military relations are prevalent and important in contexts of forced displacement, but scarce literature exists that delves very deeply into the dynamics at play in such environments.[50]

We are thus left with several important questions. What drives militaries to engage in disaster response? What factors shape fruitful and principled humanitarian engagement with armed actors? What has changed? Why has it changed? What has been the impact of these changes? These questions point toward a scholarly research agenda that researchers have begun to analyze.[51] However, answers to these fairly basic questions remain elusive. This field has much left to explore.

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[47] Metcalfe, Haysom, and Gordon (2012), p. 29.

[48] For an example of a case study in which a practitioner offers his individual perspective on humanitarian-military relations issues on a context where he had personally worked, see Stewart (2018) on the Battle of Mosul.

[49] See Ferris (2012), p. 3, which quotes a senior UN humanitarian official as stating, "Most attention and media coverage focuses on mega-disasters—such as the Japan earthquake of 2011 or the Pakistan floods of 2010—but the fact is that 90 per cent of disasters cause fewer than 50 casualties."

[50] For an analysis that does touch upon these issues, see Terry (2002). Byman et al. (2000), pp. 34-37 provides information on U.S. military engagement in support for refugees and internally displaced persons. Lischer (2007), p. 99 and Heaslip and Barber (2016), p. 147 discuss NATO involvement in setting up refugee camps. Barber (2012) addresses U.S. military activities in support of people displaced due to Hurricane Katrina in 2005. Cook and Ne (2018) and Ahmed (2018) examine civil-military coordination related to Rohinga refugees in Bangladesh. See also Colona (2017), pp. 134-136; Townsend (2017); and NYT Editorial Board (2016), which discuss civil-military coordination in the European migration crisis.

[51] Two examples are Malešič (2015), which analyzes different arguments for why militaries would or would not have an interest in engaging in disaster response, and Ruffa and Vennesson (2014), which presents an argument that "domestic institutional configurations" shape the likely depth of engagement between militaries and NGOs from particular countries.

# II. What is Humanitarian-Military Relations? Into the Conceptual Morass

What is humanitarian-military relations? This question too has no easy answer, as conceptualizations are fragmented across different organizations, with different terminology used by different actors.[52] The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) uses the term "humanitarian civil-military coordination," abbreviated as CMCoord.[53] The Red Cross and Red Crescent Movement uses the broader term civil-military relations, abbreviated as CMR.[54] The World Food Programme refers to humanitarian-military interaction, or HMI.[55] Many military actors use the term civil-military coordination but use the abbreviation CIMIC.[56] The UN Department of Peacekeeping Operations uses the abbreviation UN CIMIC.[57] Moreover, definitions have not been static over time. In the context of OCHA, humanitarians have bemoaned the fact that, as one humanitarian actor declared, the term "civil-military coordination no longer reflects what we do."[58] Indeed, each word in "civil-military coordination" does not seem to accurately describe what the term intends to mean.

First, the word "civil" is too expansive. This word is a shorthand for civilian entities engaged in humanitarian response. The typical conception includes:

- UN humanitarian agencies (for example: Office for the Coordination of Humanitarian Affairs, World Food Programme, Office for the High Commissioner for Refugees, United Nations Children Fund)
- Red Cross and Red Crescent Movement (including the ICRC, the International Federation of Red Cross and Red Crescent Societies, and national societies, including entities not officially recognized by the movement, such as the Kurdish Red Crescent)
- NGOs (including international and local organizations)
- Civilian governmental agencies (such as USAID/OFDA, DFID, and ECHO)

But what is the dividing line between a civilian organization that is humanitarian and one that is not? The answer is not clear and can be hotly contested.[59] The reason is that the definition is ordinarily linked to the extent to which an organization is guided by humanitarian principles (in particular, humanity, impartiality, neutrality, and independence). But these principles are

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[52] For an overview of the terminology used by different organizations, see Metcalfe, Haysom, and Gordon (2012), pp. 1-2.
[53] See OCHA (2017)a.
[54] See Studer (2001).
[55] Comments offered by Colin Hourihan at a discussion panel as part of the Consultative Group on Humanitarian Civil-Military Coordination, Humanitarian Networks and Partnerships Week, February 4, 2020.
[56] See CCOE (2012).
[57] See Peace Operations Training Institute (n.d.).
[58] Comments offered by a participant at the UN Humanitarian-Military Coordination (UN-CMCoord) Workshop held in Sigriswil, Switzerland, October 2019 (convened under Chatham House rules).
[59] On the evolving nature of the word "humanitarianism," see Calhoun (2008). See also Herman and Dijkzeul (2011).

interpreted differently by different organizations, and there is no consensus on when a compromise on humanitarian principles has gone too far.[60]

Second, the word "military" is too restrictive. When humanitarians discuss "humanitarian civil-military coordination," the term "military" can refer to:

- Foreign militaries
- Domestic militaries
- Police forces
- UN or regional missions (including military actors and police forces mandated as components of peacekeeping operations or monitoring missions)
- Intelligence agencies
- Private military and security companies
- NSAGs (including rebel groups, pro- or anti-government militias, or criminal gangs and encompassing groups' armed and political wings)

As the above list indicates, the field of "humanitarian civil-military coordination" now encompasses engagement with any sort of organized armed actor, including entities—namely, NSAGs and police—that do not fit squarely under the term "military." The Red Cross and Red Crescent Movement uses the broader term "arms bearers" to capture these types of groups.[61] But this term is actually too expansive, as one could conceivably interpret the term to encompass individual civilians who carry weapons for their own personal use.

Third, the past decade (or so) has seen a shift in how humanitarian actors conceptualize and define the term "coordination." In the 1990s, "humanitarian civil-military coordination" took a big step in formalization with the creation of the Oslo Guidelines on the Use of Foreign Military and Civil Defence Assets in Disaster Relief (commonly known as the Oslo Guidelines), which apply to natural disaster settings. The Oslo Guidelines were finalized in 1994 and later revised in 2007.[62] The Guidelines define "humanitarian civil-military coordination" as "[t]he essential dialogue and interaction between civilian and military actors in humanitarian emergencies that is necessary to protect and promote humanitarian principles, avoid competition, minimize inconsistency, and when appropriate pursue common goals."[63]

Although the Oslo definition appears expansive, in actuality, the Oslo Guidelines propagated a narrow conception of "humanitarian civil-military coordination" as the use of military resources for humanitarian assistance or disaster relief (HA/DR). Many analysts and researchers have accepted this delineation.[64] The Guidelines on the Use of Military and Civil Defence Assets to

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[60] Colona (2017), p. 125 notes that humanitarian principles "are at the same time absolute, obligatory and aspirational, and often in tension with one another in their application."

[61] Evans (2016) notes that the ICRC defines "arms bearers" as "those individuals and organizations whose job it is to fight, either as part of national armed forces or as members of non-state armed groups, or who carry weapons to protect and police populations." The piece also discusses the ICRC's Armed and Security Forces Delegates, abbreviated as "FAS Delegates" due to the French language term: Forces Armées et de Sécurité.

[62] OCHA (2007).

[63] Ibid, pp. 8-9.

[64] Heaslip and Barber (2016) limit their examination of humanitarian-military relations to the topic of "humanitarian logistics." Barry and Jeffreys (2002), p.4 assert that there are three "areas of contact" between humanitarian and

Support United Nations Humanitarian Activities in Complex Emergencies (commonly known as the MCDA Guidelines)—created in 2003 and later revised in 2006 to offer guidelines for complex emergencies—articulates the same definition.[65]

This narrow conception of the field as limited to the use of military assets in HA/DR has shaped the conceptual frameworks that have been developed to inform policy thinking and planning, as well as training and capacity building activities. There are two key conceptual frameworks worth mentioning. First, the "cookie-truck-bridge" framework delineates different types of HA/DR engagements.[66] "Cookie" refers to direct assistance, meaning actual direct engagement with people receiving humanitarian assistance. "Truck" refers to indirect engagement in humanitarian assistance, for example, by providing transportation services. "Bridge" refers to infrastructure support.[67] Provision of security for humanitarian organizations sometimes makes its way into this conceptualization as well.[68]

Second, a framework sometimes known as the "Three C's" conceptualizes how military involvement in direct engagement, indirect engagement, and infrastructure support should vary across different context types. The particular insight of this framework is that military visibility in humanitarian assistance, and direct military engagement with humanitarian actors, can be higher in natural disaster settings but should be lower in conflict settings. Although different documents articulate this framework in somewhat distinct ways using different vocabulary, a common conceptualization envisages the relationship between humanitarian and military actors on a spectrum of cooperation, communication, and coexistence.[69] Cooperation (one end of the spectrum) can occur in non-conflict settings. Coexistence (the other end of the spectrum) can be desirable in conflict settings, as humanitarian actors seek to distance themselves from armed actors in order to maintain humanitarian principles.[70]

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military actors, those being: "the use of military assets such as aircraft to assist agencies in delivering relief; the use of military forces to protect relief supplies, convoys and staff against theft and attack; and information-sharing." Delmonteil (2017), p. 4 states, "CIMIC collaboration is justified due to the fact that NGOs, and more broadly civil relief actors, often have limited capabilities in two key areas: logistical and operational security. In contrast, military forces are recognised for their exceptional abilities in these two areas."

[65] OCHA (2006).

[66] For one explanation of the "cookie-truck-bridge" framework, see Northrup (2015).

[67] The "Oslo Guidelines" articulate this distinction between direct assistance, indirect assistance, and infrastructure support. See OCHA (2007), p. 7.

[68] For example, see Yuste et al. (2019), p. 4.

[69] See Metcalfe, Haysom, and Gordon (2012), p. 2. Heaslip and Barber (2014), p. 61 refer to "5C's," those being: "cooperation, coordination, collaboration, communication and compassion." Ruffa and Vennesson (2014), pp. 586-587 envisage an even broader spectrum that "ranges from public confrontation to cooperation," noting, "At one end of the spectrum, 'public confrontation' means an explicit conflict between NGOs and the military, hindering contacts and basic exchange of information. At the other end of the spectrum, 'cooperation' refers to the 'closest relationship that can exist between humanitarian and military actors' involving the exchange of information, joint planning, launching joint projects, and organizing activities 'around an agreed division of tasks.' In between these two extremes, NGOs and military organizations can 'coexist'; that is, they put in place the 'minimum level of coordination necessary to exchange critical information.'" (internal citations omitted)

[70] See OCHA (n.d.)b, pp. 46-47, a guidebook that OCHA produced for military actors, which articulates the distinction between direct assistance, indirect assistance, and infrastructure support, indicating that in armed conflicts infrastructure should be the only thing that military actors undertake.

*Figure 1: The Traditional View of "Humanitarian*
*Civil-Military Coordination" Across Context Types[71]*

Cooperation ——— Communication ——— Coexistence

*Non-conflict*　　　　　　　　　　　　　　　　　*Armed*
*Settings*　　　　　　　　　　　　　　　　　　　*Conflicts*
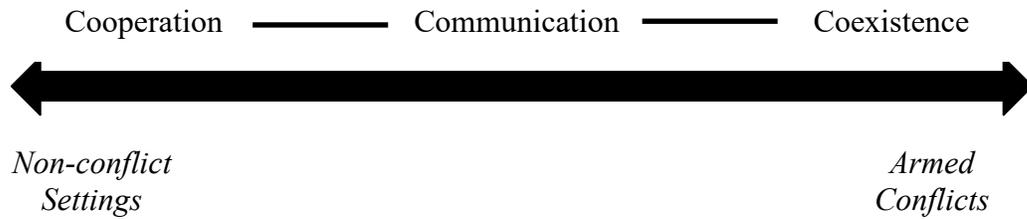
This framework has limitations. First, when natural disasters occur in contexts of protracted political stability where the level of conflict ebbs and flows over time—and varies across different geographic areas within the same country—there can be a lack of consensus about whether one should consider it to be a natural disaster or armed conflict setting. As a consequence, different actors might find themselves using different guidelines, and hence, adopting disparate approaches to understanding how deeply humanitarians should engage with, and allow themselves to be associated with, military actors.[72] Second, contexts can shift drastically over time. If humanitarian organizations cooperate closely with military actors in a natural disaster response in a peaceful setting, and then an armed conflict later erupts in the same context, the reputational association with the military forged through previous disaster relief activities can hinder humanitarians' ability to operate effectively. Third, there can be reputational bleeding across borders to other contexts. In Country A, perhaps close humanitarian cooperation with the military is not problematic at all. But in Country B, where the same organization also seeks to operate, local actors might perceive the association with the military in Country A to be problematic, hence making it difficult for the humanitarian organization to operate in Country B. Such issues are especially pertinent given the rapidity with which information can travel in the age of social media.

Additionally, the term "humanitarian civil-military coordination" has come to mean not only military engagement in HA/DR but also interactions between humanitarian and military actors on a wider range of issues related to access, humanitarian notification systems, the use of armed escorts for security, the protection of civilians, combatant compliance with international humanitarian law (IHL), negotiating humanitarian corridors or pauses, and demining operations.[73]

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[71] For an example from which this visual representation draws, see OCHA (n.d.)b, p. 44.

[72] See Madiwale and Virk (2011), p. 1099, which notes that in the response to the Pakistan floods in 2010, "Broadly speaking, it is possible to identify three distinct approaches taken by international organizations: 1. Those who saw themselves responding to a purely natural disaster tended to follow the Oslo guidelines; 2. Those who saw themselves responding to a complex emergency, in which both the Pakistan national military and NATO were perceived to be parties to a conflict, tended to follow the MCDA guidelines and to maintain an appropriate distance from the military where possible; 3. Those who saw themselves responding to a natural disaster within a complex emergency, for which there are no international guidelines and where neither the Oslo guidelines nor the MCDA guidelines provide guidance on civil–military relations with the national military, tended to have varying responses to civil–military issues."

[73] The spectrum of possible activities reflects the findings of a survey that OCHA conducted of OCHA CMCoord officers in 2019. See Agelou (2019).

There is also a strand of policy thinking focused on non-operational dimensions of humanitarian-military relations, in particular, in relation to innovation.[74]

In light of this expanded definition of what "coordination" means (encompassing also access, security, and protection), the "Three C's" framework no longer applies. Indeed, as we move from natural disaster settings to complex emergencies, the array of issues on which humanitarians and armed actors engage with one another does not decrease but rather increases, resembling the trends that the below figure details.[75]

*Figure 2: The Contemporary View of "Humanitarian Civil-Military Coordination" Across Context Types*



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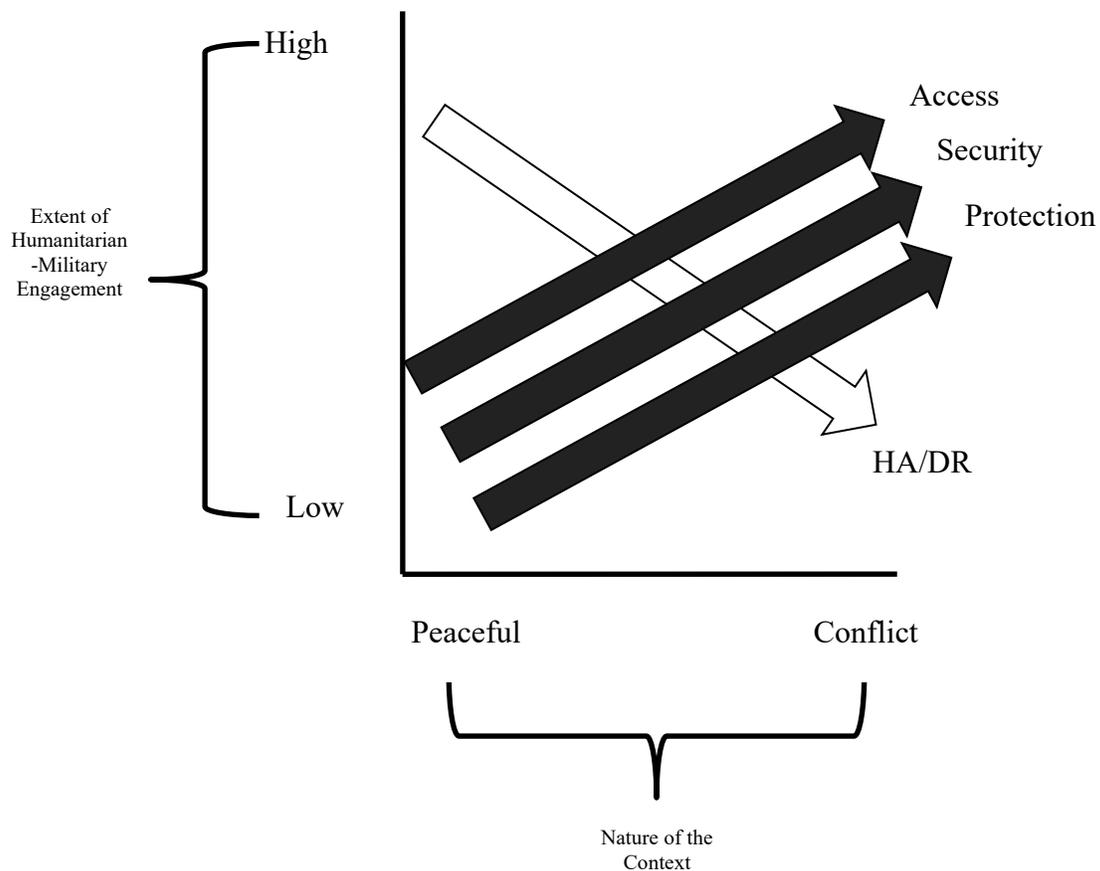
[74] See Kaplan and Easton-Calabria (2016). For a historical example, see Condon-Rall (1994), which examines U.S. and Allied military efforts to conduct research on malaria treatment during World War II.
[75] For one example, see Stewart and Zaidenwerg (2013), p. 18, which notes that after the initiation of Operation Cast Lead in Israel in 2009, "[I]t quickly became apparent that more regular and formal coordination between the IDF [Israel Defense Forces] and the humanitarian community was necessary. As a result, the UN deployed additional staff to Gaza and Jerusalem to manage engagement with the IDF. The IDF moved COGAT [Coordinator of Government Activities in the Territories] staff from the West Bank and other locations to work within military units inside Gaza to coordinate humanitarian assistance. Ten days into the operation, the IDF established, under emergency orders, a Joint Humanitarian Coordination Centre (JHCC) which answered directly to IDF Headquarters."

Interviewees noted that the "Three C's" framework is no longer adequate for the contemporary state of this field. In the words of one interviewee, this framework is "binary and one-dimensional." He stated, "We need a three-dimensional, multi-layered way of thinking." A commonly articulated concern within the UN is that thinking about this topic is "stuck in the Oslo Guidelines," as one interviewee stated, and overly focused on natural disaster contexts. Another interviewee explained, "When you find these kinds of problems from hell where you have the convergence of fragility, conflict, natural disaster, and those emerging areas like pandemics, then you have a major gap in conceptual clarity about what to do."

One might conclude that this field should be rebranded. Indeed, the word "civil" is too broad, "military" is too narrow, and "coordination" has been fluid over time. One could certainly argue that this field would more accurately be called something to the effect of: Humanitarian Interactions with Organized Armed Entities. However, the appetite is low for yet another term, and another messy acronym, to further cloud the conceptual morass in which this field finds itself. Humanitarians have debated this question in the context of OCHA, with specific reference to what the OCHA Civil-Military Coordination Service (CMCS) should call itself and how OCHA CMCS should be reformed. As one participant in these discussions stated, "There's no sense in rebranding if we're just going to do the same old thing."[76] A humanitarian practitioner implored, "Don't just rebrand, reinvigorate."[77] Indeed, more important than what to call this field is the question of how facilitating more fruitful interactions between humanitarians and armed actors can yield more effective humanitarian assistance and protection programming.

# III. The Overarching Challenge: Two Different Types of Organizations

This section delves more deeply into the overarching challenge that defines this field. Almost every difficulty in humanitarian-military relations arises from the fact that humanitarians and militaries are inherently different types of organizations. The common conception of this overarching challenge is as follows. The primary aim of militaries is national security, with a focus on warfighting. Consequently—although some militaries have developed specialized capacity to manage and respond to humanitarian crises, in particular, natural disasters—many militaries struggle to develop expertise in humanitarian response, and have room to grow in terms of understanding the humanitarian impact of their activities. However, militaries wield great capacities—such as supplies, personnel, unique transportation capabilities such as airlift and sealift, and the ability to build and repair infrastructure—that can be useful in humanitarian

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[76] Comments offered by a participant at the UN Humanitarian-Military Coordination (UN-CMCoord) Workshop held in Sigriswil, Switzerland, October 2019 (convened under Chatham House rules).
[77] Comments offered by a participant at the UN Humanitarian-Military Coordination (UN-CMCoord) Workshop held in Sigriswil, Switzerland, October 2019 (convened under Chatham House rules).

response.[78] In contrast, for a humanitarian organization, mitigating suffering during large-scale emergencies is the central organizational aim. Humanitarian organizations have the necessary expertise, including for needs assessments, project implementation, and monitoring and evaluation. However, humanitarian organizations tend to lack the capacity and assets to respond as quickly as is necessary. The resulting question is: how can humanitarians work with militaries to fill this capacity gap with military assets while mitigating the risks that come from the fact that, first, militaries might lack necessary training and competencies, and second, militaries are driven by political aims that conflict with humanitarian principles?

The portrait of the overarching tension painted above will likely resonate with many actors engaged in international emergency response. However, this is only part of the picture. This section will probe the nuances that tend to fall away in this dichotomous vision of militaries as problematic-but-capacity-rich and humanitarians as principled-but-capacity-scarce. The section is divided into three parts. The first part examines militaries. The second part turns to humanitarian organizations, highlighting the ways that the common critiques of militaries in this field can also apply to humanitarians. The third part probes the resulting cultural divide between military and humanitarian actors.

## *Militaries*

Militaries—including organized forces of individual states, as well as multilateral operations, such as UN integrated peacekeeping missions—can have organizational mandates to engage in disaster relief and civilian protection activities. One interviewee highlighted the U.S. National Security Strategy of 2017, which mentions in a section outlining priority actions:

> The United States will continue to lead the world in humanitarian assistance. Even as we expect others to share responsibility, the United States will continue to catalyze international responses to man-made and natural disasters and provide our expertise and capabilities to those in need. We will support food security and health programs that save lives and address the root cause of hunger and disease. We will support displaced people close to their homes to help meet their needs until they can safely and voluntarily return home.[79]

Another interviewee discussed a context where he, as a humanitarian, had engaged with military actors that "had a mandate to improve the protection of civilians," and according to this interviewee, "In terms of what they wanted to achieve and what we wanted to achieve, in this specific and particular context and moment of time, we were, broadly speaking, in the same direction. It is of course not the case in every context. This is why I think we need to remain open, and nuanced, in our approach of militaries." The UN Security Council has provided numerous

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[78] For an overview of military logistics capacities that makes humanitarian-military relations desirable, see Heaslip and Barber (2014), pp. 67-68.
[79] "National Security Strategy of the United States of America" (2017), p. 42.

peacekeeping missions with mandates that encompass humanitarian assistance and the protection of civilians.[80]

Nevertheless, a prominent theme in existing literature is that, even if militaries have such an explicit mandate, militaries' ultimate objective is inherently political. On the distinction between CMCoord (the OCHA abbreviation for civil-military coordination) and CIMIC (the military abbreviation for the same phrase), one literature review specifies, "CMCoord refers specifically to the interaction between humanitarian organisations and military actors for humanitarian purposes," while "CIMIC is a military term, for which there are varying interpretations, but essentially it refers to the engagement of military actors with civilians for military purposes."[81] Another author mentions NATO's definition of CIMIC, which entails "co-ordination and cooperation, in support of the mission," that the definition "is frequently interpreted as emphasizing the primacy of the mission, rather than the maintenance of humanitarian space."[82]

Interviewee comments from both military and humanitarian interlocutors confirm the widespread nature of this notion that militaries are particularly prone to prioritize their own organizational objectives over humanitarian needs on the ground. One interviewee stated of military engagement in HA/DR, "A lot of people that are there think that they are there to show the flag. They think it's a PR [public relations] exercise. So if it's a PR exercise, you want to do the most public thing you possibly can, and you'll plan accordingly. You'll do direct assistance, for example… For military planners who know that this is not their mission, this is a diversion from their mission." Another interviewee with military and humanitarian experience elaborated on the limited applicability of humanitarian principles to militaries but emphasized the enduring relevance of the principle of humanity to military actors, stating:

> Out of the four humanitarian principles, I would only apply one of those principles to a military audience. I've witnessed it many, many times: huge amounts of humanity. However, you are a uniformed body of people. You wear flags on your arms. You cannot be neutral. You cannot be impartial. and you cannot be independent. But you can have huge amounts of humanity. As long as we all understand that, then we can work within those constraints and boundaries.[83]

There is certainly truth to the notion that military engagement in HA/DR ultimately cannot be apolitical. The increasing level of interaction between humanitarian and military actors, one author writes, "has led many senior Western soldiers to conclude that humanitarian assistance is not a

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[80] See Metcalfe, Haysom, and Gordon (2012), pp. 23-24.

[81] Ibid, p. 2.

[82] Gordon (2006), pp. 43-44.

[83] See Hayward (2017), p. 157, which reflects the notion that the principle of humanity drives military actors: "To me, the greatest gift you can give another human being is the gift of hope. This is why I joined the military and why I did the volunteer work. I wanted and still want to make the world a better place through giving people real hope for a better future." However, there is a genuine distinction between the ethics that drive military actors and those that drive humanitarians. As Eggleston (2017), p. 138 writes, "Humanitarian ethics struggles with how best to save the most lives; military ethics grapples with how to avoid unnecessary deaths." For works that examine military medical professionals, see Gabriel and Metz (1992); Pearn (2012); and De Rond (2017).

politically neutral activity. Rather, it is a tool for terminating conflict, cementing peace, relieving suffering, providing a constituency to which unspecified military responsibilities can be transferred and easing the military's departure from conflict zones."[84] The resulting concern from humanitarians is that, by engaging with military actors in disaster response, humanitarian organizations risk being instrumentalized for political or military ends.

Integrated UN peacekeeping missions can be particularly vexing for humanitarian organizations when the mission has a mandate for civilian protection and/or humanitarian assistance and also is a party to the conflict. The lines between a UN peacekeeping operation and humanitarian actors can be blurred when peacekeepers engage in Quick Impact Projects (QIPs), which are short-term development projects geared toward garnering local support. QIPs have been criticized for lacking adequate monitoring and accountability, insufficiently linking to longer-term assistance and development initiatives, ineffective due to military actor's lack of competence in implementation, and politicized due to the "winning hearts and minds" approach.[85] Interviewees also expressed concern about contingent funded projects in the context of integrated missions, which have an even lower degree of accountability.


## *Humanitarian Organizations*

All of the issues described above—the temptation to prioritize organizational objectives over meeting the needs on the ground; the difficulty of truly being impartial, neutral, and independent; and the lack of adequate resources devoted to building competencies—apply to humanitarian organizations as well. Humanitarians too can lose sight of what should be their overarching objectives. One interviewee asserted, "There isn't a single military or a single humanitarian who doesn't want the best for the beneficiary." However, he said of the humanitarian sector:

> What I would like to see is for us to look at what the beneficiaries want. We always talk about what the agencies want and what the agency position is. I know that the agency's position is informed by what's best for the beneficiary. But I'm not sure that, when it comes to bringing the community together, that they really fundamentally stick to all of our morals.

Another interviewee concurred, stating, "Even though we talk about humanitarianism, we use the term humanitarianism, people forget that it's about humans. They really do. Humanitarianism, when people see the word, they think of the system. People lose sight of the fact that we're really talking about humanity." In the words of another interviewee, "At the end of the day, sometimes the goal is just to go on with their programs, whatever it takes. Every time there is a crisis, the priority is to go on with the program, to be relevant to the donors. The principles go away really fast." These comments echo insights from earlier research, including one publication that notes humanitarians' PR objectives:

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[84] Gordon (2006), p. 41.
[85] See Gordon (2006), pp. 42-43; and Gordon (2011), pp. 37-50.

In their drive for publicity, NGOs may seek a visible role in the relief effort even when their participation contributes relatively little. In the early days of a crisis, some NGOs show up to demonstrate to their donors that they are present and contributing—an image that makes it easier for them to secure funding.[86]

Moreover, as this paper has already mentioned, there is no consensus across the humanitarian sector about how to operationalize humanitarian principles, and there is debate about whether principled humanitarian action is possible, or even desirable, in some contexts.[87] In some cases, humanitarians prioritize maintaining a perceived operational distance from armed actors at the expense of transparency. For example, one interviewee stated, in order to maintain perceived adherence to humanitarian principles, "Even if we are using the military to do a logistical move, for the last mile, we would ask NGOs and humanitarian partners to take that aid forward so that we don't compromise the impartiality and neutrality of what we're trying to deliver." Another interviewee discussed working as a humanitarian in a context where aid agencies relied on the protection of military actors while simultaneously seeking to downplay or even hide the ways in which humanitarian and military were interacting with one another. This humanitarian stated, speaking of the refusal of humanitarians in this context to be seen speaking with military actors:

> NGOs are parking their cars within the UN compound at night. They seek protection for their goods and assets. People see their cars entering every evening and then leaving this military base. And then sitting with the military is a problem? This lack of consistency is a challenge when you dialogue with

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[86] Byman et al. (2000), p. 112. See also Byman et al. (2000), p. 47, which states of the political pressures for relief efforts, "Political requirements also may lead to pressures on the relief effort that planners should anticipate. Policymakers seeking to sustain support for an operation may need to show immediate results. Success may be measured by how impressive the operation appears on television rather than humanitarian measures of effectiveness, such as the number of refugees returned to their homes and drops in morbidity rates. Host country officials may prefer that foodstuffs and other visible evidence of a relief effort arrive before forklifts, K-loaders, and other items that would increase overall through-put and perhaps save more lives. Often, U.S. and allied governments seek immediate credit for alleviating a humanitarian disaster in order to reap political rewards." Similarly, see McIntosh (2017), p. 83, in which one military actor shares observations on his engagement with humanitarian NGOs as part of the Australian Medical Support Force in Rwanda in 1994: "[W]hen dealing with NGOs it would be wise to know that: NGOs often seek out publicity." See also Wheeler and Harmer (2006), p. 8, which discusses an example of USAID in Afghanistan: "In 2003, Andrew Natsios, the former head of the US Agency for International Development (USAID), told an InterAction forum that aid agencies on contract with USAID should identify themselves in the field as recipients of US funding in order to show stronger links with US foreign policy goals."

[87] Byman et al. (2000), p. 106 asserts, "NGOs themselves, however, often have trouble living up to their ideals of neutrality. Neutrality and the aim of remaining extraneous to a conflict are often unrealistic goals, perhaps particularly in contemporary conflicts. NGOs." See also McAvoy and Charny (2013), p. 5: "While many regularly cite humanitarian principles when trying to persuade US forces to modify their behaviour, their own compliance with the principles of neutrality, impartiality and independence tends to be erratic." See also Haysom (2013), p. 4: "The humanitarian community also needs to recognise and address its own deficiencies when it comes to adherence to humanitarian principles. Organisations have a poor track record in following existing guidelines, while the proliferation of humanitarian agencies in recent years, with different mandates, philosophies and approaches, makes it very difficult to achieve a consensus view on the appropriate level and form of interaction with the military." Schenkenberg van Mierop (2016), p. 298 discusses the "heated debate on neutrality" that erupted over the course of devising a new Core Humanitarian Standard in 2014. Lischer (2007), p. 100 states, "Neutrality is an ideal, not a reality. When aid workers operate in close proximity to Western military forces, all sides will inevitably view the aid workers as political actors."

the military. You say, 'Humanitarian space, we need to make the distinction, be careful not to run activities that could look like ours. But still, could you please protect our cars in the evening? And also, could you please have a patrol around the area where we have our residence and offices?' Imagine a military listening to that. It feels like: you don't want me, but at the same time, you need me. It's very difficult for militaries to navigate what is seen as contradictory.

Much has also been written and said about the organizational differences between humanitarian organizations (which tend to be fragmented and reliant on consensus-based decision-making processes) and militaries (which are hierarchical, typified by top-down decision-making). One publication aptly describes this distinction:

> NGO organizational structure is very different from that of the military. Most NGOs are managed in a highly decentralized manner, with scope for initiative in the field. Typically, they prefer to work by consensus rather than responding to direction. Rather than being hierarchical, with a clear and orderly assignment of responsibility and authority, NGO structure is usually egalitarian, with much debate required before a consensus-based decision is reached. Accustomed to this autonomy, many NGO personnel have little patience with military hierarchies. They tend to resent military officers' typical question: 'who's in charge?'[88]

The converse frustration—from militaries bewildered by humanitarian organizations' fragmented nature—is another defining feature of humanitarian-military relations. One interviewee stated:

> My military colleagues, of course, find humanitarian support an extremely rewarding environment in which to play in, and they can deliver huge effect very swiftly. They bring scale. They bring expertise, professionalism, et cetera. And they also work in a very hierarchical environment, which is not the way that NGOs, and the humanitarian sector as a whole, operate. They do see themselves helping a lot of people who need help, but they also find it, at times, a very frustrating environment in which to play due to the perceived lack of coordination that the humanitarian sector has.

In the words of another interviewee, "I think the humanitarian community, as a whole, is a really difficult homogenous unit. We call it the humanitarian community, but each individually is so very different." One military actor has gone so far as to describe humanitarian-military relations as a "network of networks"[89] Humanitarian fragmentation can further exacerbate humanitarian-military tensions due to the fact that different organizations take disparate approaches to

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[88] Byman et al. (2000), p. 102. See also Metcalfe, Haysom, and Gordon (2012), p. 5: "The humanitarian community is described generally as a loosely configured system or network of actors which coalesce around common funding sources and voluntary standards, without an effective chain of command. This contrasts with militaries, which are characterised as hierarchical and output-driven." (internal citations omitted)

[89] Zalewski (2013), p. 11.

humanitarian principles. As a consequence, each humanitarian organization makes its own decisions about the extent to which they will engage, and how they will engage, with military actors. Humanitarian fragmentation can lead to a lack of coherence and even competition—for funding, for example—that can contribute to aid agencies succumbing to the temptation to serve their own organizational interests at the potential expense of the ability to meet humanitarian needs.[90]

There are even challenges of cultivating coherence within different branches of the same humanitarian organization. This holds true for OCHA—designated by the Inter-Agency Standing Committee in 1995 to be the UN's focal point on humanitarian civil-military coordination—especially as CMCS has engaged more deeply in armed conflict contexts, involving itself in issues of access, security, and protection.[91] As one interviewee described about OCHA's internal structural issues, "There are a couple of contexts where access and civ-mil [humanitarian civil-military coordination] were kept as two separate functions. If the access person is negotiating with an armed group, shouldn't the civ-mil team be involved and vice versa? This is within the same organization: OCHA." Another interviewee described that, on paper, the CMCoord officer, the protection officer, the access officer, and the security officer are supposed to be different people with their own separate Terms of Reference.[92] However, they explained, "In fact, it doesn't happen like that on the ground." Very often these roles bleed into one another. Another interviewee mentioned, "The interplay between CMCoord, access, and protection is essential. At the moment, there is a lack of clear guidance, within OCHA, at least." She further explained:

> What would be absolutely great would be for OCHA to have, at HQ [headquarters], one single section dealing with access, protection, IHL, security, and CMCoord: to avoid duplication and maximize efforts. Now, one week I'm talking to the UN-CMCoord Service. The other week, I'm seeking advice to the Access Unit. One is in New York, the other is in Geneva. It becomes complicated because the topics are really interlinked… What is really missing is to have a common platform… There is a lack of consistency across OCHA.

Some desire OCHA to play the role of a "one-stop shop" for humanitarian-military relations. However, not all humanitarian organizations desire this reality. As one interviewee said of the ICRC, "They just don't want to be coordinated." Another interviewee elaborated:

> The easy thing would be to have a single shop with everything inside. That simply cannot happen. You will have a UN pillar and an ICRC pillar… And you have a group of NGOs which are not UN, not ICRC or Red Cross, and they want to be separate also. From a military perspective—that's what I was when I was on the other side—it's very convenient to have a single point of contact for all the humanitarian problems. Military would be very happy to have this.

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[90] Cooley and Ron (2002).

[91] OCHA (2017)a.

[92] See OCHA (2017)b, which lays out the role of OCHA CMCoord officers and describes the ways in which CMCoord officers engage in access, security, and protection.

> That's what we are trying to explain to all the military that we see: no, that will not happen. The humanitarian community and the humanitarian world is very diverse.

A final important point is that humanitarian organizations, just like militaries, can also do more to mitigate unintended adverse effects of their programming. Various analyses have noted that humanitarian efforts can feed into a war economy; fuel insecurity; and breed local dependence on international assistance, thus stymying development.[93] Despite best intentions, humanitarians can break the "do no harm" principle. Moreover, the question of how humanitarians can and should balance the potential benefits of humanitarian programming with the risks of potential knock-on effects is one of sometimes intense professional contestation.[94]

The overarching challenge in humanitarian-military relations, as normally conceived, places emphasis on military shortcomings that stem from competency limitations, as well as the tension between militaries' overarching organizational aims and humanitarian needs. The full picture allows one to examine how humanitarians too are beset by these same issues.

## The Cultural Humanitarian-Military Divide

As a consequence of the organizational differences explained above, there is a cultural divide between military and humanitarian actors that can be challenging to bridge.[95] A vignette relayed by an interviewee who transitioned from a military career to one as a humanitarian working for the UN illustrates this cultural chasm. The interviewee said, "The minute I came into the UN, I felt like I was defending the military. No one understood the military very well. I didn't meet many people at the beginning of me being at the UN who really understood the military. I felt like I was a chameleon. I felt like my role was to translate from military into humanitarian and humanitarian into military." In the UN context, when someone would introduce this interviewee as former

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[93] See Byman et al. (2000), pp. 1-2, which notes, "Relief operations to aid victims of man-made disasters are both organizationally and politically complex. If not conducted with great care, they may even increase human suffering by provisioning combatants and thus fueling a conflict. For example, the primary recipients of aid during Support Hope, the U.S. operation in Zaire (now Congo) following the Rwandan genocide, were Hutu refugees, many still organized and controlled by a genocidal leadership. This leadership intended to return to Rwanda by force and conducted bloody raids from refugee camps in Zaire but was crushed in a Tutsi- led invasion of eastern Zaire." de Montclos (2014), pp. 239-240 notes that aid can feed a war economy via: 1) violent predation (when armed actors steal food or supplies), 2) institutionalized predation (when NGOs dump money into local economy), and 3) locals investing more money in warfighting capacities (since NGOs fill a gap that would otherwise exist in local capacities and would thus require local resources. See also Lischer (2007), p. 100: "Two main insights emerge from the analysis of military and humanitarian interaction in recent interventions. The first is that humanitarian action undertaken in an insecure environment can actually intensify violence and endanger civilians. The identity of the aid givers—military or humanitarian—is less important than the need for security as a prerequisite to providing aid. This may be unpalatable to military planners who hope that reconstruction activity can create a secure environment. It cannot. The strategic use of humanitarian assistance cannot fill a security vacuum, and may well exacerbate insecurity."

[94] See Bonis-Charancle and Lucchi (2018) for an overview of efforts to operationalize the "do no harm" principle.

[95] See ACMC and ACFID (2012), p. 2, which notes, "These stakeholders—whether an international military or police force, a donor or an aid agency—all have critical and often complementary roles to play in disaster response and complex emergencies. Yet, it is often the case that a lack of mutual understanding, as well as confusion over roles, responsibilities, cultures and terminologies, impedes communication and overall effectiveness."

military, people would start telling about their "horror stories in engaging with militaries." Through these experiences, the interviewee said, "I realized that they heard military and saw a child soldier on drugs or someone popping celebratory fire and it ricocheting off the trees around them. That's what they saw me as. And I was initially actually very offended." Then when the interviewee would engage with their former military community, they would hear comments such as: "Oh, I heard you're a lentil-eating hippie now. How do you put up with it?"

Interviewees stressed the importance of both sides across the humanitarian-military divide investing more into understanding one another. There are certainly barriers in language and terminology.[96] One author has gone so far as to argue that the language spoken by cadets at West Point constitutes its own dialect of English.[97] The lexicon of the humanitarian sector, similar to that of militaries, is densely populated with acronyms obscure to outsiders.[98] Military and humanitarian actors are perpetually at risk of drowning in one another's alphabet soup.

Interviewees stressed the importance of breaking down prejudicial notions of military actors as "baby-killers" and humanitarians as "lentil-eating hippies."[99] Militaries indeed face issues of breaking down prejudices, capacitating themselves to deepen their understanding of humanitarian organizations and humanitarian action more broadly, and directing sufficient resources towards these ends. On the resources that militaries devote toward humanitarian ends, a U.S. military interviewee said of the 2017 National Security Strategy, which, as noted above, references humanitarian assistance as a national security strategy priority:

> That's our overarching guidance, and I don't think that we're meeting that… If that's our strategy, that's great, because we all think that that's a good thing for us to do in the world. But the U.S. military is certainly not training to be able to do that effectively. And USAID and Department of State are certainly not funded or manned with the enough people to do the work around the world that is needed in a comprehensive way. At least not for the current challenges facing the world.

The consequence, not just for the United States but for countries across the globe, is a dearth of military actors who understand how to wield military capabilities toward humanitarian ends without exacerbating the aforementioned tensions of instrumentalization and politicization and without causing extraneous harm. Nonetheless, it is important to note variations across militaries in this regard. Canada, for example, has notably invested heavily in humanitarian-military relations.[100] Interviewees also mentioned variations in understanding humanitarian action, and openness to engaging with humanitarian actors, across different units of the same military; for example, across various unified combatant commands of the United States Armed Forces.

Turning back to the humanitarian side, as one interviewee described, "Within the humanitarian system, there is extraordinarily poor understanding of how military actors think. It's almost as if

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[96] Heaslip and Barber (2014), p. 72.
[97] Glockler (2016). p. 11.
[98] *The New Humanitarian* (2018).
[99] See Anders (2013), which uses the terminology "tree-huggers" and "baby-killers" to describe this divide.
[100] See Shadwick (2018).

any military actor wielding force, engaging in force is a bad actor, and we can't be engaging with them." Furthermore, in the words of another interviewee, "There is little knowledge among humanitarian actors of the actual mandate of the military in general. There's this sense of hostility toward them, but in fact, little understanding of their mandate. that's something that a better dialogue can address." Humanitarians must also understand the distinctions between militaries of different countries, as an interviewee heighted, in particular reference to the work of ICRC delegates:

> Most of the delegates, if he has some military knowledge, he has military knowledge of his own country. So if I take a French delegate going into DRC [Democratic Republic of the Congo], the picture he will have of the military will be the French military. An African military system is very different from a Western military system. If you don't have somebody talking to you about that when you arrive in the field, it will be very difficult for you to understand what is going on with the military and how to interact with them.

Elaborating on work in the humanitarian field, a different interviewee stated:

> One challenge is to overcome your own prejudices. For many humanitarians, the perception of the military, because of the lack of exposure to the military, is that they are not well intentioned. They would not be transparent in terms of what they want to achieve. More or less, we are the good ones, and they are the ones killing people. But to engage in a dialogue, you need to overcome those kinds of prejudices.

Nevertheless, the humanitarian sector has insufficiently invested in capacitating aid workers to understand military actors. An independent evaluation of OCHA CMCS conducted in 2012 concluded, despite finding ample evidence of positive perceptions in the field of CMCS activities, "Adequate and timely recruitment, deployment and retention of qualified and diverse UN-CMCoord staff remain key challenges for the organization."[101] One issue is that OCHA CMCoord officers have operated as surge staff, with positions that are short-term in nature.[102] CMCoord officers on the ground who are surged in have said that they are not taken seriously because of the short-term nature of the assignment. In order to establish trust with the other agencies and the military, let alone NSAGs, an interviewee noted that one needs to be there for a long period of time. Another interviewee stated pointedly, "Surge mechanisms are relied upon to fill these positions and this means a high turnover rate of personnel often as frequently as every three months. Effective CMCoord, particularly in complex and fluid environments, which is built upon trust and understanding cannot be conducted like this."

The first high-priority recommendation that the evaluation offered was that "OCHA should fully implement the policy instruction and should allocate sufficient resources to ensure that UN-

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[101] OCHA (2012)b, p. 20.

[102] Ibid, p. 32: "The factor most cited as a key constraint to the effectiveness of training was staff and military rotations in humanitarian settings, particularly in complex emergencies where staff deployments may last anywhere from six months to a year. The constant movement of staff at all levels was underlined as a barrier to sustained UN-CMCoord engagement, due to loss of trained personnel."

CMCoord becomes a core competency within OCHA."[103] Just six years later, in 2018, OCHA took the decision to dissolve CMCS. As an interviewee described, OCHA "decimated its civ-mil capacity by disintegrating the unit, completely decentralizing its functions, despite concerns expressed by the entire humanitarian system and by donor governments." OCHA reconstituted CMCS in 2019, and interviewees spoke favorably about this reversal, although it remains to be seen how CMCS will set its organizational priorities in light of limited resources.

In the wake of OCHA's shortcomings, various organizations have stepped up to the occasion with their own initiatives to promote more effective humanitarian-military relations.[104] Interviewees expressed concern that these different initiatives, arising from different organizations, might lead to a lack of coordinated efforts across different organizations, potentially causing different organizations to speak in fragmented voices as opposed to engaging with a cohesive, coordinated message to armed actors.

Just as militaries need to invest more in understanding humanitarians, the humanitarian sector needs to invest more in coordinating with militaries. More training and education is needed across all organizations who operate in this sector. Still, the point of this section has not been to claim that the commonly noted differences between militaries and humanitarian organizations are purely illusory. Rather, this section has sought to ensure that the discourse on the overarching challenge of humanitarian-military relations remains nuanced. Military actors and humanitarians share the flaws discussed throughout this section. But they do traverse distinct professional worlds. This examination of the overarching challenge of humanitarian-military relations points toward two additional research questions worthy of further analytical attention. First, under what circumstances does military engagement in HA/DR actually succeed in improving the military's image? If PR considerations drive military engagement in HA/DR, it would be useful to understand the circumstances under which it actually succeeds in meeting this end.[105] Second, under what circumstances does engagement with military actors cause reputational harm for humanitarian organizations?[106] This question is important as well, as it shapes the extent to which humanitarians engage with, or seek to hide their interactions and coordination with, militaries.

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[103] Ibid, p. 50.

[104] For example, see GPC (2018)a for the Global Protection Cluster and Arnö (2017) for Save the Children.

[105] For one example of such an analysis, see Lyall (2018). See also Das Manandhar et al. (2017), p. 6, which notes that public opinion data gathered in the wake of the 2015 earthquake in Nepal, a context where the Nepalese army played a key role as first responders, suggest that the military's involvement in the response could have increased public trust in the army.

[106] Morales and Sandlin (2015)—which discusses the relationship between perceptions of performance, cost, and acceptability—will be useful to consider when framing future research on this issue.

# IV. Key Contemporary Challenges in Complex Emergencies

This section examines four key contemporary challenges of humanitarian-military relations in complex emergencies. The first is humanitarian access. The second and third—humanitarian notification systems and the use of armed escorts—are security-related aspects of access. The fourth is humanitarian protection. These issues are not unique to complex emergencies. Indeed, interviewees discussed access difficulties in natural disaster response contexts. Humanitarian protection is also a key aspect of natural disaster preparedness and response.[107] However, in complex emergencies, these issues can require more in-depth and sustained engagement with armed actors. As such, these four issues are emblematic of the new world of humanitarian-military relations that has expanded beyond the formerly narrow conception of the field as limited to HA/DR.

## *Navigating Access, Proximity, and Humanitarian Principles*

There are three core humanitarian-military relations access challenges. The first challenge is that armed actors sometimes inhibit or outright deny access, aiming to control humanitarian actors for various reasons - for instance, to direct programmatic resources to themselves or to control aid flow to benefit politically sympathetic communities and territories. Humanitarian organizations encountering such counterparts are faced with a dilemma between maintaining compromised access or withdrawing from the context but contravening the humanitarian imperative. Humanitarian actors have begun to devote a great deal of resources to cultivating humanitarian negotiation capacity and to developing organizational access strategies, efforts that overlap with the field of humanitarian-military relations when the interlocutors at hand are armed actors.[108] The field of humanitarian negotiation, similar to the field of humanitarian-military relations, suffers from a gap between scholarship and practice.[109] Indeed, the field of negotiation scholarship is quite developed but focuses on other types of negotiation contexts: legal, business, and international negotiations. Much more work needs to be done to bridge the humanitarian negotiation theory-practice gap.[110]

The second challenge relates to how closely humanitarian actors should engage, coordinate, and operate in collaboration with state armed forces. This issue arose as pertinent during the Battle of Mosul (2016-2017), when Iraqi forces, with the support of a U.S.-led international coalition, successfully wrested the Iraqi city of Mosul from ISIL control. The World Health Organization coordinated a trauma response in which, as noted earlier in this paper, civilian medical practitioners were "co-located" with or "embedded" within divisions of the Iraqi army. This choice to prioritize

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[107] GPC (n.d.)
[108] Grace (2020).
[109] Grace and Lempereur (2019).
[110] For one piece of scholarship that breaks valuable ground in this regard, see Clements (2020).

the principle of humanity and the humanitarian imperative over the principles of neutrality and independence was controversial.[111] As one report stated:

> [T]he compromise was especially striking in the Mosul case, as the response relied completely upon, and was a component of, the military operations. For some humanitarian actors, this also meant necessary and acceptable compromises to impartiality. For others, the short-term benefits of upholding the humanitarian imperative were outweighed by the longer-term consequences that would hurt the organisation's access to far greater numbers of people in need.[112]

Indeed, organizations including Médecins Sans Frontières (MSF) and the ICRC chose not to provide assistance under this model.

The third challenge is how to provide humanitarian assistance in territories controlled by NSAGs, and even to wounded NSAG fighters themselves, while managing the resulting strain to relations with a government combating the NSAG in question. Furthermore, when discerning whether to engage with NSAGs listed as terrorist groups by national, regional, or international bodies, humanitarians must consider potential consequences from the state (in terms of legal prosecution or being declared persona non grata, hence losing the ability to operate in the country), as well as from governmental donors (including legal risks inherent in domestic counterterrorism legislation and restrictive donor contract language proscribing engagement with listed groups).[113] One interviewee described the difficulties of humanitarian work in such a situation:

> On our side, we have a lot of work to do, understanding what it means to be neutral and not taking sides, being independent. More and more now we have contexts of asymmetric warfare and terrorism… You're not supposed to take sides. If there are people dying in a non-state armed group held area, you should be able to negotiate access and go there. If you are too close to the military, it is difficult… It's very difficult for us to work on both sides, telling [the government] we have to be neutral. [The government] tell[s] us, "No, this is our law. You're on our soil. We are a sovereign country. You have to adhere to our law and regulations.

Interviewees discussed the lack of guidance available to assist in navigating these issues. As one humanitarian interviewee described, "There is no consensus among humanitarian actors about whether we should engage with all parties to the conflict or not. Also, within different organizations, there is no clear guidance on that. For example, do we engage with groups that are listed as terrorists?" In the words of another interviewee who described working for a UN agency:

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[111] See Fox et al. (2018), p. 37.

[112] Ibid, p. 37.

[113] See Modirzadeh, Lewis, and Bruderlein (2011); Mackintosh and Duplat (2013); Burniske, Lewis, and Modirzadeh (2015); Lewis, Modirzadeh, and Blum (2015); Burniske and Modirzadeh (2017); and Modirzadeh (2017).

> [T]here isn't enough guidance for the tactical level to feel comfortable talking to non-state actors. The Member States say—in Syria, for example—who you can or cannot speak to. But at the tactical level, we know that non-state actor A or non-state actor B would be really good for us to speak to. But our Member States are saying no… Surely, the terrorists are the people we have to speak to the most. Who are we going to speak to? The good guys? And agree that we're all good guys?

These questions—how to grapple with an obstructive humanitarian negotiation counterpart, how to maintain humanitarian principles while operating closely with militaries, and how to navigate relationships to maintain access with opposing sides violently combatting one another—are as old as the modern humanitarian sector itself, dating back to the early days of the Red Cross and Red Crescent Movement. However, the Mosul trauma response, in particular, and the rise in counterterrorism regulations and policies—as well as the political pressure that states bring to bear on humanitarians engaging with NSAGs—has brought these issues to the forefront of the contemporary humanitarian-military relations policy landscape.

## Humanitarian Notification Systems

Humanitarian notification systems—or humanitarian "deconfliction," as it has previously been called—refers to "[t]he exchange of information and planning advisories by humanitarian actors with military actors in order to prevent or resolve conflicts between the two sets objectives, remove obstacles to humanitarian action, and avoid potential hazards for humanitarian personnel."[114] The same report that articulated this definition also states, "This may include the negotiation of military pauses, temporary cessation of hostilities or ceasefires, or safe corridors for aid delivery."[115]

There has been a debate about the appropriateness of the term "deconfliction" (previously a term of art) for these processes. The reason is that "deconfliction" is a military term used to describe "processes or coordination intended to ensure that various operations or activities do not interfere with each other."[116] Participants at the second annual retreat on international humanitarian law, an event organized in 2019 by the Permanent Mission of Spain to the United Nations that included twenty-three United Nations delegations, unanimously concluded that the term "deconfliction" creates confusion, and several participants recommended an alternate phrase: "notification to the parties."[117] The phrase "humanitarian notification systems" appears to have replaced "deconfliction" as the preferred lexicon.

Humanitarian notification systems have become a hot topic of debate across the humanitarian sector for two reasons. First, as noted in Part I of this paper, there is widespread concern about the great number of attacks against humanitarian and health workers across various contemporary armed conflicts. Second, practitioners and policymakers have discussed and debated the merits and complications of the UN-instituted Humanitarian Notification System for Deconfliction

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[114] Egeland, Harmer, and Stoddard (2011), p. xiv
[115] Ibid.
[116] Wall (2011), p. 90.
[117] UNGA (2019).

(HNS4D), which facilitates the sharing of geographic locations of humanitarian personnel, supplies, and facilities with parties to armed conflicts.[118] HNS4D is an opt-in mechanism, meaning that NGOs can choose whether or not—and to what extent—they wish to participate. Due to various serious issues inherent in HNS4D, many organizations—MSF and the ICRC included— have opted not to participate in the mechanism. The rest of this section will focus on six of these issues.

First, there is concern that handing over information to authorities about the location of humanitarian personnel, supplies, and facilities could have the opposite of the intended effect. Instead of functioning as a means of ensuring the safe delivery of humanitarian aid, it is possible that the HNS4D mechanism could essentially be used as a list of potential targets by combatants with an interest in punishing the civilian population. Or it is possible that the HNS4D plays no role at all in combatants' targeting decisions. Syria, for example, is a context where these concerns have manifested.[119] Sharing this data could inadvertently provide information to governments about the locations and operations of rebel groups. Indeed, if a humanitarian organization is meeting with an armed group, it could lead the group to be targeted by sharing the information with another party to the conflict.[120] In this sense, there is a risk that the humanitarian notification system process could aid a party to the conflict. In the words of one interviewee, the HNS4D system constitutes "an area where we need to grow and involve both humanitarians and militaries. I think it's being instrumentalized as part of intel operations, perhaps too much. I think we need to be wary of where that is going. Everything is context specific. We need better leaders on the humanitarian side to really deeply understand the context to make these judgment calls about whether or not to trust the deconfliction system."

Second, it is possible that the HNS4D system can distort combatants' views of their obligations under IHL. According to one interviewee, the reason why some organizations refrain from engaging in the HNS4D system is that "they believe it relieves the parties to conflict from checking their responsibility under IHL. They should be assuming that everything is civilian until proven otherwise." The main concern is that the HNS4D system might seem to take some of this responsibility away. UN Member State participants in the aforementioned annual retreat on international humanitarian law shared this concern. The final report documenting discussions at this event stated:

> Finally, the main point highlighted was the problem of the reversal of international humanitarian law obligations. The popularization of humanitarian deconfliction has created the illusion that everything that is not subject to the notification system can be attacked. Humanitarian deconfliction should not be an excuse for shielding parties to armed conflict from their international humanitarian law obligations and responsibilities.[121]

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[118] See Parker (2018), which discusses the UN "deconfliction" process and also notes, specifically referring to engagements with the Saudi Arabia-led coalition in Yemen, "MSF the ICRC are exceptions to the deconfliction system; they communicate directly with the coalition." See also Capdevila (2019) and Debarre (2019).
[119] Lund (20190).
[120] For an example, see Vohra (2019).
[121] UNGA (2019), p. 3.

Third, there is a risk that combatants can use the HNS4D to control humanitarian actors. The intent of the system is for humanitarian actors to alert combatants of humanitarian activities so that combatants can plan their military activities accordingly to mitigate security risks for humanitarians. Given the way the system operates—humanitarians submitting information about their activities and combatants use the system to acknowledge receipts of that information—combatants can, in practice, withhold acknowledgement, leading to a delay in humanitarian operations. There are indeed contexts where combatants have effectively turned the HNS4D system into a system for approval or disapproval, using the mechanism to slow down or halt humanitarian movements. Humanitarian practitioners have discussed contexts where, at checkpoints, humanitarians are not able to move through unless they can present "deconfliction" paperwork.[122]

Fourth, there remains ambiguity about what types of people and facilities should be "deconflicted" through the HNS4D system and what should fall outside the scope of this mechanism. On the one hand, one interviewee stated, "Modern warfare moves at a fast pace, we can't deconflict everything that needs to be deconflicted." Due to the hectic nature of the field environment, as one interviewee stated, "People cannot always be reporting where they're moving, where they're going." On the other hand, the rapid nature of armed conflict contexts can also mean that locations might be put on the "deconfliction" list that do not belong there.[123] Moreover, there are contexts where humanitarians have placed on the list humanitarian objects over which humanitarians themselves have no ownership. For example, "deconfliction" has included electrical lines, a water treatment plant, pumping plants, and pipes. In besieged areas in Syria, bakeries were "deconflicted" where there were no other sources of food under the rationale that such establishments, despite being private economic enterprises, were essential for human survival. Diplomats and members of the media have also been included. This expansion of the HNS4D system to encompass civilian objects more broadly raises the question—one that has persisted for quite some time and is relevant in various contexts—of where the line should be drawn between what is appropriate to "deconflict" and what is not.[124] One interviewee asked, "Who are we to say that this is now a humanitarian facility and that striking it will be detrimental to the civilian population?" The question remains: why place some locations, but not others, on the list? There is concern that placing certain economic targets on the list can invalidate the whole list.[125]

Fifth, there is a lack of transparency regarding why the UN engages certain combatants, but not others, through the HNS4D. Indeed, humanitarians have discussed contexts where they have used the system for governments but not NSAGs, leading governments to question why this is the case and to criticize the mechanism for its one-sided manner.

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[122] Comments offered by a participant at the UN Humanitarian-Military Coordination (UN-CMCoord) Workshop held in Sigriswil, Switzerland, October 2019 (convened under Chatham House rules).

[123] An interviewee discussed a context where a civilian object was placed on the "deconfliction" list, but it was later found that the location was used for military purposes, and hence, would have actually constituted a legitimate military target under IHL.

[124] The independent evaluation of OCHA CMCS notes, "However, what constitutes humanitarian movement is not always clear. While the generic definition allows for flexibility in managing the air, sea and land space, a more specific definition would give more guidance to the military (e.g., which air movements to allow in the no fly zone and which ships can be exempted from hailing and boarding under the arms embargo)." See OCHA (2012)b, p. 41.

[125] Comments offered by a participant at the UN Humanitarian-Military Coordination (UN-CMCoord) Workshop held in Sigriswil, Switzerland, October 2019 (convened under Chatham House rules).

Sixth, humanitarian practitioners have mentioned that there is ambiguity about how to respond if something that has been "deconflicted" is subsequently struck in an armed attack by a combatant who had previously acknowledged receipt via the HNS4D system. One interviewee stated, "On deconfliction, there is little guidance, and none for when the deconfliction system fails, for example. What are civil-military coordination officers supposed to do? How to react to a situation like that? That's an area that will deserve more attention in the future."

Some humanitarian practitioners have highlighted positive aspects of the system despite the various issues mentioned throughout this section. Indeed, the humanitarian notification system process can and should be part of—and perhaps can spark—a broader dialogue between humanitarians and combatants about the protection of civilians and combatants' obligations under IHL.[126] Even with its flaws, the UN does not appear to be in a position to discard the HNS4D system. HNS4D enjoys support from senior humanitarian leadership, at least in part due to political pressure from UN Member States, including the United States, a major proponent of the system.[127] Indeed, HNS4D as it exists today is a risk management mechanism implemented with donor support and pressure, a means of ensuring that due diligence has been followed to shield organizations from litigation in the event of an attack against humanitarian assets. The question is whether the perceived or actual benefits of HNS4D are worthwhile in light of the plethora of unintended adverse effects.

## Armed Escorts

The use of armed escorts is an issue for which, as one interviewee stated, there is "a lack of coherence on the humanitarian side." Indeed, organizations across the humanitarian sector make different choices about when the use of armed escorts for security is warranted. There are at least four key implications at stake in deciding whether or when to use armed escorts.[128] First, the use of armed escorts can compromise humanitarians' adherence to the principle of neutrality and independence, in terms of perceptions or in reality. In terms of perceptions, local actors are likely to associate humanitarians with the armed escorts—whether from the national military, an NSAG, a peacekeeping operation, or a private military and security company—on which they rely.[129] Reputational bleeding can cause any politicized perceptions of these actors to taint local actors' views of humanitarians as well. Regarding the actuality of sacrificing neutrality, if armed escorts do need to resort to the use of armed force, this can draw humanitarians directly into the conflict itself.

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[126] Comments offered by Rachel Agelou at the discussion panel, "Humanitarian-Military Interaction: What Future for Humanitarian Notification Mechanisms?" Humanitarian Networks and Partnerships Week, February 4, 2020.

[127] Comments offered by a participant at the UN Humanitarian-Military Coordination (UN-CMCoord) Workshop held in Sigriswil, Switzerland, October 2019 (convened under Chatham House rules).

[128] IASC (2013), p. 4 provides an overview that includes these, as well as other, implications.

[129] For literature on the role of private and military security companies in emergency response, see Olsson (2017); Eggleston (2017), pp. 149-150; Singer (2006); Wheeler and Harmer (2006), pp. 8-11; Anders (2013); and Anders (2014).

Second, the use of armed escorts can lead to fissures between humanitarians and the local population. One interviewee described a context where UN agencies once had a useful network of local contacts. After a security incident, the decision was made that UN agencies would henceforth use armed escorts, and as a consequence, they lost all of their valuable community-level contacts and connections. Whereas these UN agencies suffered, in the interviewee's words, from "self-inflicted wounds," in contrast, NGOs operating in the same context did not use armed escorts and maintained useful local contacts. Such a fissure between international humanitarians and locals can even lead to programmatic inadequacies, as the divide between humanitarians and the local population becomes a barrier for aid agencies to understand local actors' needs and capabilities.[130]

Third, if one humanitarian organization accepts the use of armed escorts, it can make it difficult for other organizations to gain permission from authorities to operate without them. It can also be difficult to reverse the decision, meaning that any decision to use armed escorts has definitive long-term implications. One interviewee spoke about this issue, highlighting the incomes it generates for several actors involved in the provision of armed escorts. He referenced a context where the local authorities issued a letter saying that all humanitarian organizations would need to use armed escorts in areas under the authorities' control or face sanctions. He believes the decision was not actually related to an increase in security incidents, but rather a means to secure additional income. He said, "This is very difficult to negotiate back. Once you've started to pay on the spot for any sort of security, it's very difficult." The interviewee mentioned that there have been some attempts to negotiate back this decision, but they have not tended to be successful.

Fourth, relying on armed escorts means that humanitarians remain at the whim of military actors' availability. An interviewee described a context where armed escorts were commonly used. He said, "One day, they told us that next week, they wouldn't be providing more armed escorts because they were preparing for a military operation. So what do you do? You rely on armed escorts to deliver food and health assistance, and water, to IDPs [internally displaced persons] and refugees, and for two weeks you have to stop, and you don't have any other alternatives. That's a big issue."

How should decisions be made about whether to use armed escorts? Interviewees described contexts where aid agencies used armed escorts where they weren't actually needed, evidently because they did not know about available guidance on this issue or because they assessed the security situation incorrectly, erroneously concluding that armed escorts were needed. These interviewees emphasized the importance of involving people in the decision-making process who understand how using armed escorts can complicate pursuing an acceptance-based approach.[131] In the context of the UN, some interviewees expressed wariness of the UN Department of Safety and Security (UNDSS) driving decisions on armed escorts. One interviewee noted in particular that some UNDSS staff are local ex-military and might still feel an affinity or association with the military, and hence, might be reluctant to go against a national government's decision that armed escorts are required. A lack of UNDSS on-the-ground presence can lead to ill-informed decisions. A different interviewee highlighted the importance of OCHA CMCoord officers' engagement in such decisions. They said, although circumstances vary across contexts, "If the CMCoord is not

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[130] See Tronc, Grace, and Nahikian (2018), which examines this phenomenon in relation to Somalia.
[131] For more on acceptance and how acceptance relates to other security management approaches (namely, "protection" and "deterrence"), see van Brabant et al. (2010), pp. 55-82.

involved in these discussions, we might find ourselves stuck with armed escorts. This happens in many countries."

There is also the question of guidance. One interviewee stated, "It would be very useful to have more guidance on that and to have more support from HQ on these questions." They said of the relevance of the MCDA guidelines, "In most contexts, it is no longer relevant. For example, a party to the conflict is not supposed to provide armed escorts. Here, it is happening all the time. Peacekeeping missions are not supposed to be providing escorts either, but it is happening all the time. There is no clear consensus among humanitarian actors on the notion of last resort."

A final important point is that the use of armed escorts can be negotiated. One interviewee said of negotiations with authorities on this issue, "Sometimes they say, 'There's no way we're going to allow you to go to that part of the country because we're responsible for your protection.' And you can find a compromise. You can say, 'Okay, can you drive two kilometers ahead of us, so we're not seen as embedded or co-located with you?' We find ways so that they can do their role and we can do ours." Another interviewee discussed a context where a governor tried to impose armed escorts on humanitarian organizations and place access constraints on them. The governor did not want NGOs to move without his consent. Through engaging with the governor, and convening a mixed workshop that brought military and civilian authorities together with humanitarian organizations, the humanitarians learned that the governor simply wanted, when new NGOs would enter his governorate, for them to meet with him and introduce themselves, as a measure of protocol. "It's a simple way to overcome this challenge," the interviewee said. "You get a group of people around the same table."

## Humanitarian Protection

The state of humanitarian-military engagement on humanitarian protection is a pertinent manifestation of the overarching challenge that the Part III of this paper addressed.[132] Just as humanitarian access is a broad policy area with a certain degree of Venn diagram overlap with civil-military relations, the same is true for humanitarian protection. Militaries and humanitarians alike can do more to facilitate effective engagement on this issue. Additionally, the way that military and humanitarian actors discuss this topic can fuel tensions across the humanitarian-military divide in ways that are counterproductive.

There are many different ways to define and conceptualize humanitarian protection.[133] Generally, as one literature review on humanitarian-military relations notes, the term refers to "mitigating or reducing the threats facing them in armed conflict or other situations of violence."[134] In more legalistic terms, drawing from the IASC-adopted definition of protection of civilians, one can consider the definition to be: "all activities aimed at obtaining full respect for the rights of the

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[132] See Metcalfe (2012), which offers an overview of humanitarian-military interaction for protection outcomes. See also GPC (2018)b.

[133] See Stevens (2013), which examines the ambiguities of the term "protection" with specific respect to refugees. Also see Gentile (2011); HPG and ICRC (2011); and Gordon (2013).

[134] Metcalfe, Haysom, and Gordon (2012), p. 21.

individual in accordance with the letter and spirit of human rights, refugee and international humanitarian law."[135]

The traditional view of humanitarian protection as a humanitarian-military relations challenge, at least from the humanitarian side, is that militaries lack a sufficient understanding of the humanitarian impacts of their activities, as well as humanitarian protection and IHL more broadly. Indeed, interviewees discussed confronting a lack of understanding on civilian protection at all levels of certain militaries, as well as widespread ignorance of, or blatant disregard of, IHL.[136] Interviewees also discussed, for military and police actors working under UN peacekeeping mandates, the lack of consensus on the concept of the protection of civilians, as well as concerns about matching resources to mandates.[137] One interviewee stated of gaps on the military side in this area:

> There needs to be a broader, bigger recognition about their obligations in relation to the law of armed conflict. I'm not just talking about proportionality or is it a legitimate target to strike and so on. It's about: how are you shaping that environment? And they have obligations. They need to monitor. And they need to recognize the actual insecurity that they cause by being there. There needs to be a top-down discussion, a recognition of that, and policy and practice put in place. They can do these trainings all they want. But it really doesn't amount to anything at the end of the day.

However, as the same interviewee also stated, a similar inadequacy exists on the humanitarian side. This interviewee stated pointedly, "The centrality of protection is a total joke. It is dead. It means nothing. We see this over and over. Whether it's Myanmar, Syria, Iraq, or Nigeria. It's going nowhere. We have to be realistic, and there has to be agreement on how it should work." A different interviewee expressed a similar level of frustration. Despite the definitions and conceptualizations of protection that appear in policy documents, there is ambiguity about what constitutes humanitarian protection in practice. This interviewee asserted, "People need to get together and decide what protection is from a humanitarian point of view." Is it just monitoring? Is it just advocacy, requesting military force to take action to prevent or halt atrocities? He stated that, in practice, humanitarians tend to equate protection with advocacy, stating, "For me, no humanitarians are doing protection right now. I really feel so frustrated with what's going on."[138]

There are also issues with how humanitarians engage in advocacy with armed actors on humanitarian protection. One interviewee criticized humanitarians for ineptly bringing international law into the discourse of these interactions, stating:

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[135] Ibid, p. 22. See also Holt (2006), pp. 55-56, which identifies six potential approaches for military involvement in humanitarian protection, those being: 1) "Protection as an obligation within the conduct of war," 2) "Protection as a military mission to prevent mass killings," 3) "Protection as a task within a UN-mandated peace operation," 4) "Protection as providing area security for humanitarian action," 5) "Protection through assistance/operational design," and 6) "Protection as the use of traditional force."

[136] See also InterAction (2016).

[137] Rolfe (2011); Allen, Rosén, and Tarp (2016); and Sharland (2019).

[138] For an examination of humanitarian protection practices that echoes these sentiments, see Seymour (2019).

One more lesson that the humanitarian system writ large needs to come to terms with is that we, as a humanitarian community, use the word "violations" way too much. It kills the dialogue from the moment you say it. When we engage with people from DoD [Department of Defense], they say, "You say violations, and I want to stop the conversation until I can get a lawyer to come sit with me." The whole point of engaging in the dialogue is, whether it's a violation or not, too many are being killed. Too many people's lives are being destroyed. We want to bring that number down, and so do you. So let's talk about ways to make sure that that happens.

This interviewee referenced an example in which, in such an engagement, an interlocutor saying to a military actor that they want to discuss "war crimes" essentially caused the relationship to deteriorate. They continued:

The issue I would flag is that they frame their concerns almost solely in terms of IHL which will tend to fall on deaf ears. Simply repeating our call for IHL compliance is not going to bring about the changes in the conduct of military operations that we need… Not every instance of a civilian being killed is a violation of IHL. Typically, it is impossible to know if a violation has occurred until you do a proper investigation. We don't need to wait for a full and proper investigation in order to take action on the scale of harm that is already occurring. So deal with the practical outcomes as opposed to characterizing it in law.

Indeed, various interviewees discussed the fact that, just as military actors should foster an understanding of the humanitarian consequences of their actions, humanitarians should ensure that they understand the military dimensions of engaging in humanitarian protection. One interviewee stated:

Sometimes it's actually fair to criticize the military heavily. I'm just calling for a bit of fairness. There are cases where they have failed completely, and they should probably be investigated for not doing anything when they could have. There are also cases where they did not do something because they could not do something. We have to be careful, as humanitarians, to distinguish between both, and not systematically to come to them saying, 'This is your mandate. You are not doing your mandate.' Or if we do, then we also have to ask questions of ourselves. 'What about our own mandate? Do we accomplish it fully and always? There are a lot of commitments and promises we make. Do we honor them?'

Moreover, information sharing across the humanitarian-military divide has potentially enormous implications for humanitarian protection, as well as the ability of aid actors to adhere to

humanitarian principles.[139] There are a host of challenges and tensions in this area, including ones that are technical in nature (specifically, sharing information across organizations that use incompatible information sharing platforms) and those that are cultural and organizational (for example, humanitarian frustration with militaries' systems of classification, which can impede information sharing from militaries to humanitarians).[140] There is also a core dilemma regarding information sharing and humanitarian protection that humanitarians often confront. On the one hand, sharing information with military actors can be essential for bolstering civilian protection. One interviewee from the military side stated, "If I had one additional ask of the NGOs is to be willing to provide appropriate information that could prevent harm to civilians. This is specifically geared towards those operational NGOs. If the NGO community believes they have information of civilians trapped in specific locations where operations are conducted, to freely share that information with DoD to increase/enhance awareness." On the other hand, sharing information with military actors can fuel protection risks if the recipient uses the information for a military advantage, ostensibly constituting intelligence sharing, thus causing humanitarians to lose their status as neutral actors in situations of armed conflict.[141]

One interviewee stated on this topic that there have been instances when information has been shared with peacekeeping missions and then transferred to the military component of the mission and then even the government, which is a party to the conflict. This interviewee mentioned a particular context where the protection cluster has provided information on armed groups and their locations to the government. Under IHL, this could be perceived as being a party to the conflict, depending on the kind of information. This interviewee stated of the context where they work, "Non-state armed groups do not trust humanitarian organizations because some of them really do provide intelligence to the government."

# V.  Managing Humanitarian-Military Relations

How do policymakers and practitioners seek to manage relationships and activities across the humanitarian-military divide? This section mines insights from the broader field of civil-military relations, presenting a new framework: the Humanitarian-Military Relations "Trinity." The section then examines modes of bridging the gap between humanitarians and military actors.

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[139] As one humanitarian practitioner has asserted, "Information… can be as important as food and water." See Guttieri (2014), p. 1.

[140] For an overview of issues related to information and communication technologies and humanitarian-military relations, see Guttieri (2014); Brooks and Polatty (2015); Zyck (2013); and Morales & Sandlin (2015), p. 22. See also Byman et al. (2000), p. 103, which states: "NGOs are highly transparent organizations. They usually publicize their operations to attract funding from international, governmental, and private donors. As a result, they have little understanding for military secrecy and tend to resent the classification system."

[141] See ICRC (2018), p. 100, which discusses other factors that one should consider in the way of a protection incident: "preventing harm to populations affected; respecting the informed consent provided by sources of information; and protecting the security of staff."

## *The Humanitarian-Military Relations "Trinity"*

One can glean a great deal of relevant insights from the broader literature on civil-military relations. This strand of scholarship has focused more expansively on relations between militaries and the societies in which they exist, with a particular focus on how civilians can exert democratic control over military actors. Three particular insights will resonate for the field of humanitarian-military relations. First, the overarching challenge is similar. As Peter Feaver writes, "The civil-military problematique is thus a simple paradox: the very institution created to protect the polity is given sufficient power to become a threat to the polity."[142] In other words, the military, as an entity endowed with capacities for defense, can itself become a threat. Humanitarians face just one manifestation of this problematique: they want to draw upon the capacities and assets of militaries while ensuring that, in doing so, they will not be exploited toward the military's ends.

Second, this strand of literature has long acknowledged the structural and cultural differences between militaries and civilians. As Samuel Huntington wrote in 1957, discussing the fragmentation and diversity found on the civilian side of the divide:

> The military ethic is concrete, permanent, and universal. The term "civilian" on the other hand, merely refers to what is nonmilitary. No dichotomy exists between the "military mind" and the "civilian mind" because there is no single "civilian mind." There are many "civilian minds," and the difference between two civilian ethics may be greater than the difference between any one of them and the military ethic. Consequently, the military ethic can only be compared with particular civilian ethics.[143]

Third, this literature offers insights on how to manage tensions between civilian and military actors. For Huntington, the key to civilian control of the military is professionalization, a concept that for him encompasses cultivating: 1) specific expertise, 2) a sense of responsibility to society, and 3) a sense of cohesion among professionals that transcend organizational lines.[144] In more recent years, scholars have pushed back against Huntington's thesis that professionalization necessarily facilitates control and have injected other elements into the theoretical picture. In particular, Florina Cristina Matei has presented a new conceptualization of civil-military relations that she calls the civil-military relations "trinity." In this framework, "control" interacts with two other factors: effectiveness and efficiency. The below figure reimagines this framework specifically for humanitarian-military relations. The below framework replaces "control" with "coordination"—taken to mean, according to the dictionary definition, "the process of organizing people or groups so that they work together properly and well"—to better reflect how the field understands and discusses the issue.[145] Effectiveness, per Matei's conceptualization, entails having a plan, structures and processes for formulating and implementing plans, and devoting resources

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[142] Feaver (2003), p. 4.
[143] Huntington (1957), p. 89.
[144] Huntington (1957), p. 8-10.
[145] Merriam-Webster (n.d.).

toward these ends.[146] Efficiency means, per Matei's definition, "the ability to fulfill assigned roles and missions at the optimum cost."[147]

*Figure 3: The Humanitarian-Military Relations "Trinity"*
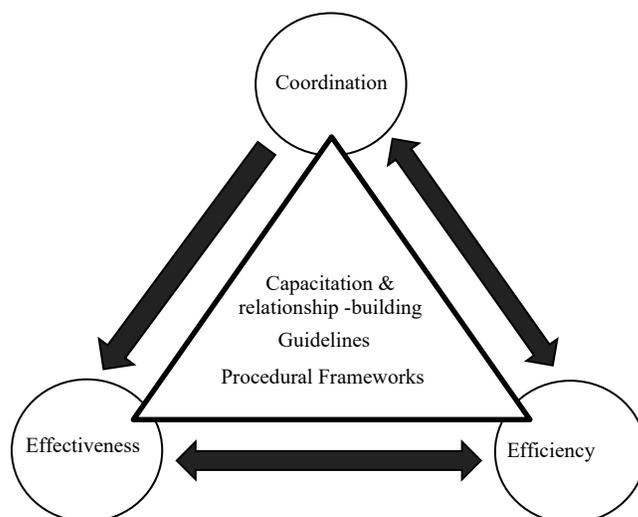


The insight that this conceptualization offers is that coordination facilitates effectiveness.[148] However, coordination can exist in tension with efficiency. The reason is that coordination can be a costly endeavor.[149] OCHA's decision in 2018 to disband CMCS as a means of grappling with a budgetary shortfall is a pertinent reminder of this reality. Similarly, effectiveness can conflict with efficiency. Matei offers a military example to explain why: "Launching numerous expensive missiles at a single target and destroying it 'multiple times' is clearly effective but not an efficient use of resources."[150] A disaster response version of this phenomenon would be using an aircraft carrier, which is potentially useful but incredibly expensive in humanitarian response, instead of a more effective and efficient naval capability, such as an amphibious ship.[151]

The rest of this section examines three modes of managing humanitarian-military relations. The first is relationship building and capacitation, including through joint trainings and workshops, simulations, and forums for professional and policy discussions. The second is developing and disseminating guidance. The third is devising procedural frameworks. As this section will explain, there is widespread acknowledgement of the importance of these activities for humanitarian-military relations, although much room for improvement remains for how successfully militaries and humanitarians commit to and engage on these fronts. The section will also examine ways that

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[146] Matei (2013), p. 32.

[147] Matei (2013), p. 32. For a more in-depth examination of efficiency, see generally Bruneau (2013).

[148] See Matei (2013), p. 34, which states, "While too much direction and oversight obviously can hamper the security services' capabilities or compromise sources and methods in intelligence, implementing "good" control, i.e., instituting control and oversight in a way that provides top-level direction and general oversight guidance as opposed to malfeasance or cronyism, leads to improved effectiveness."

[149] Matei (2013), p. 34 states, "The reality is that direction and oversight are costly."

[150] Matei (2013), p. 35.

[151] See Brooks and Polatty (2017).

tensions between coordination and efficiency, as well as effectiveness and efficiency, have manifested.

## *Capacitation and Relationship-Building*

Interviewees emphasized the importance, as one interviewee described it, of "building networks of trust" between humanitarians and militaries. In the words of another interviewee, "The last time you want to exchange business cards is on the tarmac during the next Ebola response. There needs to be people in the same positions for fixed terms to allow this community of practice to develop further." A different interviewee concurred, indicating the interrelated nature of capacitation and relationship-building, "Trust cannot be built if there is no knowledge, because you cannot trust what you do not know. In peacetime, when there are no problems, this is the moment when you should call a possible counterpart who will be needing your support and talk to them." Indeed, an interviewee stated of humanitarian-military relations: "It's all relational." This sentiment reflects a long-recognized reality in this domain. The independent evaluation of OCHA CMCS in 2012 concluded that UN CMCoord "depends more on strong personalities than clear systems and procedures."[152]

There is a plethora of training programs and capacitation efforts,[153] as well as numerous venues for discussion and exchange, including the Consultative Group on Humanitarian Civil-Military Coordination convened by OCHA, the Civil-Military Relations Platform established by the International Federation of Red Cross and Red Crescent Societies and the International Committee of the Red Cross, the Regional Consultative Group on Humanitarian Civil-Military Coordination for Asia and the Pacific,[154] and the NGO-Military Contact Group established by the British Red Cross.[155] However, many have noted the shortcomings of these initiatives. One author has written about the British NGO-Military Contact Group, "Whilst valuable, military participation is generally confined to the authors of military doctrine, and there is only limited scope to directly shape specific operational responses."[156] The independent evaluation of OCHA CMCS noted that OCHA's Consultative Group "only meets once a year, which is seen as insufficient to fully engage politically on a number of key fronts. Those stakeholders involved in such meetings believe that more time is required to build greater political engagement on a number of issues…"[157] More generally, according to one humanitarian practitioner interviewed for this paper, "The humanitarian community and the military community, as far as I can tell, even though we sit on stages and deliver nice words and one-stars in their uniforms tell us how great we are, I don't see

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[152] OCHA (2012)b, p. 17.
[153] For an overview of training and capacitation programs, see Liaison Staff (2015), pp. 54-57; Wheeler and Harmer (2006), p. 17; Arancibia, (2016), p. 351; and Rollins (2001), p. 53, which states, "There must be greater mutual understanding of the mandates, cultures and modus operandi of organisations working in different functional areas. Much is already being done to improve this through seminars, exercises and training programmes. However, individual personalities continue to be pivotal, and civil organisations are frequently frustrated by the rapid turnover of the military personnel with whom they interface. There is a need to ensure greater continuity in post and return postings to a theatre." For information about the CIMIC Centre of Excellence, see Herkel (2013).
[154] See Flint et al. (2017) and Regional Consultative Group (n.d.).
[155] See British Red Cross and Chatham House (2018).
[156] Gordon (2006), p. 43.
[157] OCHA (2012)b, p. 17.

any positive movement between the two worlds. I don't see where they're crossing over for the good of the beneficiaries, on both sides. I still see people not coming together to play nicely." The view was widespread among interviewees that—although there has been a positive evolution of humanitarian-military relationships, especially over the course of the past decade and a half—a capacity gap persists on both sides of the humanitarian-military divide.

These efforts also suffer from insufficient inclusion. One interviewee emphasized that there is "a lack of inclusion of local perspectives. That often means the exclusion of national NGOs and national militaries. Militaries across the global south have very different perceptions of, and approaches to, humanitarian civil-military coordination, which very often are not incorporated into the discussion." There can thus be "conceptual blind spots," the interviewee stated. Indeed, as one publication notes, "Coordination meetings between representatives of humanitarian agencies are typically held in English, are run by people using a particular jargon, and are based on the assumption that the internationals will play the dominant role"[158] Interviewees expressed concern about the Western-oriented bias that humanitarians exhibit in civil-military coordination. "We tend to only talk to people who look like us," said one interviewee. Interviewees mentioned an institutional reluctance on the part of OCHA, for example, to more assertively engage with countries such as Russia, China, and Iran. These comments highlight that, even in spite of the developments discussed above, there is a need to expand the scope of engagement even further.

## *Devising and Disseminating Guidelines*

Dissatisfaction is prevalent regarding the state of guidance for humanitarian-military relations. Indeed, the two foundational policy documents for civil-military coordination—the Oslo Guidelines (applicable in natural disaster settings) and the MCDA guidelines (relevant in complex emergencies)—seem to be of limited usefulness and relevance. A survey that OCHA CMCS conducted of UN CMCoord officers in 2019 found that only 20% of respondents have used the Oslo Guidelines, and 60% do not perceive the document to be useful.[159] For the MCDA guidelines, less than 30% reported using the document.[160] The interview findings support the notion that these two documents, the cornerstone of humanitarian-military relations guidance, are out of date. One interviewee stated that existing guidance is "clumsy, generic, and toothless," stating specifically of the Oslo Guidelines that they are "not appropriate for what we're doing today." The same is true for guidance developed by the Red Cross and Red Crescent Movement. In the words of one interviewee familiar with this guidance, as well as its impact, the "Red Cross put out guidance in 2005, but the world has changed a lot since then." Another interviewee pointedly stated, "We do not have adequate operational tools and guidelines for people on the ground."

Two key tensions are important to highlight. The first tension is a broader-deeper trade-off in the process of developing guidance documents. The trade-off is that, during such a process, including more people and organizations enhances the inclusiveness of the process but can lead to a diluted result. An example of a guidance document development process that evidently went awry is the

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[158] Ferris (2012), p. 7.
[159] Agelou (2019).
[160] Ibid.

"Recommended Practices for Effective Humanitarian Civil-Military Coordination of Foreign Military Assets (FMA) in Natural and Man-Made Disasters," which OCHA published in 2018.[161] Various interviewees involved in the drafting described a process that became unwieldy, with a drafting committee that became too large, involving too many organizations. As one interviewee described, "The end result was a very choppy and less helpful document than some of the earlier versions." According to the OCHA survey of CMCoord officers, only approximately 15% of respondents reported that they had used the "Recommended Practices" document, and a majority of respondents to the OCHA survey (over 50%) did not perceive that the document has utility.[162]

The second tension, related to the substance of the guidance itself, is between principles and practicalities. On the one hand, various interviewees expressed a desire for guidance that articulates principles to shape decision-making processes. According to one interviewee, "What we need is a framework that allows for discussion but provides a framework. Not a set plan. A framework for discussion to occur around so that things do go through a process of consideration, and so that process can be expedited in high-tempo environments. It comes down to the agility and flexibility of people to make decisions, but give them a framework to do it." On the other hand, principles are useless if they are not actionable. One interviewee discussed the weaknesses he has found in principles, protocols, and guidelines, stating, "The problem is the relationships [between humanitarians and militaries] are supposed to be based on principles. Those principles are very weak on the ground. All the principles, every time there's a crisis, these principles go away." In particular, in relation to humanitarian access and protection of civilians, he said, "In both cases, all the guidelines tell you what to do, but none of the guidelines say that the political aspect will interfere at some points."[163]

One issue for which there is a definitive lack of clarity—and indeed, divergent practices—is the concept of last resort.[164] According to this concept, the use of military assets in humanitarian response should be used only if there are no other viable options. But what does this mean in practice? This principle can clash with on-the-ground realities. There are also many contexts where national militaries are first responders.[165] It is especially vexing for the resort to using armed escorts. At what point should humanitarians perceive that the threshold of "last resort" has been reached? There is no consensus on this issue, as Part IV of this paper addressed.

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[161] See OCHA (2018)c.

[162] Agelou (2019).

[163] Along the same lines, Colona (2017), p. 124 has written, "Humanitarian policy guidelines are often perceived as divorced from reality, and their impact is slow to materialize, indirect and inconsistent. This is especially true for policy frameworks aimed at ensuring coordination between humanitarian and military actors."

[164] See Madiwale and Virk (2011), p. 1097 which states of the response to the 2010 Pakistan floods, "Within the international humanitarian community, there were different interpretations of when the threshold of 'last resort' to use of military assets had been reached, while still others – including Médecins sans Frontières (MSF) and the ICRC – argued against the use of military assets in their own operations in order to safeguard perceptions." See also Svoboda (2014), p. 3, which states of the "last resort" principle, "Although in principle the concept is clear—that military assets and capabilities can only be used in humanitarian response in exceptional circumstances, and if no suitable civilian capability is available—in practice there is deep disagreement about when precisely these conditions apply, and implementation and compliance have been problematic." Additionally, see Hofmann and Hudson (2009), p. 30, which states, "The principle of last resort is key for the Red Cross. Perceived as a useful 'safeguard' from an operational perspective, it can, however, be hard to apply in practice."

[165] See Madiwale and Virk (2011), which notes that this is the case in Pakistan, for example. For a manifestation of this phenomenon in Latin America, see Morales and Sandlin (2015), p. 29.

How can effective guidance be created? This question is difficult to answer because there is a lack of empirics regarding every stage of the process of developing and disseminating guidance. No case study has been produced that examines the process of devising the Oslo or MCDA Guidelines. This is indeed the case for almost the entire field of humanitarian-military relations. Only one such analysis exists: an examination of the process of revising the IASC non-binding guidelines on the use of military and armed escorts.[166] There is little empirical evidence regarding the extent to which practitioners in the field know about existing guidance, find it useful, have the time to actually read it, or whether global or context-specific guidance is more desirable.[167]

## *Developing Procedural Frameworks*

The field of humanitarian-military relations is rife with country-specific procedural frameworks developed to facilitate coordination between humanitarian and military actors in humanitarian response. Just to name one example, the Mission Tasking Matrix (MiTaM) is a process by which USAID/Office of United States Foreign Disaster Assistance (OFDA), when responding to requests made by governments affected by natural disaster, can request support from the DoD.[168] However, there are ways that this process can illustrate the aforementioned tension between effectiveness and efficiency. One interviewee asserted rather cynically that the functional role of OFDA is to make "sure that the U.S. doesn't overcommit or overspend. They are a deliberate bottleneck gatekeeper to the U.S. over-engaging in response." DoD receives reimbursement for the use of military assets for HA/DR but only after the request comes through the MiTaM process. Military assets can be pre-staged, meaning they can be moved before the affected state requests assistance. However, if ultimately the country doesn't ask for help, then the money spent to move those assets comes out of DoD's budget. In such a scenario, DoD must decide whether to pre-stage (potentially sacrificing efficiency for effectiveness) or refrain from doing so (potentially sacrificing effectiveness for efficiency).

Additionally, procedural frameworks can clash with reality. An example that illustrates such dynamics is the response to the 2015 Nepal earthquake. Despite domestic and international procedural frameworks in place, and even though the earthquake was predicted for years, with significant resources directed toward preparedness as a result, there were ambiguities about roles and responsibilities (including a lack of clarity about who should manage air traffic control), and the procedural framework was underfunded and not effectively enforced. During the response, communication and coordination among civilian governmental, local and international civilian non-governmental, and domestic and international military actors was generally poor.[169] This example illustrates that procedural frameworks, similar to guidelines, can suffer from a lack of

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[166] Frost (2013).

[167] For one example of such a study in the context of South Sudan, see Horne et al. (2019).

[168] Department of Defense (2011).

[169] Grunewald and Greenwood (n.d.); Das Manandhar et al. (2017); Cook, Shrestha, and Htet (2016); Wendelbo et al. (2016); and Cook, Shrestha, and Htet (2018).

practicality. Also, as with guidelines in this field, there is a dearth of analysis about when and why procedural frameworks succeed and when they fall short.

# VI. Conclusion

This paper has presented a portrait of the new world of humanitarian-military relations. Whereas decades ago, the field focused primarily, if not solely, on the use of military assets in HA/DR, the contemporary state of the field has expanded to encompass various dimensions of humanitarian access, security, and humanitarian protection, including humanitarian notification systems and information sharing more broadly, armed escorts for security, and the provision of medical care to both sides of the conflict.

This paper has sketched out a research agenda that encompasses the following questions:

- What lessons can be gleaned from historical cases of humanitarian-military relations? In what ways do historical cases reveal similar challenges, dilemmas, and modes of managing humanitarian-military relations? In what ways are contemporary cases distinct?
- What explains the rise of this field in the late 20th century? Empirically, what exactly changed in the 1990s? In what ways do these developments constitute a continuation of preexisting historical trends, and in what ways was entirely new ground broken?
- Under what circumstances does military engagement in HA/DR actually enhance reputation? Under what circumstances does humanitarian coordination and association with militaries harm humanitarian organizations' reputations?
- Under what circumstances can humanitarian-military relations actually improve humanitarian delivery? How should effectiveness be conceptualized and measured?
- What best practices exist in terms of processes for developing guidelines or procedural frameworks? To what extent do relevant actors know about and understand existing guidelines and procedural frameworks? How can and should any gaps be filled?

Additionally, more work is needed to synthesize this field within the broader field of civil-military relations. This paper has taken a preliminary step by presenting a framework, adapted from the literature on civil-military relations, that describes the interaction between coordination, effectiveness, and efficiency. However, the Humanitarian-Military Relations "Trinity" is merely a first step. In the new world of humanitarian-military relations, old frameworks—for example, the "Three C's"—are less useful than they were in the past, and the rich body of civil-military relations literature should be further mined for relevant conceptual and theoretical insights.

Researchers, policymakers, and practitioners themselves will also need to build more bridges and forge deeper synergies between their sometimes-disparate professional worlds. Indeed, pushing the research agenda and the policy discourse forward will require managing the academia-real world divide to produce work that that is both scientifically rigorous and practical. As this paper has highlighted, the empirical and conceptual gaps in this field are immense. The efforts and resources required to close these gaps will be immense as well.

# Annex

## *Interview Methodology*

The research for this paper included 38 semi-structured interviews conducted with a wide array of professionals engaged in different dimensions of humanitarian-military relations. Interviewees were humanitarian practitioners (including actors associated with UN agencies, NGOs, and the Red Cross and Red Crescent Movement); military actors (in particular, interviewees who discussed experiences with selected Western militaries: the United States, the United Kingdom, France, and Colombia); and governmental donor agencies (United States Agency for International Development (USAID), the United Kingdom Department for International Development (DFID), and the Directorate-General for European Civil Protection and Humanitarian Aid Operations (DG ECHO)). Interviewees discussed their experiences engaging in humanitarian-military relations in a wide array of contexts, including natural disasters, pandemics, armed conflicts, and situations of forced displacement. Interviews were conducted in the Greater Boston area; the Greater Washington, D.C. area; Geneva, Switzerland; and remotely via Skype and telephone. One interviewee opted to send in written comments via email.

The interviews were conducted under a protocol by which interviewee names and organizational affiliations would not be named. The protocol (#1812002293) was reviewed by the Internal Review Board at Brown University

The interviewee pool has at least two important limitations in that it: 1) is Western-centric, and 2) skews toward internationals and does not include local military actors in contexts beset by humanitarian crisis, national humanitarian actors, or local populations affected by humanitarian emergencies. As this paper will examine, these limitations reflect two deficiencies in this field—insufficient outreach by humanitarians to non-Western militaries and the lack of inclusion of local humanitarians into coordination systems and platforms—that have played a role in stultifying efforts to improve humanitarian-military relations. Future research will need to prominently capture and feature perspectives from these pools of actors. Nevertheless, the interviewee pool allows for an assessment of the state of the policy discourse and practice at the global level.

The below questions shaped the structure of the interviews conducted for this paper. Although, the interviews were semi-structured and conversational in nature so did not always exactly conform to the guide.

- In what contexts have you worked where civil-military coordination in humanitarian response was relevant?
- What was your role, and what were the issues at stake in these engagements?
- Based on your experiences, what are the top 3-5 challenges in civil-military coordination during humanitarian operations?
- When you faced these challenges, were any measures put in place to try to address them?
- If there were measures put in place, to what extent were they effective? To what extent did they fall short?
- If these measures fell short, what is your assessment of why?

- To your knowledge, have any measures been established since these experiences to address these challenges?
- What measures would you like to see established to establish more effective civil-military coordination?
- Is there anything else that you would like to add?

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# The Responsibility of States Indirectly Involved in an Armed Conflict to Provide Medical Care

## A Contemporary Challenge for the Classification of Armed Conflicts

*A Report of the Center for Human Rights and Humanitarian Studies at the Watson Institute for International and Public Affairs, Brown University*

Author:

**Sangeetha Yogendran**

PhD Fellow at the Human Rights Centre

Faculty of Law and Criminology

University of Ghent

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# Acknowledgements

# About the Author

Sangeetha Yogendran is a global fellow at the Center for Human Rights and Humanitarian Studies (CHRHS) based at the Watson Institute for International and Public Affairs, Brown University. Sangeetha is currently a PhD Fellow at the Human Rights Centre, Faculty of Law and Criminology at the University of Ghent where she is working on the ERC-funded project "Righting Victim Participation in Transitional Justice." As a human rights and humanitarian professional from Singapore, Sangeetha has spent time working in the occupied Palestinian territories on humanitarian law violations, as well as with Rohingya refugee communities in Malaysia and in Australia. More recently, she has worked as a researcher on humanitarian assistance, rule of law, and business and human rights issues with various NGOs focused on the ASEAN region. She has also worked in humanitarian response throughout Asia and has been deployed to support humanitarian responses in the Philippines, Nepal, Indonesia, and Bangladesh. Sangeetha is a qualified Advocate & Solicitor in Singapore, and holds an LL.M. in Public International Law from the University of Melbourne, an LL.B (Hons) from the National University of Singapore, and a postgraduate diploma in Poverty Reduction Policies and Practices with the School of Oriental and African Studies, University of London.

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# List of Acronyms

CA1    Common Article 1 to the four Geneva Conventions

CA3    Common Article 3 to the four Geneva Conventions

CPA    Coalition Provisional Authority

GCs    Geneva Conventions

GC1    Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, of 12 August 1949

IAC    International Armed Conflict

IHL    International Humanitarian Law

ICRC    International Committee of the Red Cross

IS    Islamic State/Daesh

NIAC    Non-International Armed Conflict

RULAC    The Rule of Law in Armed Conflicts

UN    United Nations

# Introduction

*Research Question*
*What is the legal responsibility of states indirectly involved in an armed conflict (i.e. providing material support to a warring party) to provide medical care for affected civilians and combatants in conflict settings under the Geneva Conventions/international humanitarian law? What national responsibility does a state undertake by working in a coalition with other actors?*

In determining the legal responsibility of a state indirectly involved in an armed conflict to provide medical care for affected civilians and combatants, several fundamental questions arise. The research presented here is organized in order to address some of these questions first, before looking into the possible parameters for the provision of medical care for affected civilians and combatants. They include the following, and will be addressed in order: when is a state, or non-state armed group, a party to a conflict? It is necessary to determine the parameters for when a state's or non-state armed group's involvement in a conflict constitutes it being a party to the conflict, such that the various responsibilities and obligations under international humanitarian law become applicable to that party. This paper will then examine the parameters for what constitutes the provision of medical care for affected civilians or combatants.

# Defining Legal Framework

The paper will now address the legal framework that governs the responsibilities of parties in a conflict, examining obligations that arise out of customary international law, the laws of state responsibility, international humanitarian law (under which the Geneva Conventions fall), and human rights law where applicable. In elaborating on the legal framework, we will then address the questions being asked about the obligation to provide medical care for affected civilians and combatants in conflict settings. It will become apparent that the questions posed complicates the legal framework as it exposes a gap in the protections the law affords non-combatants, or civilians in conflict settings.

Under international law, there are three possible conflict settings: an international armed conflict (IAC), a non-international armed conflict (NIAC), and the lack of conflict settings- in other words, peacetime. An IAC, defined as an armed conflict between two or more states, applies to all cases of declared war or any other armed conflict even if the state of war has not been recognised by the High Contracting Parties[1]. On the other hand, NIACs, defined to exist when there is a protracted armed violence between government authorities and organised armed groups or between such groups within a State[2], are governed by international humanitarian law. Peacetime, where there is no active conflict, is governed by international human rights law. If an armed conflict exists, whether as an IAC or a NIAC, then the setting is

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[1] Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, 12 August 1949, 75 UNTS 85 (hereinafter Geneva Convention II), Common Article 2.
[2] ICTY, The Prosecutor v. Dusko Tadic, Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction, IT-94-1-A, 2 October 1995, para.70.

by definition a conflict setting. As long as a State or actor is found to be a party to the armed conflict, they would bear certain responsibilities and obligations under international humanitarian law.

## *International Humanitarian Law*

The paper will begin with international humanitarian law (IHL), which applies to all parties to an armed conflict, whether as States or non-State armed groups. They are all are bound by the treaties and customary rules of IHL. These rules and obligations apply at all times to all parties to an armed conflict, irrespective of their ratification of the various IHL treaties. IHL, unlike many other branches of international law, expressly specifies in its main treaties (the four Geneva Conventions and Additional Protocols) positive obligations for third parties, regardless of whether or not they are parties to an armed conflict. Many international humanitarian law norms have also now attained the status of customary or, peremptory norms. Although IHL focuses on parties to a conflict, these third parties, although not parties to a conflict, will still be bound by the customary rules of IHL.

## *Geneva Conventions and the Additional Protocols*

The Geneva Conventions (GCs) and their Additional Protocols form the core of IHL, which regulates the conduct of armed conflict and seeks to limit its effects, which encompass broad duties for all States to abide by the rules of the Conventions, as well as the duty to take all necessary measures to safeguard compliance with the Conventions by parties to a conflict. While the corpus of IHL is very large across the four Conventions and Additional Protocols, this paper will focus on those provisions relevant to the question of the provision of medical care to affected civilians and combatants in armed conflict.

The first core provision this paper will examine will be Common Article 1 (CA1), which obliges parties to ensure respect for IHL. The article, common to the four Geneva Conventions reads as follows: "The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances".[3] The same provision is contained in Article 1 of the first Additional Protocol to the Geneva Conventions.[4] CA1 to the four Geneva Conventions creates a two-sided obligation for contracting parties, as each state is obliged to ensure compliance with the Conventions within their own jurisdictions; but also, and irrespective of any direct engagement with an armed conflict, each State is obliged to do everything that is reasonably in its power to ensure that IHL is respected by all.[5] CA1 creates a positive obligation on all states, including third parties, to an armed conflict. This positive obligation is generally understood to not be construed as an obligation to reach a specific result, but rather an "obligation of means" on States to take all appropriate measures possible to try and end the grave breaches of international humanitarian law.[6]

It is reasonable to conclude that CA1, when it was adopted, was not intended to confer an external dimension to the obligation for State Parties to ensure respect of the four Geneva

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[3] Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, of 12 August 1949, 75 UNTS 31–83 (hereinafter Geneva Convention I), Common Article 1.

[4] Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts, of 8 June 1977, 1125 UNTS 3–434 (hereinafter Additional Protocol I), Article 1.

[5] COMMENTARY OF 2016 , ARTICLE 1 : RESPECT FOR THE CONVENTION, https://ihl-databases.icrc.org/ihl/full/GCI-commentaryArt1, para 119.

[6] Ibid, para 150.

Conventions. This interpretation of CA1 is that it requires, in addition to States undertaking to adopt all measures necessary to ensure respect for the GCs by their own state organs and private individuals within their jurisdictions, that States ensure respect for the GCs by other states and also non-state actors.[7] This view had already been expressed in Pictet's commentary on GC1 in 1952.[8] However, today, it may arguably contain an external dimension and carries a proper legal obligation for States to take measures to induce compliance with international humanitarian law by other States.[9] If so, this could imply that States providing material or other forms of support to a State party that is party to an armed conflict may only do so to the extent that that party is complying with IHL. This will be further elaborated on below in the section on coalition forces.

Some authors have argued that CA1 requires third States to take measures to ensure respect for the GCs, even if this means in practice making this provision one of the most violated norms of international humanitarian law.[10] In their Expert Opinion on Third States' Obligations vis-à-vis IHL Violations under International Law, with a special focus on Common Article 1, Théo Boutruche and Marco Sassòli concluded that the obligation to ensure respect as enshrined in CA1 includes an obligation for States to adopt measures to induce other States to comply with international humanitarian law in case of a breach. As concluded by the authors, "Indeed in as much as the obligation to ensure respect of IHL accounts for the *erga omnes* nature of fundamental IHL substantive norms, this obligation itself could be considered as having such a character as well, considering that all States have a legal interest in the performance of the duty enshrined in CA1."[11] In light of the fact that CA1 is framed as a positive obligation, all States parties share, or should share, a common interest in seeing the four Geneva Conventions respected. It can therefore be argued that any violation of international humanitarian law, and that of the four Geneva Conventions, potentially triggers this obligation to ensure respect. This is further supported by the fact that CA1 contains the expression "in all circumstances." The gravity of the violation would then only matter for the determination whether a certain measure taken under CA1 is proportionate to the violation it is meant to stop.

The question here is therefore whether the provision of medical aid to civilians and combatants comes under this umbrella of *erga omnes* obligations in the sense that it would be considered as respecting and protecting the Geneva Conventions. It would be a stretch to construe this as an explicit positive obligation, in the absence of any other mention to the provision of medical care and its link with CA1. Even in the event that this connection could be made, it would seemingly undermine the belligerent's responsibility to provide for non-combatants in their jurisdiction. An argument for such a positive obligation may rest better on the moral and humanitarian intentions behind the drafting of the Conventions and the very purpose of the Conventions to protect those affected by armed conflict, if at all.

Common Article 3 (CA 3) warrants some attention here, as it lays out the responsibilities of parties to a conflict that is not of an international character specifically (often referred to as a

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[7] ICRC, Commentary of 2016, Article 1: Respect for the Convention, https://ihl-databases.icrc.org/ihl/full/GCI-commentaryArt1.

[8] Pictet (ed.), *Commentary on the First Geneva Convention*, 1952, p. 26

[9] Marco Sassoli, "State responsibility for violations of international humanitarian law", International Review of the Red Cross, 2002, No. 846, https://www.icrc.org/en/doc/resources/documents/article/other/5c6b83.htm

[10] Theo Boutruche and Marco Sassholi, Expert Opinion on Third States' Obligations vis-à-vis IHL Violations under International Law, with a special focus on Common Article 1 to the 1949 Geneva Conventions, https://www.nrc.no/globalassets/pdf/legal-opinions/eo-common-article-1-ihl---boutruche---sassoli---8-nov-2016.pdf.

[11] Ibid.

non-international armed conflict or NIAC), where CA1 refers to all armed conflicts. As stated in CA 3, in cases of NIAC occurring in the territory of one of the contracting parties to the Geneva Conventions, each party is bound to the following responsibilities as a minimum: the protection of civilians and hors de combat (persons who have laid down their arms), the prohibition on violence to life and person, the taking of hostages, outrages upon personal dignity and the passing of sentences and the carrying out of executions with due process. CA 3(2) states that "the wounded and sick shall be collected and cared for", bringing this obligation squarely within the research question, for those that are a party to the conflict. *Therefore, as long as a country is determined to be a party to the conflict, they would bear the responsibility of collecting and caring for the wounded and sick.*

According to the International Court of Justice, the obligation to respect and ensure respect for IHL also applies in respect to obligations provided for in CA 3. As affirmed by the Court in the Nicaragua case, [the State in question] was under "an obligation not to encourage persons or groups engaged in the conflict in Nicaragua to act in violation of the provisions of Article 3 common to the four 1949 Geneva Conventions […]".[12]

Article 12 of the first Geneva Convention (for the Amelioration of the Condition of the Wounded in Armies in the Field) pertains explicitly to the protection and care of the wounded and sick. Article 12 protects members of the armed forces who are wounded or sick, and states that they shall be respected and protected in all circumstances, including ensuring that they are treated humanely and cared for. It also states that "they shall not wilfully be left without medical assistance and care, nor shall conditions exposing them to contagion or infection be created. … Only urgent medical reasons will authorize priority in the order of treatment to be administered."[13] These obligations for care and protection also extend to members of the armed force regardless of whose power they may be under.

Article 24 of the first Geneva Convention addresses the protection of permanent personnel. "Medical personnel exclusively engaged in the search for, or the collection, transport or treatment of the wounded or sick, or in the prevention of disease, staff exclusively engaged in the administration of medical units and establishments, as well as chaplains attached to the armed forces, shall be respected and protected in all circumstances."[14]

## IAC vs NIAC Responsibilities

The duties and responsibilities owed by parties to a conflict, whether the provision of medical care for affected civilians and combatants in conflict settings or otherwise, is first and foremost determined by the classification of that armed conflict as either an International Armed Conflict (IAC) or a Non-International Armed Conflict (NIAC). Reference has been made above to the different obligations contained in CA 1 and CA 3 respectively for an IAC or NIAC. Additionally, in an IAC, the fourth Geneva Convention requires States to "allow the free passage of all consignments of medical and hospital stores" intended only for civilians and "the free passage of all consignments of essential foodstuffs, clothing and tonics intended for children under fifteen, expectant mothers and maternity cases".[15] The responsibility for providing medical care therefore also extends to ensuring the safe and free passage of the

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[12] Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America), Merits, ICJ Reports 1986, p. 14, para. 115.
[13] Geneva Convention I, Article 12.
[14] Geneva Convention I, Article 24.
[15] ICRC Study on Customary International Humanitarian Law (2005), Rule 55.

consignments needed to ensure this possibility. Article 70 of Additional Protocol I broadens this obligation to cover "rapid and unimpeded passage of all relief consignments, equipment and personnel."[16] This broadening is generally widely accepted, even by States not party to Additional Protocol I.

In a NIAC, Article 18(2) of Additional Protocol II requires that relief actions for the civilian population in need should be organized[17]; however the Protocol does not contain a specific provision on access of humanitarian relief, despite this being an indispensable and essential facet of any response effort. What constitutes these relief actions is unclear in this article. It should be noted, however, that both Additional Protocols I and II require the consent of the parties concerned for relief actions to take place.[18] While it is agreed that what this means is that parties to a conflict do not have an obligation to provide consent, consent cannot be arbitrarily withheld.[19] It is evident that humanitarian actors and parties to the conflict cannot operate in such a context without the consent of the party required, however, most of the practice collected does not mention this requirement. In this case, we can turn to international human rights law as a source of obligation to consent to humanitarian assistance. The International Covenant on Economic, Social and Cultural Rights obliges State parties to take steps to the maximum of their available resources in order to ensure the satisfaction of minimum essential levels of rights in this Covenant.[20] "Where a state's population is deprived of its rights to essential food, water, shelter or healthcare, the state is under an obligation to seek and consent to humanitarian assistance in order to ensure minimum essential levels of those rights."[21]

With regard to situations of occupation, Article 55 of the Fourth Geneva Convention imposes an obligation on the occupying power to ensure that food and medical supplies are provided for the population under said occupation.[22] Although practice has yet to clarify, it would logically make sense for all parties to a conflict to ensure that their populations have access to such basic necessities.

## Customary International Law Rules

As was introduced in the first part of this paper, many international humanitarian law norms have now attained the status of customary or, peremptory norms. Where the GCs and Additional Protocols bind only parties to a conflict to the obligations contained therein, these customary norms can be a source of obligation for states who are not found to be directly involved in an armed conflict.

As mentioned above, CA1 of the GCs, by committing states to respect and ensure respect for the GCs, recognizes the importance of adopting all reasonable measures to ensure that

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[16] Additional Protocol I, Article 70.
[17] Additional Protocol II, Article 18(2).
[18] Additional Protocol I, Article 70(1); Additional Protocol II, Article 18(2).
[19] Is Security Council Authorisation Really Necessary to Allow Cross-Border Humanitarian Assistance in Syria? EJIL: Talk!, February 24, 2020, https://www.ejiltalk.org/is-security-council-authorisation-really-necessary-to-allow-cross-border-humanitarian-assistance-in-syria/.
[20] UN General Assembly, *International Covenant on Economic, Social and Cultural Rights*, 16 December 1966, United Nations, Treaty Series, vol. 993, Article 2.1.
[21] Is Security Council Authorisation Really Necessary to Allow Cross-Border Humanitarian Assistance in Syria? EJIL: Talk!, February 24, 2020, https://www.ejiltalk.org/is-security-council-authorisation-really-necessary-to-allow-cross-border-humanitarian-assistance-in-syria/.
[22] Geneva Convention IV, Article 55.

violations can be prevented. As also mentioned above, this is the prevailing view adopted for the interpretation of CA1, which was already expressed in Pictet's commentary to the GCs in 1952 and supported by the International Committee of the Red Cross (ICRC). Developments in customary international law have also since affirmed this view, with the International Court of Justice affirming this commitment in all circumstances, "since such an obligation does not derive only from the Conventions themselves, but from the general principles of humanitarian law to which the Conventions merely give specific expression."[23]

The ICRC provides us with an incredibly useful database of the 161 rules of customary international humanitarian law as identified in the first volume of the ICRC's study on customary international humanitarian law.[24] However, it should be noted that while this database provides helpful guidance, not all states or commentators agree on the scope and application of these rules. Looking at state practice, this database provides evidence that shows that many rules of customary international law only apply in both IACs and NIACs. It also shows the extent to which state practice has gone beyond existing treaty law, thereby expanding the rules applicable to armed conflict, and NIACs in particular. Where the Geneva Conventions and their Additional Protocols may not provide direct answers to our research question about the responsibilities of countries indirectly involved in a conflict to provide medical care, these rules of customary international law oblige states to adhere to their obligations, just as treaty obligations would create binding obligations. Customary international law has also provided guidance in situations where their reliance is required, such as in international criminal law, and in situations where some rules of customary international law have been incorporated into domestic legal systems and could be invoked by national courts (for example, in the situation where a country indirectly involved in a conflict decides to adjudicate this research question within their national courts).

One such rule worth highlighting for the purposes of this research is Rules 55. Rule 55 states that "parties to the conflict must allow and facilitate rapid and unimpeded passage of humanitarian relief for civilians in need, which is impartial in character and conducted without any adverse distinction, subject to their right of control."[25] This is in line with the obligation mentioned in Article 23 of Geneva Convention IV, wherein each High Contracting Party should allow for the free passage of all consignments of medical and hospital stores.[26] Both parties to the conflict and each High Contracting Party should allow and facilitate the rapid and unimpeded passage of all relief consignments[27], and free passage should be allowed.[28] It can be argued that the humanitarian relief to reach civilians in need, as well as medical care for civilians and combatants in a conflict setting, could fall within this obligation. However, this in itself is not an active responsibility to provide medical care, but is an obligation to not impede such relief where it is being provided for. State practice establishes this rule as a norm of customary international law applicable in both international and non-international armed conflicts, as with all the other customary rules of international humanitarian law.

Rule 110 also clearly obliges parties to a conflict to provide medical care and attention to the wounded, sick and shipwrecked, to the fullest extent possible and with the least possible delay.

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[23] ICJ, *Military and Paramilitary Activities in and against Nicaragua case*, Merits, Judgment, 1986, para. 220.
[24] ICRC Study on Customary International Humanitarian Law (2005).
[25] ICRC Study on Customary International Humanitarian Law (2005), Rule 55.
[26] Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, 75 UNTS 287–417 (hereinafter Geneva Convention IV), Article 23.
[27] Additional Protocol I, Article 70(2).
[28] Additional Protocol II (draft), Article 33.

This rule states that no distinction should be made among them other than medical grounds.[29] This obligation dates back to the first Geneva Convention of 1864, but has found more modern expression in Article 10 of Additional Protocol 1 which also uses the language of "to the fullest extent practicable and with the least possible delay."[30] The obligation to provide such medical care and attention with the least possible delay can also be read together with Rule 109 which states that whenever circumstances allow, especially after an engagement, each party to the conflict must, without delay, take all possible measures to search for, collect and evacuate the wounded, sick and shipwrecked without adverse distinction.[31] This language is similar to that contained in Common Article 3 of the Geneva Convention and Article 8 of Additional Protocol II, as it applies to a NIAC. The ICRC construes Rule 110 as applying to combatants and those rendered *hors de combats*, while Rule 109 is interpreted more broadly to include civilians among those to whom this duty is owed.[32] The ICRC has interpreted the obligation contained in Rule 110 as an obligation of means, and has stated that in addition, most military manuals have stated this rule in general terms.[33] The ICRC already lists 35 countries that have military manuals with language consistent with this rule.[34]

Rule 25 of customary IHL states that medical personnel who are exclusively assigned to medical duties must be respected and protected in all circumstances, and they lose their protection if they commit acts disproportionately harmful to any belligerent.[35] This custom is reflected, for an IAC, in Articles 24-26, 36 and 20 respectively of the First, Second and Fourth Geneva Conventions, [36] In the case of a NIAC, this rule is implicit in CA3, which states that the wounded and sick are to be collected and cared for, "because the protection of medical personnel is a subsidiary form of protection granted to ensure that the wounded and sick receive medical care."[37] These distinct personnel from military medical services and permanent medical personnel therefore play a crucial role in the protection scheme that has been foreseen by the core IHL treaties.[38] Their clear purpose is to ensure that wounded and sick in an armed conflict are protected, collected and cared for, regardless of the State or party they may belong to. This distinction is important, as it draws the line between medical personnel and combatants. This distinction occurs even if some members of an armed force are medically trained, as it separates them when performing these medical duties even if they may also have combat roles within those armed forces. However, States and armed groups are not upholding this distinct category of medical personnel, which is regulated by international humanitarian law. This tends to happen because doing so allows States and parties to an armed conflict to have a greater number of trained medical personnel within their troops without renouncing their capacity to fight in the armed conflict. This often happens also because parties do not

[29] ICRC Study on Customary International Humanitarian Law (2005), Rule 110.
[30] Additional Protocol 1, Article 10.
[31] ICRC Study on Customary International Humanitarian Law (2005), Rule 109.
[32] "Interpretation", ihl-databases.icrc.org/customary-ihl/eng/docs/v1-rul-rule109
[33] Ibid.
[34] Footnote 25, ibid.
[35] ICRC Study on Customary International Humanitarian Law (2005), Rule 25.
[36] Geneva Convention I, Articles 24–26; Geneva Convention for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, of 12 August 1949, 75 UNTS 85–133 (hereinafter Geneva Convention II), Article 36; Geneva Convention IV, Article 20.
[37] ICRC Study on Customary International Humanitarian Law (2005), Rule 25.
[38] Marco Sassoli, "Medical care in armed conflict, Part 1", 24 January 2019, https://blogs.icrc.org/law-and-policy/2019/01/24/joint-blog-series-medical-care-armed-conflict-part-i/?utm_source=ICRC+Law+%26+Policy+Forum+Contacts&utm_campaign=ec5cf47673-LP_EMAIL_BLOG_2019_01_24_01_42&utm_medium=email&utm_term=0_8eeeebc66b-ec5c
 and Part 2: https://blogs.icrc.org/law-and-policy/2019/01/24/joint-blog-series-medical-care-armed-conflict-part-ii/

believe, or themselves do not respect this distinction, of the protection of said medical personnel in an armed force.

This responsibility goes even further because a party to a conflict without any medical services violates international humanitarian law towards its own forces, as the obligation to respect, protect, collect and care for wounded or sick soldiers applies to both parties to a conflict. The ICRC's commentary states, however, that there are no precise rules that require the deployment of a specific, or a minimum, number of medical personnel if a certain number of wounded people are to be expected. In the situation where a party to a conflict fails to provide any medical personnel at all, or medical equipment and facilities whatsoever, this failure would violate the obligation in the Geneva Convention to care for the wounded and sick. The Eritrea-Ethiopia Claims Commission confirmed this when it stated that "Eritrea and Ethiopia cannot, at least at present, be required to have the same standards for medical treatment as developed countries. However, scarcity of finances and infrastructure cannot excuse a failure to grant *the minimum standard of medical care* required by international humanitarian law. The cost of such care is not, in any event, substantial in comparison with the other costs imposed by the armed conflict."[39] The Commission confirmed that there is a level of minimum medical care that can be reasonably expected regardless of the circumstances, such as a State lacking significant resources, although what exactly is expected to constitute this minimum level of medical care may vary from State to State. In short, States involved in an armed conflict have to create a medical service that allows them to fulfil their obligations under humanitarian law.[40] "Civilians who are wounded or sick in a time of conflict are incapable of feeling, protecting themselves, or providing for their own needs. They are vulnerable and threatened by their illness. They are entitled to reinforced protection against the effects of fighting and to the right to receive treatment."[41] This assertion relies on both the Geneva Conventions and customary international law as outlined above.

However, it is apparent that while the obligations laid out above are clear when they come to the provision of medical services, this applies to parties to a conflict only. What is missing is how such obligations, if at all, would apply to non-parties, or in this case in particular, those parties indirectly involved in an armed conflict.

## *International Human Rights Law*

Before exploring obligations that parties may have under international human rights law, it is necessary to highlight the debate between IHL as *lex specialis*. As mentioned above, some IHL principles, as have been referred to in the jurisprudence of the International Court of Justice, have attained the status of customary law, or have assumed the status of "*jus cogens*" norms, which means that they would apply, directly or indirectly, to all States. This can also apply to key principles of human rights law, a body of law that can apply concurrently with IHL in the context of an armed conflict or occupation.[42]

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[39] Ibid.

[40] ICRC, Commentary of 2016, Article 12: Protection and Care of the Wounded and Sick, https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Comment.xsp?action=openDocument&documentId=CECD58D1E2A2AF30 C1257F15004A7CB9#99

[41] Françoise Bouchet-Saulnier, in *The Practical Guide to Humanitarian Law, Third English Language Edition,* New York: Rowman & Littlefield, 2014, p. 364.

[42] ICJ, Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion, July 8, 1996, ICJ Reports 1996, para. 25

When adopting the approach that certain key principles of human rights law apply concurrently with IHL even during armed conflict or occupation, such *jus cogens* norms apply universally and create rights and obligations that by their very nature are the concern of all states; in other words, they create rights and obligations *erga omnes* (towards all). Article 53 of the Vienna Convention[43] defines these peremptory norms of international law as norms that have been accepted and recognised by the international community of States as a whole, from which no derogation is permitted. These *jus* cogens norms "arise from those substantive rules of conduct that prohibit what has come to be seen as intolerable because of the threat it presents to the survival of States and their peoples and the most basic human values."[44] States have an interest in the protection of such rights, but *jus cogens* norms place additional duties on States regarding their promotion, respect, and implementation. When an *erga omnes* violation has occurred, third States have the right to demand that the wrongful act ceases, or they have the right to demand reparation for the benefit of the victims affected by this violation. Third states are also bound to cooperate to end such serious breaches through lawful means, as well as refraining from recognizing the unlawful situation or providing assistance to the offending State.

There remains much debate about the applicability of both IHL and international human rights law from scholars and States that argue for the *lex specialis* (meaning that more specific rules will prevail over more general rules) nature of IHL as displacing international human rights law entirely during times of armed conflict.[45] The International Court of Justice, in the Nuclear Weapons case[46], tried to find a middle ground by stating that while both regimes applied, IHL was the *lex specialis* during times of armed conflict. Therefore human rights treaties and their obligations therein should therefore be interpreted in light of the *lex specialis* status that IHL had in these situations. In the Court's later advisory opinion on the Palestinian Wall, it stated that there were three possible situations for the relationship between IHL and human rights law: some rights may be exclusively matters of IHL, others may be exclusively matters of human rights law, and yet others may be matters of both these branches of both.[47] The ICRC supports the approach that IHL constitutes the *lex specialis* governing the assessment of lawfulness when it comes to the use of force against lawful targets in IACs, and notes that the interplay between IHL and international human rights law specifically on the use of force is less clear in a NIAC.[48]

In situations where the threshold for armed conflict has not been reached, international humanitarian law is no longer applicable. However, that does not mean that there is no regime under international law that does not provide obligations for parties to a conflict to provide medical care for those affected. Where the threshold for armed conflict has been reached, regardless of whether the parties to the conflict are States or non-State armed groups, IHL applies. Where the threshold has not been reached, States are still obligated under international human rights law; however this does not apply to non-State armed groups (as the regime of international human rights law is premised on States as the key rights holders and therefore protectors of these rights).

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[43] United Nations, *Vienna Convention on the Law of Treaties*, 23 May 1969, United Nations, Treaty Series, vol. 1155, p. 331, Article 53.
[44] Draft Articles on State Responsibility (2001), Article 40, Note (3)
[45] Lex Specialis, https://casebook.icrc.org/glossary/lex-specialis
[46] ICJ, Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion, July 8, 1996, ICJ Reports 1996.
[47] ICJ, *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, 2004, para. 157
[48] Ibid.

In this example, the protection offered by both international human rights and humanitarian law can be divided into four main issues[49]: first, the protection of the wounded and sick, and of health-care personnel and facilities and of medical transports; next, medical ethics and confidentiality; additionally, the use of the distinctive emblems (such as the red cross, crescent or crystal); and finally, sanctions.

One such key principle of international human rights law is the right to health. While the scope of the human right to health is broad, in a conflict setting, this right obliges States towards at least its own forces and other persons under its jurisdiction. This is seen alongside obligations under IHL which a State would be in violation of if it did not provide the same level of care to enemy forces.[50] As noted in the GCs and their Additional Protocols, any distinction in this provision of medical care on grounds other than medical, is prohibited by international humanitarian law.[51] When a belligerent party knows that they may be involved in an armed conflict in a place where the local health system is insufficient, or cannot be expected to function properly, the belligerent party has an obligation to prepare and provide the necessary health services if they turn into an occupying power. Consequently, they have the choice to do so either through their own military medical services or through local health services that they would build and develop. However, the main responsibility for the provision of medical care still remains with the territorial State in which the armed conflict is occurring and the parties to that conflict.

## Draft Articles on the Responsibility of States for Internationally Wrongful Acts

Where a state is not a direct party to a conflict, and therefore where IHL may not apply to it, we have seen above how customary international law and international human rights law can still oblige that state to uphold some responsibilities and obligations. Under these responsibilities and obligations comes the provision of medical support for affected civilians. One other area of international law that could be looked to is the International Law Commission's *Draft Articles on the Responsibility of States for Internationally Wrongful Acts*. The Draft Articles have codified, or attempted to codify, the customary international law of state responsibility.[52] The Draft Articles have identified three instances where a State can be held directly responsible for the acts of another. These three instances are rendering aid or assistance as per Article 16, effective control over the perpetrator as per Article 17, and exercising coercion as per Article 18.

In particular, Article 41 of the Draft Articles imposes three duties on third party observers of serious breaches of peremptory norms, that are in line with the three obligations mentioned above from Chapter IV. States are bound by a duty to cooperate to bring to an end the wrongful situation, a duty to refrain from recognising the wrongful situation, and a duty to refrain from rendering aid or assistance in maintaining that wrongful situation. This third obligation derived from Article 41(2)- which prohibits States from rendering aid or assistance in maintaining a

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[49] ICRC, The implementation of rules protecting the provision of health care in armed conflicts and other emergencies: A guidance tool, 28 February 2015, https://www.icrc.org/en/document/implementation-rules-protecting-provision-health-care-armed-conflicts-and-other-emergencies.
[50] OHCHR Factsheet No.31 on The Right to Health, https://www.ohchr.org/Documents/Publications/Factsheet31.pdf.
[51] Geneva Convention I, Article 12(3); Additional Protocol I, Article 10(2); Additional Protocol II, Article 7(2).
[52] Draft Articles on Responsibility of States for Internationally Wrongful Acts, with commentaries, adopted by the International Law Commission at its 53rd Session, 2001.

situation created by a serious breach of peremptory norms- should be read together with Article 16 to determine complicity of a third State. Complicity is present if a third State provides such aid or assistance with the knowledge of the circumstances of the internationally wrongful act, and the act would be international wrongful if committed by that State itself. Therefore, Article 16, read together with Article 41, makes it clear that a State could only be held responsible for aid or assistance for the internationally wrongful act of another only if it has actual and specific knowledge of the circumstances in which the aid or assistance it is providing is intended to be used.[53] This is admittedly a very high standard of proof and has been debated by several scholars.[54]

The question this raises is if the provision of medical care for affected civilians and combatants would be considered such an obligation, in which case it would apply to all States without exception. Extrapolating from this, if there is a commission of an *erga omnes* violation, would rendering assistance in the form of providing medical care, violate the obligation to put an end to such a serious breach? As argued above, it may be a stretch to construe this as such a positive obligation. However, as has been argued in the crisis in Yemen, the Draft Articles provide a possible ground on which the United States could be held liable for the assistance it provided to the Saudi-led coalition, where potential liability would depend on the United States' intent and whether they knew rendering aid would be in facilitation of an internationally wrongful act.[55]

The Draft Articles affirm these negative obligations under general international law as well by attributing responsibility to a state that knowingly aids or assists another State in the commission of an internationally wrongful act. An example of this negative obligation would be the prohibition for a state to undertake the transfer of arms or sale of weapons to a State or other party to an armed conflict who is known to use such arms or weapons to commit violations of international humanitarian law. This prohibition is spelled out in Article 6 of the Arms Trade Treaty[56] and can also be found in IHL. The ICRC has argued that "all national and international standards for arms transfers should include a requirement to assess the recipient's likely respect for international humanitarian law and to not authorise transfers if there is a clear risk that the arms will be used to commit serious violations of this law", in reference to the CA1 obligation to respect and ensure respect for IHL.[57] As highlighted above, the same difficulty arises with having actual and specific knowledge of the circumstances in which the aid or assistance is being provided, setting a high standard of proof. Despite this, it can be argued here that a State found to be undertaking the transfer or arms or sale of weapons to a State or other party to an armed conflict, knowing that those arms or weapons would be used to commit violations of international humanitarian law, should then be responsible (under Article 41, as part of that party's duty to cooperate to bring to an end the wrongful situation) for providing medical care for affected civilians and combatants in conflict settings under international law in general, as well as violating their obligations under CA1.

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[53] James Crawford, State Responsibility, Part IV, Chapter X, Ancillary and Secondary Responsibility, Cambridge Studies in International and Comparative Law, p. 406.

[54] Miles Jackson, "Complicity in International Law": An Overview. Book Discussion, 12 April 2017, https://www.ejiltalk.org/complicity-in-international-law-an-overview-book-discussion/.

[55] Just Security, State Responsibility for U.S. Support of the Saudi-led Coalition in Yemen, 25 April 2018, https://www.justsecurity.org/55367/state-responsibility-u-s-support-saudi-led-coalition-yemen/

[56] Arms Trade Treaty, 24 December 2014, United Nations,Treaty Series,vol. 3013, Article 6.

[57] Arms Transfer Decisions, Applying International Humanitarian Law Criteria, Practical Guide, ICRC, May 2007

# The Gap for Non-Parties to an Armed Conflict

To determine the responsibilities and obligations to provide medical care for affected civilians and combatants from the perspective of a state or non-state armed group indirectly involved in that conflict, we first need to determine what being indirectly involved in a conflict means. As we have already seen above, both IACs and NIACs are subject to IHL, and as long as a State or actor is found to be a party to the armed conflict, they would bear certain responsibilities and obligations under international humanitarian law. Where there is no active conflict, international human rights law applies. We have also seen that international human rights law can also apply during times of armed conflict. Where IHL fails to explicitly place responsibilities on non-parties, international human rights law may help us address these gaps. However, international human rights laws' relationship with IHL is subject to *lex specialis*, although the extent to which this applies to that relationship is not fully agreed on. The International Court of Justice has provided 3 instances: some rights may be exclusively matters of IHL, others may be exclusively matters of human rights law, and yet others may be matters of both these branches of both.

# Responsibility Undertaken by Working in Coalition with Others

When it comes to states acting in coalition with other actors, the question that needs to be determined is when a party in a coalition or multinational force is a party to an armed conflict. Working in conjunction with other actors does not directly equate to that party being a direct party to the conflict. While multinational forces may be involved to various degrees, not every kind of involvement automatically renders a foreign state a party to the conflict. Multinational forces can become a party to a NIAC if they become engaged in a conflict with a non-state armed group that meets the usual requirements for such a classification in terms of the intensity of the conflict and the armed group's degree of organization.[58] On the other hand, in many instances, multinational forces or countries in a coalition may not be directly involved in combat, and provide support to the territorial state that is being engaged in an existing or ongoing NIAC against a non-state armed group.[59]

The ICRC has adopted a support-based approach in determining whether one country or party in a multinational force is a direct party to that armed conflict. The ICRC has determined that multinational forces' contribution to the collective conduct of hostilities determines whether or not they would become a party to a pre-existing NIAC. "Only activities that have a direct impact on the opposing Party's ability to carry out military operations would turn multinational forces into a Party to a pre-existing non-international armed conflict."[60] This can include the

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[58] ICTY, The Prosecutor v. Dusko Tadic, Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction, IT-94-1-A, 2 October 1995, para.70.

[59] Rulac Geneva Academy, Contemporary challenges for classification, http://www.rulac.org/classification/contemporary-challenges-for-classification.

[60] L. Cameron, B. Demeyere, J-M. Henckaerts, E. La Haye and I. Müller, with contributions by C. Droege, R. Geiss and L. Gisel, 'Article 3: Conflicts Not of an International Character', ICRC, Commentary on the First Geneva Convention, 2016, at 446.

transportation of troops to the front lines of the armed conflict and the refuelling of planes involved in aerial operations. However, the ICRC finds that other forms of support to sustain military activities or to build up military capacities, such as the delivery of weapons, would not be sufficient to determine whether that party or State becomes a party to a pre-existing NIAC. The rationale for this support-based approach is to link IHL to multinational forces and their actions that form an integral part of the pre-existing conflict. "Multinational forces' support should not be interpreted as a constitutive element of a potential new and independent NIAC. Therefore, because of the nexus with the pre-existing NIAC, the support provided by multinational forces must be distinguished from what is required to establish that they are party to a distinct NIAC."[61] While there are many possibilities to determine what activity would have a direct impact on the opposing Party's ability to carry out armed operations, this author disagrees with the view that the delivery of weapons is not sufficient in having a very direct impact on the armed conflict, and therefore determining whether a country is a party to the armed conflict or not.

The ICRC has also clarified its legal position on the notion of armed conflict that involves foreign intervention and, therefore, on determining the international humanitarian law applicable to such conflict.[62] The legal position is similar to the support-based approach mentioned above. While support can take several forms and be of varying levels of intensity, the ICRC clarifies that situations that involve financial or political support are not included in constituting support (and therefore being a party to the conflict and bearing certain responsibilities) because these types of assistance have no bearing on the application of international humanitarian law, though this may have implications in term of the law of state responsibility. The ICRC has provided some examples in which the support provided would fall within the scope of direct involvement because "they have a bearing on the applicability *ratione personae* and *ratione materiae* of IHL."[63] These include logistical support in the form of transporting troops of one of the belligerents to the front line of the conflict, providing intelligence that is used immediately in the conduct of hostilities, and the involvement of a third party's members in the planning and coordinating of military operations that are then conducted by a supporting party.[64]

As outlined above, the classification of conflict is first determined by whether there is an armed conflict. If it has been determined that there is an armed conflict, it is necessary to determine whether the conflict is an IAC or NIAC. This question is answered by who makes up the parties to this conflict. Consequently, it is crucial to determine parties to a conflict in order to determine the nature of that armed conflict. It is at this juncture that we must acknowledge that this gap in determining who is a party to an armed conflict in multinational forces is one of several contemporary challenges for the classification of armed conflicts. The Rule of Law in Armed Conflicts (RULAC), an initiative supported by the Genevan Academy of International Humanitarian Law and Human Rights, provides guidance on this question, by following the ICRC's support-based approach.

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[61] Tristan Ferrano, "The applicability and application of international humanitarian law to multinational forces", International Review of the Red Cross (2013), 95(891/892), pg. 583.

[62] Tristan Ferrano, "The ICRC's legal position on the notion of armed conflict involving foreign intervention and on determining the IHL applicable to this type of conflict", International Review of the Red Cross (2015), 97 (900), 1227-1252.

[63] Ibid, pg. 1231.

[64] Ibid, pg. 1231.

RULAC supports this approach and adds that the same support-based approach can be used to determine which state, when contributing troops to a multinational force, would become a party to an armed conflict, or whether the support provided to a coalition force in a NIAC would render that supporting state a party to that NIAC. Adding to this, RULAC states that when multinational forces are operating under the auspices of a regional or international organization, member states place their troops at the disposal of these organisations. So where countries that have contributed troops retain some form of control and authority of their own forces (which are often act on behalf of the state or are organs of that state), they also act on behalf of that regional or international organization (examples include NATO and the African Union).

The issue of international humanitarian law and how it applies to multinational forces has been the subject of debate for a long time, especially in light of several large coalitions that have participated in armed conflicts, such as in Iraq and Afghanistan. When it comes to United Nations (UN) forces, the UN agrees that when peace support operations are actively engaged in combat, the provisions of IHL apply to the extent and for the duration of their engagement.[65] However, there has not been clarification on what constitutes being actively engaged in combat, or what 'applicable to the extent and for the duration of their engagement' means for this application of IHL.[66] It has also been affirmed that "multinational forces, which bear the stamp of international legitimacy, should be considered to be impartial, objective and neutral, because their only interest in any armed conflict is the restoration and preservation of international peace and security."[67] As with any other situation where the Geneva Conventions and other sources of international humanitarian law do not explicitly state so, the applicability of international humanitarian law to multinational forces must be determined solely on the basis of the facts, irrespective of the international mandate assigned to multinational forces by an international, regional or national authority, and of the designation given to the parties potentially opposed to them.

IHL becomes applicable to multinational forces once they become party to an armed conflict, be it international or non-international. When multinational forces are fighting against State armed forces, the legal framework of reference will be IHL applicable to international armed conflicts. When they are opposed by one or more organized non-State armed groups, the legal framework of reference will be IHL applicable to non-international armed conflicts.

Another aspect to consider is that of attribution, to determine responsibilities of parties to a conflict, especially where coalition forces are involved. To assess the attribution of concrete acts to the international organization or the troop-contributing country would depend on the general rules of attribution under international law, which, in turn, revolve around the notion of control.[68] Therefore, responsibility falling on both the individual troop-contributing member, and the organization (or dual attribution) would be possible. The assumption here then is that regional and international organisations in and of themselves, and presumably where they have the capacity to do so, can be responsible for the provision of medical care for affected civilians and combatants in an armed conflict setting.

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[65] Secretary-General's Bulletin, Observance by United Nations Forces of International Humanitarian Law, U.N. Doc. ST/ SGB/1999/13 (Aug. 6, 1999).
[66] **Chapman**, **Peter** F. "**Ensuring Respect**: United Nations Compliance With International Humanitarian Law." Human Rights Brief 17, no. 1 (2009): 3-11, pg. 5.
[67] ICRC, "Who is bound by IHL?", 13 August 2017, https://blogs.icrc.org/ilot/2017/08/13/who-is-bound-by-ihl/.
[68] ICRC, Commentary of 2016, Article 3: Conflicts not of an international character, To assess this, according to the International Committee of the Red Cross, the command and control arrangements need to be assessed.

Using the notion of control to determine whether international humanitarian law is applicable has legal implications, because a non-State party could then become subordinate to the intervening third party. In international law, members of this non-State armed group can therefore be considered agents of the third party. "In terms of IHL application ratione personae, this means that the intervening power entirely substitutes the non-State party and becomes itself a party to the pre-existing armed conflict instead of the non-State armed group." [69] The International Criminal Court has also dealt with this issue of IHL applicability, as can be seen from the Lubanga case, which specified that "an internal armed conflict that breaks out on the territory of a State may become international – or, depending on the circumstances, be international in character alongside an internal armed conflict – if i) another State intervenes in that conflict through its troops (direct intervention) or if ii) some of the participants in the internal armed conflict act on behalf of that other State (indirect intervention)".[70]

# Precedent

This research will turn to precedent, to determine how previous examples of multinational or coalition forces have dealt with the question of delegation of powers and responsibilities in providing aid or assistance during an armed conflict (in the form of medical care or otherwise). While this section of the paper will look at examples of coalition forces, as has been mentioned above, it will demonstrate that the provision of medical care and services is an obligation to all parties to a conflict. Where coalition members are found to be a party to a conflict, IHL is clear that there is an obligation of means for each party to that conflict to search for, collect and evacuate the wounded, sick and shipwrecked. This obligation of means determines that a party to the conflict takes all possible measures to do so.

From April 2003 to June 2004, Iraq was under the belligerent occupation, *de jure*, of the United States of America (USA) and the United Kingdom (UK), both of whom were acting as occupying powers under unified command. During this occupation, Iraq was governed by the two occupying powers through the Coalition Provisional Authority (CPA). As two parties to the conflict, it is clear here that the UK and USA were parties to this conflict, and therefore were obliged to provide medical care and support as outlined in IHL.

According to Article 4(1) of the Draft Articles on State Responsibility, which also reflects an established rule of customary international law, "the conduct of any State organ shall be considered an act of that State under international law'.[71] Therefore, while the US government has been cautious in domestic proceedings about claiming the CPA as an organ of the state, there is little doubt that such a government enterprise qualifies as an organ of the US for the purposes of State responsibility. The United Kingdom has also stated on various occasions that

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[69] Tristan Ferrano, "The ICRC's legal position on the notion of armed conflict involving foreign intervention and on determining the IHL applicable to this type of conflict", International Review of the Red Cross (2015), 97 (900), pg. 1239.

[70] *Situation in the Democratic Republic of the Congo, in the case of the Prosecutor v. Thomas Lubanga Dyilo* , ICC-01/04-01/06, International Criminal Court (ICC), 14 March 2012, paras 536, 565.

[71] Article 4(1), Draft Articles on State Responsibility (2001)

it also shared responsibility for the actions of the coalition authority, despite their relatively minor role.[72]

As has been demonstrated above, where there are several responsible States in respect of the same internationally wrongful act, an injured State could invoke the responsibility of each State in relation to that act. On the flipside, each occupying power can be held to have responsibility (albeit to varying extents) in a coalition force or authority. Other key documents about the CPA would also indicate that each actor is responsible for the provision of aid or assistance in such a coalition. The draft resolution submitted by both the US and the UK in May 2003 made reference to "recognizing the specific authorities, responsibilities, and obligations under applicable international law of these states [i.e. the United States and the United Kingdom] and others working now or in future with them under unified command as the occupying power ("the authority").[73] As to the obligations of those working with the coalition in the future, the United Nations Security Council, in Resolution 1483, distinguished between these actors and those under unified command, such that coalition partners like Australia where not legally considered an occupying power. This brings it in line with the ICRC's support-based approach, to determine which actor becomes a party to a conflict (and therefore bears the necessary duties and responsibilities that come with that position).

Turning again to Iraq, the battle in Mosul between October 2016 and July 2017 demonstrated again that parties to the conflict had obligations and responsibilities to provide medical care and support affected civilians and combatants. The Iraqi government, with the support of an international coalition led by the United States, Kurdish Peshmerga forces and other militia groups, has been in an armed conflict against the Islamic State (IS) and its associated groups. This armed conflict has been deemed an NIAC[74], and therefore clearly places IHL obligations on all the parties to the conflict as named above.

In a battle that saw more civilian deaths than IS fighters, did all coalition members have an obligation to provide medical care for injured civilians and combatants? As a party to the conflict, the answer here is yes. Where there is room for debate in this case is whether all the members of the coalition were a party to the conflict. This is because the Global Coalition against Daesh, created in 2014 to oppose and ultimately defeat Daesh (the Islamic State), is currently made up of 82 partner states. At the time of the offensive, the U.S.-led coalition included a dozen partner countries, carrying out more than 1,250 airstrikes in Mosul alone.[75] Of these, 18 partner states have military manuals with language consistent with Rules 109 and 110, the obligation of means to provide such medical care and attention with the least possible delay to affected civilians and combatants. Such a large coalition resulted in the inevitable situation where some members participated in combat activities against Daesh, including the United States, the United Kingdom and France who conducted airstrikes, while many other members of the coalition did not. For example, the air forces of Australia, Canada and Germany have conducted aerial reconnaissance flights and have also provided air-to-air refuelling for these airstrikes. The Netherlands, for example, has also at times committed fighter-attack

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[72] Stefan Talmon, A Plurality of Responsible Actors: International Responsibility for Acts of the Coalition Provisional Authority in Iraq, in P Shiner & A Williams 9eds), The Iraq War and International Law (Hart, 2008), p.13.

[73] Ibid, p.20.

[74] Non-international armed conflicts in Iraq," last updated January 16, 2020, http://www.rulac.org/browse/conflicts/non-international-armed-conflicts-in-iraq.

[75] Oakford, Samuel, "Counting the Dead in Mosul," The Atlantic Monthly, April 5, 2018, https://www.defenseone.com/ideas/2018/04/counting-dead-mosul/147226/?oref=d1-related-article

aircraft to the coalition. However, the Netherlands is now more focused on capacity-building, providing training that "highlights the importance of human rights and humanitarian law."[76] These examples show the uncertainty that comes with trying to show whether, for example, Australia, Canada, Germany and The Netherlands, actively participated in combat activities.

The high casualty rate and the strain being faced by local medical services[77] points us to a failure on the global coalition's part to ensure adequate medical support during the battle for Mosul. This indicates a failure in the coalition's operational planning, in failing to pay sufficient attention to one of its own self-described lines of effort, addressing humanitarian crises in the region.[78] When discussing the lines of effort, the US government stated that "International contributions, however, are not solely or even primarily military contributions. The effort to degrade and ultimately defeat ISIS will require reinforcing multiple lines of effort… Humanitarian Assistance to those affected by the conflict is equally important to meeting urgent needs and maintaining regional stability."[79] Addressing humanitarian crises as a line of engagement in this coalition indicates that members were aware of the importance of this issue and, in light of IHL obligations, obliged to search for, collect, and evacuate the wounded, sick and shipwrecked and take all possible means to do so. While the coalition did permit medical humanitarian groups to embed with the international coalition during the offensive, how they upheld these obligations has been questioned, with some arguing that the close cooperation that came from embedding medical aid groups in the offensive meant that care may not have been delivered on the basis of need alone.[80] Organising a medical response at the same time as planning a military campaign meant that "a whole chain for medical referral was established alongside the campaign"[81]

# Conclusion

The obligations to provide medical support as contained within the Geneva Conventions is clear. However, it is also clear, that at the same time, these obligations are limited to parties to a conflict only. What is missing is how such obligations, if at all, would apply to non-parties, or in this case in particular, those parties indirectly involved in an armed conflict. We have tried to address this by turning to other sources of international law. Where the threshold for an armed conflict has not been reached, States are still obligated under international human rights law. We have discussed the relationship between IHL as *lex specialis* and the three situations as laid out by the International Court of Justice that demonstrate the relationship between IHL and international human rights law. However, international human rights law does not apply to non-State armed groups (as the regime of international human rights law is premised on States as the key rights holders and therefore protectors of these rights). Customary international law has shown us that as far as states are concerned, even those not a

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[76] Netherlands, The Global Coalition against Daesh, https://theglobalcoalition.org/en/partner/netherlands/.

[77] Jane Arraf, "More Civilians than ISIS Fighters are Believed Killed in Mosul Battle", NPR, 19 December 2017, https://www.npr.org/sections/parallels/2017/12/19/570483824/more-civilians-than-isis-fighters-are-believed-killed-in-mosul-battle?t=1588522365869.

[78] The Global Coalition against Daesh, https://theglobalcoalition.org/en/.

[79] US Department of State, "About Us – The Global Coalition to Defeat ISIS," https:// www.state.gov/about-us-the-global-coalition-to-defeat-isis/.

[80] Defourny, Isabelle & Christine Jamet, "The bitter taste of Mosul: in the battle to retake Mosul, MSF was forced to witness the expendability of human life," February 5, 2018.

[81] Ibid.

party to an armed conflict can be found to have responsibilities and obligations for the provision of medical care because of the *jus cogens* nature of many of these laws.

Where there remains a gap is with non-State actors that may be a party to the conflict, or third parties or States that are indirectly part of a conflict but are not considered parties to the conflict, all of whom are therefore immune from the obligations under IHL. While we have seen that some of this can be addressed by the GCs, but there are not adequate avenues of responsibility unlike for state actors.

In general, the duties and responsibilities for coalition forces under international law are also relatively clear, but there remains definite room for interpretation and therefore subjectivity. Given the ever-changing nature of warfare and coalition forces, as was demonstrated in the example of the Global Coalition against Daesh, there needs to be clearer guidance on when states or actors would fall clearly under the definition of being a party to the conflict, because then it is clear that they are subject to the responsibilities and obligations for the provision of medical support as laid out in the GCs. If not, State and non-State actors can use the subjectivity of many of these treaties and rules to fall short on their duty to provide aid for conflict-affected civilians at least, given that a moral duty clearly exists.

# Community Perceptions of Military Involvement in Epidemic Response in the Northeast Region of Nigeria

## Implications for Civilian-Military Relations

Authors:

**Chris M.A. Kwaja**

Centre for Peace and Security Studies

ModibboAdama University of Technology

**Daniel J Olivieri**

Brown University

# Acknowledgements

# About the Authors

Chris M.A. Kwaja is currently a Senior Lecturer and Researcher at the Centre for Peace and Security Studies (CPSS), Modibbo Adama University of Technology, Yola, Adamawa State, Nigeria. Prior to joining the CPSS, he lectured at the Centre for Conflict Management and peace Studies, University of Jos, Jos, Nigeria. He is a Visiting Research Fellow with the Centre for Democracy and Development (CDD), Abuja, Nigeria, as well as a Global Fellow of the Centre for Human Rights and Humanitarian Studies at the Watson Institute of International Affairs, Brown University, United States. He holds a Doctorate Degree in International Relations and Strategic Studies from the Department of Political Science, University of Jos, Jos, Nigeria.

Daniel J Olivieri is a dual-degree MD-MPA (Medical Doctorate-Master of Public Affairs) student at Brown University. Daniel is a Science-Business graduate from the University of Notre Dame, where he also minored in International Development Studies. As an undergraduate researcher, he conducted international independent research projects on the effectiveness of community healthcare workers in Brazil, Nicaragua, and Cuba. Currently, Daniel is the head of Pathways to Medicine, an Alpert Medical School club that connects low socioeconomic minorities in the greater Providence community to mentors in the health professions. Daniel hopes to combine his passions for medicine and public policy in the future working on reducing healthcare disparities.

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# Abbreviations Index

CDC        United States Center for Disease Control

COIN       Counter Insurgency Operations

DICON     Defense Industries Corporation of Nigeria

DRU        Disaster Response Unit

ECHO      European Commission, Humanitarian Aid and Civil Protection

FGD        Focus Group Discussions

GOARN    Global Outbreak Alert and Response Network

HIC         High Income Countries

ICC         Incidence Coordination Centre

IDP         Internally Displaced Persons Camp

JAS         Jama'atuAhlis Sunna Lidda'awatiwal-Jihad

KII         Key Informant Interviews

LGA        Local Government Areas

LMIC      Low- and Middle-Income Countries

MACA     Military Aid to Civil Authority

MSF        Médecins Sans Frontières

NAF        Nigerian Air Force

NCDC      National Centre for Disease Control

NDRP      National Disaster Response Plan

NEMA     National Emergency Management Agency of Nigeria

NMDHIP   Nigerian Ministry of Defence Health Implementation Programme

NRC        Nigerian Red Cross

SEMA     State Emergency Management Agency of Nigeria

SGBV      Sexual and Gender Based Violence

TCBITTF   Theatre Command Buratai Initiative Task Force

UN-CMCoord United Nations Civil-Military Coordination

WHO       World Health Organization

# Selected Quotes

"My initial view of the Nigerian military has been one that views it as an institution that is made of men and women that are trained to fight on behalf of the country. With their involvement in providing medical assistance to civilians, my ignorance about what the military represents has been altered."

(Community leader in Yola, Adamawa State)[1]

"Through our involvement in the provision of medical support to victims of insurgency in the North East region of Nigeria, we were able to win the hearts and minds of the people. This is one way of using the soft approach to gain the confidence of the people during times of conflicts."

(Military Officer in Maiduguri, Borno State)[2]

"When you see the military involved in pandemic response or any health related issue in the country and the north east region in particular, it is in line with our constitutional mandate under what is referred to as Military Aid to Civil Authorities (MACA), related to disaster management and humanitarian assistance not involving the use of firearms."

(Military officer at the Army Headquarters, Abuja)[3]

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[1] Interview with a community leader in Yola, Adamawa State.

[2] Interview with a military officer in Maiduguri, Borno State.

[3] Interview with a military officer at the Army Headquarters, Abuja.

# Introduction

For over a decade, the northeastern region of Nigeria has been plagued by violence perpetrated by the armed group Jama'atuAhlis Sunna Lidda'awatiwal-Jihad (JAS), popularly known as Boko Haram. The humanitarian crisis in this region has affected 29.6 million people,[4] with 2.2 million people internally displaced[5] and over 190,000 people fleeing for Niger, Chad and Cameroon as refugees.[6] Over 4 million people are facing food insecurity and other forms of vulnerability, such as lack of access to schools and medical facilities and heightened threats to livelihood.[7] Many have also been exposed to traumatic events that have not been adequately addressed by psychosocial interventions. Coupled with the highest rate of poverty in Nigeria, the situation in the northeastern region has become one of the world's largest humanitarian crises and the fastest growing displacement crisis in Africa.[8]

Additionally, these vulnerable communities also face outbreaks of infectious diseases, such as Ebola, Polio, and, most recently, COVID-19. In response, the Nigerian Centre for Disease Control (NCDC) and the National Disaster Response Plan (NDRP) were created to devise a more coordinated and comprehensive strategy to deal with these crises. In Nigeria, the military is a crucial actor in the mitigation of such domestic challenges.[9,10]

Military intervention during disease outbreaks has evolved significantly over the past decade. One important example in the Ebola epidemic involves Médecins Sans Frontières' (MSF) response to the Ebola epidemic in West Africa. MSF made the controversial decision to call for military

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[4] United Nations High Commissioner for Refugees (UNHCR). (2017) "Regional Update No.18, Nigeria Situation". Available at: http://reporting.unhcr.org/sites/default/files/UNHCR%20Regional%20Update%20-%20Nigeria%20Situation%20-%20May%202017.pdf. (Accessed April 15, 2020).

[5] European Commission, Humanitarian Aid and Civil Protection (ECHO). (2017) "Factsheet on Humanitarian Situation and Needs in Nigeria". Accessed at: https://ec.europa.eu/echo/sites/echo-site/files/nigeria_en.pdf. (Accessed April 15, 2020).

[6] UN News. (2015) "Crisis in Africa's Lake Chad Basin Must Not Be Forgotten". Available at: www.un.org/apps/news/story.asp?NewsID=51974#.VnBz12SrQ_V (Accessed April 15, 2020).

[7] Federal Republic of Nigeria (2016) North East Nigeria: Recovery and Peacebuilding Assessment, Volume II, Component Report, Abuja: Federal Republic of Nigeria.

[8] United Nations (2002) Policy on Civil-Military Coordination Field Handbook, New York, United Nations.

[9] Interview with an official of the National Emergency Management Agency (NEMA), 20th July 2019.

[10] Interview with a military officer in Abuja, 26 July 2019.

intervention[11], which risked threatening community cooperation, a key ingredient to pandemic response.[12] Such a call by the MSF highlights the evolving role of the military in pandemic response.

The United Nations Civil-Military Coordination (UN-CMCoord) views civil-military coordination as a "dialogue and interaction between civilian and military actors in humanitarian emergencies that is necessary to protect and promote humanitarian principles, avoid competition, minimize inconsistency, and, when appropriate, pursue common goals".[13] Despite common goals recognized by both military and civilian entities, numerous gaps remain in civil-military coordination in epidemic response.[14] Examples include misunderstandings of the role of the military, frustrations regarding various human rights abuses within the military, and a lack of community trust in the military. More specifically, in the context of Nigeria, even though the federal government acknowledges the role of the civilian sector in providing logistical support, relations suffer from an incoherent articulation of the goals of civil-military relations.[15]

In Nigeria, the military performed several key aspects in the nation's 2014 Ebola epidemic response, including healthcare protection, resource provision, and stakeholder coordination. To understand the underlying dynamics of civilian-military partnerships, this study examines the military's roles in the 2014 Ebola epidemic responses in the northeastern region of Nigeria, using insights from experiences with Boko Haram and COVID-19. Insights from the civilian population regarding the military's responsibilities and effectiveness will inform thinking in research, policy, and peacebuilding to provide a sound basis for optimizing the success of civil-military partnerships during infectious disease outbreaks.

Various challenges to civilian-military cooperation include confusion about the military's role, cultural barriers, and human rights violations. Structures that promote civilian-cooperation cooperation include civil society inclusion, military public health outreach, and improved human

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[11] Hofman, Michiel, and Sokhieng Au, eds. The politics of fear: Médecins sans Frontières and the West African Ebola epidemic. Oxford University Press, 2017.

[12] Docter, Stynke P., et al. "Public perceptions of pandemic influenza resource allocation: A deliberative forum using Grid/Group analysis." Journal of public health policy 32.3 (2011): 350-366.

[13] Federal Government of Nigeria (2016) North East Nigeria: Recovery and Peacebuilding Assessment, Volume II, Component Report, Abuja: Federal Republic of Nigeria.

[14] FGD with humanitarian workers in Maiduguri, Borno State, 5 June 2019.

[15] Leung, Gabriel M., and Angus Nicoll. "Reflections on pandemic (H1N1) 2009 and the international response." PLoS Medicine 7.10 (2010): e1000346.

rights civilian-military reporting channels. Recommendations provided herein aim to improve civilian-military stakeholder collaboration.

# Existing Literature on Civilian-Military Engagements during Epidemic Responses

Current literature on community perceptions of military involvement in health crisis response typically focus on the effectiveness of the military and multinational actors.[16,17] Some scholars suggest that military or government-led campaigns against outbreaks and epidemics have been a relatively recent phenomenon.[18] In fact, Watterson (2016) argues that the resistance against militarization is derived from both the health and security sectors and risks politicizing health outcomes while also draining limited military resources.[19] However, there seems to be a consensus in accepting the military's ability to effectively respond to disasters, at least in an organizational capacity.[20,21]

The scope of much of the literature on military-epidemic response focuses on epidemics occurring in High-Income Countries (HICs). This study serves an important role in expanding military-epidemic research for epidemics to Low- and Middle- Income Developing Countries (LMICs), such as Nigeria. Among other things, the military can fill voids in leadership, provide technical support, and organize epidemic response in many LMICs. Examples of LMIC military leadership are found during the Ebola epidemics in Liberia and Sierra Leone.[22] In previous studies, some researchers have found generally positive perceptions of military assistance in the Ebola epidemic

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[16] Kamradt-Scott, Adam. "Changing perceptions: of pandemic influenza and public health responses." American Journal of Public Health 102.1 (2012): 90-98

[17] Watterson, Christopher, and Adam Kamradt-Scott. "Fighting flu: Securitization and the military role in combating influenza." Armed Forces & Society 42.1 (2016): 145-168.

[18] Ibid, Kamradt-Scott.

[19] Ibid, Watterson.

[20] Smith, Paul. "Transnational Security Threats and State Survival: A Role for the Military?." Parameters 30.3 (2000).

[21] Fidler, David P. "Military forces, global health, and the International Health Regulations (2005)." 1 Journal of Healthcare, Science and the Humanities 117 (2011) (2011).

[22] Kamradt-Scott, Adam, et al. Saving lives: the civil-military response to the 2014 Ebola outbreak in west Africa. The University of Sydney, 2015.

in Sierra Leone.[23] However, other respondents noted the Liberian military's use of intimidation, violence, and lack of effectiveness when helping to construct public health facilities.[24] Limited research into the military's roles in epidemics has led to confusion about the capabilities and responsibilities of this sector. Hence, this study aims to fill these knowledge gaps on epidemic response in Nigeria using the polio and Ebola epidemics.

Scholars have also debated whether shaping the response through the lens of securitization is appropriate, given the obvious medical and public health implications of epidemics.[25] McInnes and Roemer-Mahler (2017) note that framing epidemics as issues of national security has led to an "uneasy relationship between politics and health, by moving national interests into an area traditionally dominated by scientific rationalities and a predisposition towards cosmopolitan norms."[26] In doing so, the authors argue that epidemic securitization fails to properly address the social determinants of health and the need to build resilient public health infrastructure that effectively respond and adapt to new outbreaks. On the other hand, some scholars argue that the military is an actor inherently capable of effective resource distribution, transportation, and healthcare provision.[27]

# Contextualizing Nigeria's Military Epidemic Response

In the wake of the devastation caused by Boko Haram in Nigeria, the military assumed a larger role in humanitarian response. Other actors responsible for humanitarian response in Nigeria include the National Emergency Management Agency (NEMA) and State Emergency Management Agency (SEMA).[28] Although NEMA and SEMA are responsible for coordinating epidemic response, the military has additional logistical and technical capabilities to help deliver immediate assistance to regions most at need. Experiences and lessons from the involvement of

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[23] Ibid, Kamradt-Scott

[24] Ibid, Kamradt-Scott

[25] McInnes, Colin, and Anne Roemer-Mahler. "From security to risk: reframing global health threats." International Affairs 93.6 (2017): 1313-1337.

[26] Ibid, McInnes.

[27] Gates, Bill. "The next epidemic—lessons from Ebola." New England Journal of Medicine 372.15 (2015): 1381-1384.

[28] Interview with an official of the NEMA in Abuja.

the military in epidemic response demonstrate that the Nigerian military is prepared for contingency operations[29], and that the military might be able to assume a larger role in health-related emergencies.[30] As a result, the Nigerian military prepares for humanitarian emergencies and contingencies in accordance with Section 217(2)(c) of the constitution, which fundamentally incorporates a statutory mandate of assistance to civil authorities into humanitarian responses and their appertuant operations.[31]

In recent years, humanitarian and security threats have underscored the importance of a unified, transnational response, especially regarding infectious disease outbreaks. In most epidemics, the military plays a crucial, if not central, role in shaping the trajectory of epidemic response.[32] More recently, civilian and military actors in epidemic response have increasingly recognized the need for stronger collaboration and coordination to mount an effective epidemic response. In Nigeria, the framework of the National Disaster Response Plan (NDRP) identified the military as a central actor in national emergency response and coordination.[33,34] Despite this coordination framework, both the Nigerian Ebola and Polio outbreaks demonstrated failures and opportunities for improvement in epidemic response.

In response to the outbreak of Polio virus in Nigeria, the Chief of Army Staff, Lt. Gen. Tukur Buratai launched the Theatre Command Buratai Initiative Task Force (TCBITTF) in 2019. The task force was a partnership between the Nigerian military  and state-level healthcare service providers to ensure that an estimated 60,484 children trapped in 2,622 inaccessible settlements in the northeast region were reached.[35] In this instance, the military was the only actor able to reach these inaccessible areas and help diminish the threat of Polio in the northeast region. Challenges for state-level healthcare service providers and other non-military actors included the risk of facing

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[29] Interview with a military officer in Abuja.

[30] Interview with a religious leader in Adamawa State.

[31] See 1999 Constitution of the Federal Republic of Nigeria (as amended).

[32] Hofman, Michiel, and Sokhieng Au, eds. The politics of fear: médecins sans frontières and the West African Ebola epidemic. Oxford University Press, 2017.

[33] Interview with an official of the National Emergency Management Agency (NEMA), 20th July 2019.

[34]Interview with a military officer in Abuja, 26 July 2019.

[35] Scroll Report (2019) "Buratai Initiative Task Healthcare Development Agencies on Polio". Available at: https://www.scrollreport.com/2019/06/buratai-initiative-tasks-healthcare-development-agencies-on-polio/ (Accessed April 15, 2020)

insurgents and militia-based groups and assisting geographically inaccessible mountainous regions.[36]

More specifically in the West Africa Ebola outbreak, the military filled the need for leadership in Liberia and Sierra Leone.[37] Researchers found generally positive perceptions of foreign military assistance in the case of the Ebola epidemic in Sierra Leone.[38] However, other studies have noted the military's use of intimidation, violence, and lack of effectiveness when assisting in the construction of public health facilities.[39] Limited research into the military's roles in epidemics has led to confusion about the capabilities and responsibilities of this sector. This study aims to fill these knowledge gaps by using the Nigerian military as a case study.

The Nigerian military's expanded role in epidemic response underscores the impact that enhanced civilian-military relations can have on national security.[40,41,42] Examples of epidemic response that were undertaken as part of a broader regional security agenda included the EU's response to the US anthrax attacks of 2001, the 2002 World Health Assembly (WHA) Resolution, and the formation of the Communication on Cooperation in the European Union on Preparedness and Response to Biological and Chemical  Agent Attacks by the European Commission. [43, 44] Additionally, epidemics can curtail economic productivity, impact quality of life, and regress important health indices.[45] In this instance, the goals of developed nations often align with the

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[36] Sokoya, Y (2018). "Bill Gates Partners Nigerian Military to Eradicate Polio". Available in https://www.google.com/amp/prnigeria.com/2018/01/28/bill-gates-partners-nigerian-army/amp/ . (Accessed April 15, 2020)

[37]Kamradt-Scott, Adam, et al. Saving lives: the civil-military response to the 2014 Ebola outbreak in west Africa. The University of Sydney, 2015.

[38] Ibid, Kamradt-Scott

[39] Ibid, Kamradt-Scott

[40] Cook, Alethia H. "Securitization of Disease in the United States: Globalization, Public Policy, and Pandemics." Risk, Hazards & Crisis in Public Policy 1.1 (2010): 11-31.

[41] Nsubuga, Peter, et al. "Strengthening public health surveillance and response using the health systems strengthening agenda in developing countries." BMC public health 10.1 (2010): S5.

[42] World Health Organization. The world health report 2000: health systems: improving performance. World Health Organization, 2000.

[43] Commission of the European Communities, Communication on Cooperation in the European Union on Preparedness and Response to Biological and Chemical Agent Attacks (Health Security), p. 13.

[44] Kittelsen, Sonja. The EU and the securitization of pandemic influenza. Diss. Aberystwyth University, 2013.

[45] Sands, Peter, Carmen Mundaca-Shah, and Victor J. Dzau. "The neglected dimension of global security—a framework for countering infectious-disease crises." New England Journal of Medicine 374.13 (2016): 1281-1287.

needs of developing nations. By supporting global initiatives and organizations such as Global Outbreak Alert and Response Network (GOARN) and the World Health Organization (WHO), the global community aims to promote a more unified response to infectious disease outbreaks. On the other hand, critics question whether shaping infectious disease response through the lens of securitization is appropriate, given the medical and public health implications of epidemics.[46] In doing so, the scholars argue that the securitization of epidemics fails to properly address the social determinants of health and the need to build resilient public health infrastructures that would be ready when outbreaks occur.[47] Therefore, addressing social determinants of health is an important consideration for the military in effective epidemic response.

# Methodology

The study aims to assess civilian perception and interaction with Nigerian military's involvement in epidemic response, using insights from both the military and civilian populations. In particular, we aim to address the following questions:

## *Research Questions*

(i)     What is the military's role in epidemic response?

(ii)     Are there existing structures and mechanisms that engender the acceptance of the civilian community in relation to the involvement of the military in epidemic response?

(iii)     Are there specific constraints that make it difficult for the civilian communities to support the military in relation to its involvement in epidemic response?

(iv)     What are the guiding principles that define military involvement in epidemics response?

(v)     What are the existing challenges that affect cooperation and coordination between the civilian community and the military in relation to epidemic response?

(vi)     In what ways can the constraints associated with the military's involvement in epidemic response be addressed?

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[46] McInnes, Colin, and Anne Roemer-Mahler. "From security to risk: reframing global health threats." International Affairs 93.6 (2017): 1313-1337.

[47] Ibid, McInnes.

(vii)    In what ways and to what extent do local contexts influence or impact on the involvement of the military in epidemic response?

(viii)   What are the most effective ways of engendering better relations between the civilian population in the context of epidemic response?

## *Study Population and Selection*

Adamawa, Borno and Yobe were selected as three states in northeast Nigeria particularly affected by both the Boko Haram insurgency and Ebola epidemic. The military has a significant and active presence in each of these three states due to its role in fighting Boko Haram-led insurgents and deploying resources to support civilians affected by the violence.

Within each state, three local governments most directly affected by the Boko Haram insurgency were selected to determine the perception of Nigerian military involvement in both the Boko Haram insurgency and the Ebola epidemic. These Local Government Areas (LGAs) experienced major humanitarian challenges, exacerbated by weak health systems and substandard living conditions such as poor sanitation and a lack of clean water. LGAs selected include Madagali, Michika and Yola North (in Adamawa State); Maiduguri, Jere and Damboa (in Borno); and Damaturu, Gujba and Geidam (in Yobe).

## *Data Collection Method*

Key Informant Interviews (KIIs) and Focus Group Discussions (FGDs) were chosen as principle methods of data collection. Both KIIs and FGDs were conducted in each of the selected LGAs. Participants included community actors, military personnel, representatives from governmental and non-governmental organizations, and various other stakeholders (Tables 1, 2). It is important to note that special attention was given to recruit and capture the voices of socially vulnerable groups such as women and individuals living with disabilities to obtain a holistic view of civilian-military relations. Predesigned interview/discussion guides (Table 3) were employed to conduct the KIIs and FGDs, which were undertaken at locations chosen by the respondents. Both KIIs and FGDs utilized a semi-structured interview format to allow respondents to individualize their responses based on their experiences. The final sample size was based on the principle of saturation; the researchers ceased conducting new interviews when it was evident that the answers were repetitive.

## Key Informant Interviews

65 respondents were targeted for the KIIs across the three focal states of Adamawa, Borno and Yobe. Interviewees and organizations were identified through a mapping of their involvement and roles in epidemic response with specific focus on the north-eastern region of Nigeria. Mapping and recruitment were conducted by the Principal Investigator (C.K.) given his work experience and expertise in the region. Examples include traditional and community leaders, community-based organizations, members of women and youth groups, caregivers within host communities affected by insurgency in the three focal states, Internally Displaced Persons (IDPs) camps, humanitarian actors (both local and international), as well as key health and security agencies (Tables 1, 2).

## Focus Group Discussions

The FGDs were composed of 7 to 8 participants each and aimed to generate shared understanding of the issues and elicit dissenting views in a respectful manner. The participants for the FGDs were chosen in a way that provided a diverse representation of stakeholders. Stakeholders were identified through a mapping of their involvement and roles in epidemic response (Table 1).

The principal investigator was responsible for conducting the interviews and data collection. The principal investigator and research assistants transcribed the KIIs and FGDs firsthand during and immediately after the conclusion of the interviews. The KIIs and FGDs lasted 40 minutes on average and occurred from June – August 2019. Next, research assistants translated the KIIs and FGDs into English. Transcripts were reviewed for accuracy by the principal investigator and any discrepancies resulted in a complete revision of the transcript and/or translation.

# Data Analysis

English-translated transcripts of each KII and FGD were analyzed for thematic principles by research assistants. This was accomplished through closely reading each line in the transcript. It is important to note that no qualitative or quantitative software was utilized during any point in the data analysis phase of the project. During the close read, a code book was developed based on themes that emerged from the transcript. Any discrepancies between the themes in the code book and transcript resulted in a re-read of the transcript until the principal investigator and research assistant were in complete agreement.

## Thematic Selection

For each question (See Table 3 "Interview Guide"), the research assistant made a list of key themes extrapolated from responses in the corresponding FGD and KII. 'Coding' refers to the assignment of themes to each interview question. Two to five themes were elucidated from each question. Given the semi-structured nature of the data collection, themes were associated with the most recently asked question. From there, key quotes were highlighted that corresponded to the identified theme. Examples of themes include: Security/Peace, Transportation, Health Services, and Law and Order. Full list of themes can be found for each question grouping in Table 4 "Code Book". This process for thematic selection occurred the same for each FGD and KII. At the conclusion of the data coding phase, the codebook was analyzed for comparisons between and within each LGA's FGDss and KIIs. Any discrepancies with the codebook were taken up with the principal investigator and research assistant until they were resolved.

### *Table 1: Breakdown of Respondent's Particulars (KIIs)*

| Sector | Location | Number | Age Range |
|---|---|---|---|
| Civilian Community | Adamawa, Borno and Yobe States | 24 | 35 – 50 |
| Military | Abuja, Adamawa, Borno and Yobe States | 16 | 35 – 50 |
| Humanitarian Workers | Adamawa, Borno and Yobe States | 9 | 30 – 45 |
| Civilian Government Officials | Abuja, Adamawa, Borno and Yobe States | 16 | 30 – 45 |

*Table 2: Breakdown of Respondent's Particulars (FGDs)*

| Sector | Location | Sex Breakdown | Age Range |
|---|---|---|---|
| Civilian Community | Adamawa, Borno and Yobe States | 4 Males and 3 Females | 45 – 65 |
| Military | Adamawa, Borno and Yobe States | 7 Males and 1 Female | 35 – 50 |
| Humanitarian Workers | Adamawa, Borno and Yobe States | 4 Males and 4 Females | 35 – 50 |
| Civilian Government Officials | Adamawa, Borno and Yobe States | 4 Males and 4 Females | 40 – 50 |

## IRB Approval

This study was approved by the Institutional Review Board of the Centre for Peace and Security Studies, Modibbo Adama University of Technology, Yola, Adamawa State, Nigeria. Participants were recruited from a variety of settings and were read a consent script prior to KII or FGD initiation. Participants were allowed to leave at any point in the interview and were able to opt to not answer any questions as they saw fit. Participants' responses were recorded anonymously, and interviews were confidential as no identifying information was transcribed.

# Results

## Role of the Military in Epidemic Response

The respondent's perceptions of the military's role in epidemic response varied sharply depending on the individual's background. Responses described the military's involvement in health service

provision, transportation, and security/peace. Numerous responses noted confusion regarding the role of the military in epidemic response:

> "The military play the role of restoring peace in response to violent attacks in communities and other associated dangers."

> (KII with UNICEF Child Protection Assistant, Yobe)

The perception of the military's role differed depending on the background of the interviewee. For example, women in Internally Displaced Person Camps (IDPs) enumerated several roles of the military in Sabon Gari, Abba Ibrahim, Damaturu, Yobe State:

> "We don't much about their roles, but they have assisted in many ways such as providing medical services, providing ambulance for those that are critically ill."

> "We are actually from Dikwa a village from Borno State, the military assisted us in providing security and help in transportation."

> "To provide security."

Other individuals within the military provided very concrete, specific examples of the role of the military. Interestingly, one KII with a military officer in Yola disagreed with the military being primarily responsible for provision of humanitarian aid:

> "The role of the military is to defend the territories of the Nigerian state. We can also be called upon by the civilian to provide aid in situations of insecurity like we have been doing in some cases. That is why you see that there are many internal security operations that the army are involved in Nigeria. It is not our duty to provide medical aids for the people, but we do it because we want to make ourselves friendly to the people so that they can give us the cooperation that we need from them."

> (KII conducted with Military Officer in Yola)

This same military officer – who spoke on the condition of anonymity – elaborated further, viewing civilian-military cooperation transactionally:

> "One of the cooperation that we need from them is that we want them to give us vital information of any imminent attack against the Nigerian Airforce or

any other military formation in Yola or Adamawa State. Sometimes too, when huge emergency happens such as bomb blast, flood and other disaster, we can be called upon by the state to provide assistance to the people in terms of rescue operations."

<div align="right">(KII conducted with military officer in Yola)</div>

Another common theme expressed was the military's role in transporting victims of conflict:

"Generally, the military's roles in relation to pandemic response is not encouraging but they are sometimes involved in conveying victims of bombs blast to hospital."

<div align="right">(KII conducted with Community Member in Borno State)</div>

"The only role of the military in pandemic response is the conveyance of the injured to the hospital during intense period of the insurgency. They do not play another role as far law is concerned."

<div align="right">(KII conducted with Community Leader of the Bama Development Association, Borno State)</div>

The military's role in medical transportation was additionally expressed by the WHO:

"I don't think they play any specific roles in term of pandemic response. The only role I can think of is sometimes they convey injured persons to the hospital especially during the bomb period."

<div align="right">(KII conducted with WHO Officer in Borno State)</div>

## Perception of Military – Civilian Interactions

The perception of the military's interactions with civilians prompted several strong reactions, ranging from thankfulness to frustration regarding community destabilization caused by the military:

"Members of the community appreciated their involvement because without the military we wouldn't have survived these crises."

<div align="right">(FGD in Yobe IDP Camp).</div>

"The community's perception of the military in pandemic response is poor because they are sometimes seen [to cause] unrest [in] the community."

(KII with Community Member 1, Borno)

"They [referring to the military] are not friendly and their role in such sector is limited if any."

(KII with Community Member 2, Borno)

"Military are looters are not healthy for the community at all."

(FGD in Borno IDP camp)

While others expressed gratitude towards the military's efforts and maintained positive perceptions of the military's involvement, with a few caveats:

"We really appreciate [their help] but sometimes they harassed members of the community."

(FGD in Yobe IDP Camp)

"Very good, we look at the military as up to the task."

(FGD in Yobe IDP Camp)

While civilian perceptions of the military varied depending on the location and setting of the FGD and KII interviews, the military's own thoughts on civilian perception of their efforts was often very positive:

"People are usually very appreciative of the military medical intervention because it is usually very useful to the people in resolving long standing ailment in the community."

(KII with Officer in Adamawa State Emergency Management Agency)

"Actually, the perception of the people about that is that of happiness and joy... They [the civilians receiving medical care] were so happy about it that in fact they gave an appreciation and vote of thanks to the NAF (National Airforce) because they were very happy because of that"

(KII with Anonymous Airforce Officer, Yola)

The military has also provided various medical intervention to help establish cordial relationships between civilian-military entities:

"Carrying out medical intervention to people has been used to establish cordial relationship with the people and people have been so happy receiving such medical aids from the military at that particular time. So I will say the perception of the people about it is that they are happy about it and crave for more because everything is free; they do not have to pay money and we give them medical facilities that they may not find in many hospitals around them."

(KII with Anonymous Intelligence Officer, Yola)

## Structures that Support or Endanger Civilian-Military Partnership

Women at the IDP camp in Borno enumerated health provision as crucial to the civilian-military partnership:

"The provision of the health center at the Dalori camp has made the civilian-military relation very cordial."

"The Air force clinic in the camp, the free distribution of drugs, and treatment of ill persons."

Similar sentiments were expressed in FGD participants in IDP camps in Yobe and Borno:

"They provide medical services alongside NGOs, even in camps."

(FGD in Yobe IDP)

"The provision of security especially during distribution of food and drugs are the only mechanism that brings about acceptance of the military."

(FGD in Borno IDP)

One FGD in Adamawa described challenges toward community acceptance regarding public health issues, in crisis or non-crisis times:

"One of the basic challenges is the refusal or the community to accept such intervention. This can result from many factors such as religion culture or the nature of relationship between the military and the people. For instance, many people may reject polio vaccine die largely to religion."

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This statement underscores the complexity of civilian-military relations, and the need for the military to consider local context during service provision. These challenges are one example of local barriers to effective civilian-military partnership. Perhaps the most honest admission of barriers to successful civilian-military partnership was described by one anonymous Airforce Officer, suggesting that military abuses contributed to the rise of the Boko Haram insurgency:

> "Actually, in some locations there are constraints because some of our military boys, once there is issue of insurgency they will use that as an advantage against the community like the issue of rape, force pregnancies, among others. Sometimes they [the community] find it very difficult to collaborate with the military because of that fear like in Numan we received intelligence report based on the introduction of the military in that location that the rate of rape and forced pregnancy has increased now and this is normally carried out by the military officers."

(KII with Anonymous Airforce Officer, Yola)

This airman went on describe the military's dismissal of officers that behave inappropriately and explained how that affects perceptions of military aid those civilians receive:

> "So, what I am saying is that bad behavior of the military can make people reject medical aid of the military in pandemic situation."

(KII with Anonymous Airforce Officer, Yola)

As a result, this airman highlights the impacts of ignoring local context and "bad behavior" can have on civilian medical aid provision by the military. In several regions, the Nigerian military aimed to obtain greater civilian acceptance. For example, in Adamawa State, one FGD described several targeted interventions: military awareness campaigns, opportunities for civilian participation, and removing physical barriers to communication, such as removing weapons while communicating with civilians.

> "They are supposed to go out with fewer arms so that they will not scare the people away. That is also very important."

(FGD with 40-year-old male in Adamawa State)

One KII with an MSF officer in Kobe recommended participation of civil society leaders to foster community, and military, adoption, and understanding.

> "Through creating awareness and involvement of civil societies, traditional rulers, community leaders in order to enlighten the [people] on the importance of cooperation among the two bodies."
>
> (KII with MSF Officer, Kobe)

Military human rights violations were also repeatedly mentioned as a barrier to effective civilian-military communication throughout the interviews:

> "Extortions, sometimes they collect our food ticket provided by NGOs."
>
> (FGD Yobe)

> "Human right violations including sexual and gender-based violence."
>
> (FGD Yobe)

> "Threats, sexual harassment and looting."
>
> (FGD, Borno)

Additional barriers to effective civilian-military interactions include linguistic barriers, cultural barriers, and frustrations regarding the military refusing to understand local context.

## *Encouraging Local Civilian-Military Partnership and Capacity Building*

The fluidity of international alliances and aid operations encourages LMIC governments to pursue more robust civilian-military coordination. Civilians interviewed in areas with greater civilian-military inclusion, such as Adamawa, tended to view the military more positively:

> "Military should continue with their medical aid even after the insurgency. From my own observation, I think that the military medical outreach has also made more people to believe in the military and familiarize themselves with them."
>
> (FGD participant, 42-year-old male, Adamawa)

Likewise, participants in areas with limited military community engagement were more likely to be ambivalent towards the military, such as in Borno. In areas with high community engagement,

such as Adamawa, the community leaders (ethnic, religious, and political) were key catalysts for program successes, as expressed by one respondent below:

> "The military intervene in our communities through their medical outreach teams. They do not just visit the communities and start implementing their programs. They [coordinate] with the community leaders [and] are working with them to either inform or sensitize their people about the nature and type of intervention. This approach is responsible for the high level of acceptance that the military has enjoyed among the people."
>
> (FGD, Adamawa)

Further, our research suggests that the civilian population might refuse to see the military as a partner in the epidemic response, which reflects the various experiences of the military with the communities they are serving. For example, some of the military personnel deployed to the communities as part of the Counter Insurgency Operations (COIN), have been linked to several forms of human rights violations such as harassment of civilians, rape and other forms of Sexual and Gender-based Violence (SGBV). In these situations, communities might find it difficult to trust the military regardless of its intention of winning the hearts and minds of the people through medical outreach:

> "They [the military] will use that [their power] as an advantage against the community like the issue of rape, force pregnancies, among others. sometimes they [the community] find it very difficult to collaborate with the military because of that fear... ...we received intelligence report based on the introduction of the military in that location that the rate of rape and forced pregnancy has increased now and this is normally carried out by the military officers."
>
> (KII, Anonymous Airforce Officer, Adamawa)

Repeatedly, respondents expressed frustration regarding cultural competency of the military. One example was from a community leader in Borno who described difficulties approaching the military:

> "The military is very difficult to be approached so the issues of community influencing given [are not considered] is not there."
>
> (KII with Community Leader, Members Hunter Group, Borno)

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As a result, future focus on local norms and cultural competency is crucial to the overall success and effectiveness of military interventions in Nigeria.

## *Healthcare Capacity*

Responses on the military's role in epidemic response varied significantly between and within locations. Several military officers explained the military's role in epidemic response in terms of national security:

> "The key role of the military with relation to their involvement in pandemic response is to ensure that such pandemic disease does not spread especially when the location is very close to a military facility like military barracks. If such pandemic disease spread, it may indirectly or directly affect the military facility and enemies can take the advantage of that to unleash havoc on such facility. So, military have role to play in curtailing the spread of a pandemic disease."

> (KII with Intelligence Officer, Adamawa)

Participants' rationale for military involvement in healthcare provision in epidemic response contrasted with the military's rationale. One health worker in the Borno Ministry of Health explained his rationale for military epidemic involvement:

> "Due to the insecurity, the military is deeply involved in the pandemic response in the Northeast… our [the Ministry of Health's] staff do not [have to] go out especially when they rendering health services [and] during emergency relation in Maiduguri or outside Maiduguri we need their services, they [the military] really helps in that respect."

This contrasted with the rationale for healthcare provision presented by one military officer in Yola:

> "The role of the military is to defend the territories of the Nigerian state. We can also be called upon by the civilian to provide aid in situations of insecurity like we have been doing in some cases….It is not our duty to provide medical

aids for the people, but we do it because we want to make ourselves friendly to the people so that they can give us the cooperation that we need from them."

<div align="right">(KII conducted with Military Officer in Yola)</div>

The military's involvement in epidemic response currently involves hospital transportation, public health vaccination campaigns, and resource distribution. One setting where resource allocation and distribution was noted is in Internally Displaced Persons (IDP) camps:

> "Right now, they [the military] are very much involve in providing primary health care services in most of the communities in the North East [for example] many military clinics which the local communities and IDP can access to."

<div align="right">(KII with Youth Leader, Yobe)</div>

FGDs and KIIs conducted in IDP camps repeatedly identified the military as crucial to providing medical assistance. These insights underscore the important role of the Nigerian military in enhancing healthcare provision during humanitarian emergencies.

## *Military's Response to Epidemics and Linkage with Security*

In both civilian and military stakeholders, the military's role in epidemic response was repeatedly linked back to security:

> "The primary responsible of the military is not only community policing, the primary role is the provisional of security. Once there is a bomb blast, or outbreak of disease, they help in conveying injured and conveying the sick and assist distribution of drugs."

<div align="right">(KII with the Director of the Ministry of Heath Damaturu, Yobe)</div>

> "To provide security."

<div align="right">(Women FGD with in IDP Camp, Damaturu, Yobe)</div>

> "We are actually from Dikwa a village from Borno State, the military assisted us in providing security and help in transportation."

<div align="right">(Women FGD with in IDP Camp, Damaturu, Yobe)</div>

One youth leader expanded the military's most important role in times of emergency:

> "They [the military] have many roles, but the key role is the rapid response to pandemic because of their capability of deployment in a large scale and maximum coordination of the situation such as logistical assistance of emergency medical care."

> <div align="right">(KII with Youth Community Leader, Yobe)</div>

This expanded role during times of crises was appreciated by community members, including one who felt that:

> "Members of the community appreciated their [the military's] involvement because without the military we wouldn't have survived this crisis."

> <div align="right">(Women FGD with in IDP Camp, Damaturu, Yobe)</div>

As a result, further research is warranted to specifically define and evaluate the military's humanitarian impacts in epidemic response.

# Discussion

## *Opportunities for Improved Civil-Military Relations in Epidemic Response*

Civilian-military interactions in Nigeria demonstrate successful models and opportunities for improvement in LMIC epidemic response. To start, encouraging further civilian-military collaboration promotes collaboration in epidemic response, resulting in better national health outcomes. Examples of strategies to promote civilian-military collaboration include military participation in public health campaigns, involvement of civilian leaders in military outreach, and partnerships with local organizations such as the Nigerian Red Cross (NRC). NRC participation was mentioned by one participant who believed that:

> "Since some members of the NRC speak the local languages and can easily relate with the communities, members of the communities extend such trust to the military."

Therefore, involvement of local health personnel through the NRC – who might have a better understanding of local norms and community acceptance – can enhance civilian-military acceptance and cooperation. Additional examples of organizations the Nigerian military could partner with include local community health clinics, representatives from corresponding LGAs,

and businesses of community leaders, many of whom participated in the FGDs and KIIs. Promoting civilian-military communication engages numerous key stakeholders in epidemic response – stakeholders who often have similar outcome goals but lack structures to effectively achieve them.[48]

Next, it is important to note the military's role might extend beyond the provision of security during epidemic response. In the context of COVID-19, the evolving role of the Nigerian military could be extended to the construction of field hospitals to increase healthcare capacity during surge times, as modeled in Italy, China, and the US.[49,50,51] Given that the construction of temporary facilities would require significant logistic and technical capabilities, we recommend re-purposing parts of military barracks and IDP camps due to geographic proximity to communities most in need. Further, rural, lower socioeconomic communities are often harder hit by COVID-19, and therefore resource allocation to these areas would help prepare Nigeria for a potential second surge of COVID-19.[52,53,54] Secondly, construction of temporary facilities by the Nigerian military would create a structure by which the military could coordinate international actor participation – actors such as MSF, the WHO, and various NGOs –  and direct resources to areas most at-risk. It is important to note that developing domestic, local healthcare resources and human capital is requisite for healthcare resiliency. Strategies for building LMIC healthcare capacity includes healthcare 'twinning', educational investments, and development of community health worker

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[48] Neill-Harris, Katharine A., et al. "Assessing partnerships between the military and civilian agencies to meet transitioning service members' needs." Armed Forces & Society 42.3 (2016): 585-604.

[49] Carenzo, L., et al. "Hospital surge capacity in a tertiary emergency referral centre during the COVID-19 outbreak in Italy." Anaesthesia (2020).

[50] Chen, Simiao, et al. "Fangcang shelter hospitals: a novel concept for responding to public health emergencies." The Lancet (2020).

[51] Chopra, Vineet, et al. "How should US hospitals prepare for coronavirus disease 2019 (COVID-19)?." (2020): 621-622.

[52] Yancy, Clyde W. "COVID-19 and African Americans." Jama (2020).

[53] Nicola, Maria, et al. "The socio-economic implications of the coronavirus and COVID-19 pandemic: a review." International Journal of Surgery (2020).

[54] Qiu, Yun, Xi Chen, and Wei Shi. "Impacts of social and economic factors on the transmission of coronavirus disease 2019 (COVID-19) in China." Journal of Population Economics (2020): 1.

programs.[55,56,57,58,59] However, the development of long-term healthcare human capital is beyond the scope of this paper.

It is important to note examples of the Nigerian military's response to COVID-19. One such example involves the Nigerian Air Force (NAF), which commenced the production and air lifting of liquified oxygen to be distributed to the isolation centers established for the treatment of COVID-19 victims across the country. This is part of a broader partnership between the Nigerian military and the Presidential Task Force on COVID-19 Epidemic that coordinates all responses of the Nigerian government on the epidemic. The Nigerian Air Force was also responsible for the airlifting of a team of health officials of the Nigeria Centre for Disease Control from Congo Brazzaville where they were stranded due to the closure of air and land borders as a result of the COVID-19. Furthermore, the Defense Industries Corporation of Nigeria (DICON), a parastatal under the Ministry of Defense with mandate for the production of defense equipment also produced ventilators as part of its strategic intervention in responding to the COVID-19.

Structured leadership within the Nigerian government and military can help create an algorithmic flow of responsibility during humanitarian crises. In the example of the COVID-19 epidemic in Nigeria, the Presidential Task Force on the COVID-19 might be one example of this leadership. However, given the ongoing nature of the epidemic, further evaluation is needed to determine the effectiveness of the Presidential Task Force. Recommendations for improved leadership lucidity include developing an independent agency responsible for epidemic coordination, removing political influence from the decision-making process, and including a nationally representative sample of leaders to help promote epidemic coordination and collaboration. One such agency that might be positioned to best lead epidemic response in Nigeria is the Incident Coordination Centre (ICC) of the Nigerian Centre for Disease Control (NCDC), currently positioned under the Presidential Task Force, given their political independence and experience with the 2014 Ebola epidemic.

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[55] Cadée, Franka, et al. "The state of the art of twinning, a concept analysis of twinning in healthcare." Globalization and health 12.1 (2016): 66.

[56] Yudkin, John S., et al. "Twinning for better diabetes care: a model for improving healthcare for non-communicable diseases in resource-poor countries." (2009): 1-2.

[57] Sandwell, Rachel, et al. "Stronger together: midwifery twinning between Tanzania and Canada." Globalization and health 14.1 (2018): 1-10.

[58] Citrin, David, et al. "Developing and deploying a community healthcare worker-driven, digitally-enabled integrated care system for municipalities in rural Nepal." Healthcare. Vol. 6. No. 3. Elsevier, 2018.

[59] Abrahams-Gessel, Shafika, et al. "Training and supervision of community health workers conducting population-based, noninvasive screening for CVD in LMIC: implications for scaling up." Global heart 10.1 (2015): 39-44.

Next, respondents also discussed how the peace dimension of the military was framed in terms of civilian-military relations by the defense headquarters. One key mandate of this civilian-military directorate is to foster a better relationship between civilians and military personnel, which has been severely damaged in the past by long years of military rule that was characterized at times by the gross violation of the rights of the civilian population. For instance, respondents in Yola, Damaturu and Gujba of Adamawa, Yobe and Borno States expressed the belief that the military plays an important role in reaching out to civilians, particularly through programmes such as the medical outreaches that targets the provision of healthcare to civilian population in areas affected by the insurgency. By undertaking the medical outreach, which has to do with the provision of medical supplies and emergency surgeries, the military aims to effectively build citizens' confidence in and acceptance of military personnel.

While most civilians view epidemics as solely a medical issue, the military views epidemics from both a health and security standpoint. For the Nigerian military, once there is a health emergency in the country, they are put on alert by the military corps of the defense headquarters that have strong links with health institutions such as the federal ministry of health and the national Centers for Disease Control (CDC). According to a respondent in one of the IDP camps,

> "Though the roads are insecure, the military was able to provide the security that was needed to convey medicines and health personnel from one point to the other in response to the cholera outbreak."[60]

<div align="right">(Community Leader, Borno State)</div>

In camps located in Dambo and Maiduguri of Borno State, as well as Gujba and Damaturu in Yobe state, the military provided escort and protection for health personnel and was directly involved in the medical treatment of affected persons (for instance, surgeries were carried out at the 7th Division Military Hospital and the Air Force Hospital in Borno State).[61]

Military involvement in both epidemic and insurgency response presents several obstacles for robust civilian-military cooperation in Nigeria. Two particular challenges include human rights violations and civilian confusion regarding the military's role. Strategies for confronting these challenges include facilitating improved human rights violations reporting both internal and

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[60] Interview with a community leader in Maiduguri, Borno State.

[61] Interview with a military officer in Maiduguri, Borno State.

external to the military, more extensive military participation in public health campaigns, and improved military partnerships with civilian leaders.

Additionally, regional and cultural differences threaten cohesive epidemic response in Nigeria. Of the many recommendations given to improve civilian-military recommendations, training was often mentioned as a way to improve military understanding of cultural norms. Civilian inclusion – through community civilian leaders, for example -- can foster civilian-military adoption and understanding.  This goal for mutual understanding, however, neglects the various challenges that constrain effective civil society participation. Namely, structures do not currently exist within the Nigerian military to allow for civil society participation in epidemic or insurgency response. As a result, the following recommendations were developed to ameliorate civil society participation and enhance civilian-military relations in the epidemic and insurgency response.

## *Recommendations for Enhanced Civilian-Military Collaboration in Epidemic Response*

### *I.    Deepen Understanding of Local Context*

The findings of this research drew attention to a breakdown in trust between the military and the civilian population against the backdrop of their experience with the military in the theatre of conflict. In the light of the foregoing, the military should make every effort towards a proper understanding of the local environment and contexts in which it operates. Such a purposeful engagement and understanding of local cultural norms can improve civilian-military relations and promote a more cohesive and successful epidemic response. More specifically, the credibility and effectiveness of the military is directly related to the quality of interactions with the civilian population, which can best be achieved through a more nuanced understanding of local contexts.

### *II.    Expansion of Military Doctrine*

This paper advocates for a broadening of military doctrines from civilian protection against enemies to include civilian protection against diseases. Therefore, this calls for a transformation within the military to strengthen its skills and expertise against unconventional threats to human security such as disease outbreaks, which underscores a fundamental principle in civilian-military engagement and: civilian protection. The Nigerian Ministry of Defense Health Implementation Program (NMOD-HIP) remains a critical vehicle and catalyst for the actualization of such a grand vision for the military. Additionally, although beyond the scope of this paper, transnational partnerships with NGOs and foreign governments presents an opportunity for training and resource sequestration.

### III. *Building Community Trust Between Epidemics*

Given the military's constitutional mandate in epidemic response, the military needs to develop strategies to foster community trust between infectious disease outbreaks. Expanding military-community involvement during times of stability and in non-military areas might promote civilian-military cooperation during crisis situations. Examples of areas in which the Nigerian military can build community trust include public health campaigns, educational programs, and economic development projects.

### IV. *Strategic Partnerships within Epidemics*

Research demonstrates the opportunity for a strategic partnership between civilian and military sectors in epidemic response. Both the KIIs and FGDs directly elucidated the importance of a coordinated response to epidemics. Specifically, more robust plans of communication between the military and civil society can enhance resource distribution and epidemic response efficacy. By leveraging strategic partnerships, the capacity of the Nigerian military would be bolstered and better positioned for more effective outcomes. Together, a multinational partnership strategy between developed and developing countries can be a strong mechanism for expanding mutual cooperation on issues of common interests, such as epidemic response and international security.

### V. *Utilizing Military Resources for More Robust Responses*

The securitization of epidemic response in Nigeria has the potential to improve the efficiency of epidemic response. One such example is in the administration of polio vaccines to geographically inaccessible mountainous areas in Nigeria. In this example, the military administered the polio vaccines in hard-to-reach areas across Adamawa, Borno and Yobe. Also, the air-lifting capacity of the air-force was utilized in the distribution of health related equipment in response to Covid-19, particularly in hard to reach locations across the country. The work of civil societies in amplifying these realities through advocacy is imperative. Through training and advocacy, civil society can foster respectful and impactful dialogues to improve the future of civil-military relations and epidemic response. This is one potent way to mainstream civil-military relations in the public discourse on the securitization of epidemic response in Nigeria.

## Limitations

It is important to note that KIIs and FGDs were conducted before the 2020 COVID-19 pandemic, meaning that interview responses do not refer to the military's involvement in the COVID-19 response. Further, the FGDs and KIIs were conducted in three states in Nigeria. Civilian-military relations might strongly differ in other regions of Nigeria, and therefore generalizability of the research to all of Nigeria or other LMICs should be cautioned given regional differences in

socioeconomic demographics, culture, and civil society. Further research is warranted to evaluate the role of civilian-military relations in other parts of Nigeria and LMICs more generally and with the evolving challenges of responding to COVID-19.

# Conclusion

In recent years, humanitarian and security threats have underscored the importance of a unified, transnational response in infectious disease outbreaks. In most epidemics, the involvement of the military is common and plays a crucial, if not central, role in shaping the trajectory of the response. Over the past few years, the relationship between civilian and military actors in epidemic response has undergone a major transformation. These two entities have increasingly recognized the need for stronger collaboration and coordination if they are to mount an effective response to emergencies in the context of epidemics.

Military involvement has become a cornerstone of modern epidemic response. While some view military participation as a critical element in bridging the gap in relations between the military and civilians, others are skeptical of such actions, citing experiences with the military that were characterized by gross violation of human rights. Therefore, further research is needed to analyze and elucidate potential strategies for further military-civilian partnership enhancement. This report described challenges to civilian-military cooperation in Nigeria, including confusion regarding the military's role, cultural barriers, and human rights violations. Structures that promote civilian-military cooperation include civil society inclusion, military public health outreach, and improved human rights civilian-military reporting channels. Recommendations provided herein aim to improve civilian-military stakeholder collaboration.

Epidemic response has become an established aspect of military involvement in emergencies. The core premise is that in situations where humanitarian actors are unable to respond in a timely and efficient manner -- as was the case with the Boko Haram insurgency in Nigeria's northeastern region -- the military is bound to act because of its capacity for immediate deployment of personnel. Such responses can be justified along three attributes. First, human lives must be protected. Secondly, by protecting human lives during emergency situations, the military is fostering greater civilian-military cooperation and relations. Last, the military is able to contain the risks associated with further deterioration of the living conditions of the people in affected regions.

From this research, it is evident that understanding military operations also requires a joint civilian-military appreciation of the military's non-kinetic operations, which involves both epidemic and

humanitarian responses. This research highlights mixed perceptions of military involvement in epidemic responses in Nigeria. While some view military participation as a critical element in bridging the gap in civilian-military relations, others are skeptical of such actions, citing experiences with the military that were characterized by gross violations of human rights. Therefore, further research is needed to analyze and expand upon potential strategies for further military-civilian partnership enhancement.

# Appendix

Table 3: "Interview Guide"

## Interview Guide

**Key Informant Interviews:**

(i) In your view(s) what do you think constitute the key roles of the military in relation to their involvement in pandemic response?

(ii) How do the members of the communities where such interventions take place perceive the involvement of the military in pandemic response?

(iii) Are there existing structures and mechanisms that engenders community acceptance and support in relation to the involvement of the military in pandemic response?

(iv) Are there specific constraints that make it difficult for communities to support the military in relation to its involvement in pandemic response?

(v) Are there guiding principles that define military involvement in pandemic response in the north east region? If yes, what are they?

(vi) What are the existing challenges that affect cooperation and coordination between the military and communities in relation to pandemic response in the north east region?

(vii) In what ways can the constraints identified above be addressed?

(viii) In what ways and to what extent do local contexts influence or impact on the involvement of the military in pandemic response in the north east?

(ix) How has the military responded to these local contexts in its response to pandemics in the north east region?

(x) Are there better or effective ways of engendering civil-military relations in the context of the involvement of the military in pandemic response in the north east?

**Focus Group Discussions:**

(i) What is/are the specific role(s) of the military in relation to pandemic response in the North East region?

(ii) How do communities perceive the involvement of the military in relations to pandemic response in the North East region?

| (iii) | What are the existing structures and mechanisms that engenders community acceptance and support or otherwise, in relation to the involvement of the military in pandemic response in the North East region? |
| --- | --- |
| (iv) | What are the guiding principles that define military involvement in pandemic response in the North East region? |
| (v) | What are the existing challenges that affect cooperation and coordination between the military and communities in relation to pandemic response in the North East region? |
| (vi) | In what way(s) and to what extent do local contexts influence or impact on the involvement of the military in pandemic response in the North East region? |
| (vii) | What are the most effective ways of engendering civil-military relations in the context of the involvement of the military in pandemic response in the North East region? |

Table 4: "Code Book"

| Question: | Themes: |
| --- | --- |
| | |
| **Role of the Military** | Security/Peace |
| | Transportation |
| | Health Services |
| | |
| **Perception of Military Interaction with Community Members:** | Harassed Community Members |
| | Okay/Appreciated Help |
| | |
| **Structural Barriers to Military Partnership:** | Medical Services |

| | Traditional Leaders |
|---|---|
| | Cannot Recognize Needs |
| | Creating awareness |
| | No idea |
| | |
| **Guiding Principles for the Military (in your view):** | Law and Order |
| | No idea |
| | |
| **Challenges of Military Cooperation:** | Human Rights Violations/Extortion/Gender Based Violence |
| | Language |
| | Dissemination of Information/Communication |
| | Safety Concerns |
| | Lack of Understanding |
| | |
| **Local Context for Civilian-Military Relations Breakdown:** | Use of traditional leaders helpful |
| | Civilian task force |
| | Community Security Meetings |
| | Lack of Trust |
| | Lack of Structures/Resources |
| | |
| **Strategies for Promotion of Civilian-Military Partnership:** | Military should be protected |

| | Military respect civilians/Ethics Training | |
| --- | --- | --- |
| | Awareness | |
| | Provisions to military to aid | |
| | Dialogue | |

August 2020

# Humanitarian Civil-Military Information-Sharing in Complex Emergencies

## Realities, Strategies, and Risks

*A Report of the Center for Human Rights and Humanitarian Studies at the Watson Institute for International and Public Affairs, Brown University*

Author:

## Dr. Naysan Adlparvar

Yale University

New Haven, Connecticut

# Acknowledgments

# About the Author

Naysan Adlparvar is a lecturer at Yale University's Jackson Institute for Global Affairs. Previously, he was a postdoctoral fellow with both the Council on Middle East Studies (2016-18) and the Anthropology Department (2018-20) at Yale University. In 2017, Naysan was awarded the Rice Faculty Fellowship by Yale's MacMillan Center. He was also a visiting academic at Oxford University's Middle East Centre in Fall 2018. He teaches courses on disaster risk reduction and climate change adaptation in Afghanistan, the socio-political impacts of US-led interventions in Iraq and Afghanistan, and on society and politics of the Middle East. Naysan holds a PhD from the Institute of Development Studies at Sussex University. His doctoral research, exploring political reconstruction and identity in Afghanistan, won a Sutasoma Award from the Royal Anthropological Institute of Great Britain and Ireland.

Building on over a decade of policy and program work with the UN and NGOs in Afghanistan, Iraq and Jordan, his research focuses on humanitarianism, migration and socio-political relations in transitional and conflict-affected contexts. He has been published by *American Ethnologist*, *IDS Bulletin* and *The Conversation*. His work is forthcoming in *Iranian Studies* and the edited book, *Unsettling Middle Eastern Refugees: Regimes of Exclusion and Inclusion in the Middle East, Europe, and the United States*. Naysan's most recent role with the UN includes advising their Crisis Bureau on global governance and peacebuilding issues.

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# Abbreviations Index

| | |
|---|---|
| AWG | Access Working Group |
| BPH | Brussels Privacy Hub |
| CFE-DMHA | The Center for Excellence in Disaster Management and Humanitarian Assistance |
| CHRHS | Center for Human Rights and Humanitarian Studies (Brown University) |
| CMCoord | Civil-Military Coordination (OCHA) |
| CMWG | Civil-Military Working Group |
| DOD | Department of Defense (United States of America) |
| EHOC | Evacuation and Humanitarian Operations Cell (Saudi Ministry of Defense) |
| GPS | Global Positioning System |
| HHI | Harvard Humanitarian Initiative |
| HNS4D | Humanitarian Notification Systems for Deconfliction |
| HRP | Humanitarian Response Program (U.S. Naval War College) |
| HSC | Human Subjects Committee (Yale University) |
| IASC | Inter-Agency Standing Committee |
| ICRC | International Committee of the Red Cross |
| ICT | Information and Communications Technology |
| IHL | International Humanitarian Law |
| INSO | International NGO Safety Organization |
| IRB | Institutional Review Board |
| MSF | Médecins Sans Frontières/Doctors Without Borders |
| NGO | Non-Governmental Organization |
| OCHA | Office for the Coordination of Humanitarian Affairs (UN) |
| OFDA | Office of Foreign Disaster Assistance (United States of America) |
| PI | Principal Investigator |
| POC | Protection of Civilians |
| PPG | Privacy Policy Group (UN) |
| RCR | Russian Center for Reconciliation (Russian Federation) |
| SG | Secretary General |
| SSI | Semi-Structured Interview |
| SWG | Sectoral Working Group |
| UN | United Nations |
| UNDSS | United Nations Department for Safety and Security |
| US | United States of America |
| WASH | Water, Sanitation and Hygiene |
| WFP | World Food Programme (UN) |

# I. Research Project Background

The 'Civil-Military Coordination in Humanitarian Response: Expanding the Evidence Base' research project was founded with support from the Carnegie Foundation of New York (Grant: R-17-55582). The two-year project was co-implemented by the Center for Human Rights and Humanitarian Studies (CHRHS) based at Brown University's Watson Institute and the Humanitarian Response Program (HRP) based at the US Naval War College. It sought to expand the evidence-base for effective civil-military coordination in humanitarian response while developing new avenues for information sharing between humanitarian, military, and academic communities. By undertaking multiple research studies aimed at answering key questions pertaining to civil-military coordination in humanitarian response, the project leveraged new networks and an expanded knowledge-base to inform the development of new military doctrine and United Nations (UN) guidelines around civil-military coordination in the humanitarian space.

One research stream of the project — to which this research report corresponds — focused on information sharing between civil-military actors in humanitarian response in complex emergencies. The topic of inquiry for this research stream was:

> *What are the risks posed to civilians by deconfliction / information sharing*
> *in civilian-military coordination during humanitarian activities?*

The Principal Investigator (PI) for this research stream was Naysan Adlparvar, Postdoctoral Fellow and Lecturer at Yale University's Anthropology Department. He was supported by three Yale undergraduate research assistants: Julian Martin, Caterina Passoni and Elisabeth Siegel.

As part of the research stream, an Advisory Board was established that served to guide the research process and support identification of research participants. The Advisory Board consisted of Adam Levine, Seth Stulen, Dave Polatty, Ben Davies, Brittany Card, Beth Eggleston, Kelly Gilbride and Ziad Al Achkar.

# II.   Introduction: Context and Literature Review

In December 2019, the *New York Times* aired a story with the title, "The U.N. Tried to Save Hospitals in Syria. It Didn't Work."[1] The story referred to a key mechanism sharing information between humanitarian and military actors operating in Syria and Yemen. The article contains a strong critique of the mechanism, known as the Humanitarian Notification System for Deconfliction (HNS4D).

HNS4D shares global positioning system (GPS) coordinates of humanitarian locations, activities, and personnel (static and non-static) with warring parties, especially those using air power, for the purpose of protection against attacks (mainly airstrikes). Humanitarian actors — including UN agencies, non-governmental organizations (NGOs) and other organizations — regularly provide lists of coordinates to the Office for the Coordination of Humanitarian Affairs, or OCHA (the UN agency mandated with coordinating humanitarian assistance), who then collate the information and email it to all major parties in the conflict who have agreed to participate in the system.[2] In theory, these coordinates are then added to a 'no-strike list' maintained by each participating military actor. Once the receipt of data is acknowledged, the humanitarian site or movement can theoretically be considered 'deconflicted'.[3] It is important to note that HNS4D is not an 'approval mechanism' for humanitarians to conduct operations – instead, it is designed to minimize accidental attacks against humanitarian operations.

However, HNS4D does not always function in the manner in which it is intended. As the *New York Times* article argues, "Russian and Syrian forces have bombed sites on a flawed U.N. no-strike list with impunity".[4] The article was timely, as in August 2019, the UN Secretary-General (SG) initiated a high-level Board of Inquiry to, "review and investigate a number of specific incidents in which there was destruction of, or damage to, facilities on the UN deconfliction list and UN-supported facilities in the area."[5] The implication is that information provided on the location of seven humanitarian sites (e.g. hospitals and schools) was used to target airstrikes. In early April 2020 the Board of Inquiry delivered its findings to the SG. It clearly found that it was 'highly probable' in four cases and 'probable' in one case that the Syrian Governments or its allies

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[1] NYT. *The U.N. Tried to Save Hospitals in Syria. It Didn't Work.* December 29. New York City: New York Times. 2019. Accessed on February 19, 2020 at: https://www.nytimes.com/2019/12/29/world/middleeast/united-nations-syria-russia.html.

[2] In Yemen, OCHA shares notification information with the Evacuation and Humanitarian Operations Cell (EHOC) in the Saudi Ministry of Defense, which in turn notifies members of the Saudi-led Coalition. In Syria, OCHA shares notification information with the Russian Center for Reconciliation (RCR) in the Russian Ministry of Defense, the Turkish Ministry of Foreign Affairs for communication to the Turkish military and to Coalition Forces.

[3] See OCHA. *Operational Guidance for Humanitarian Notification System for Deconfliction (HNS4D).* Working Paper v.1.0. 2019 for further details. Available at: https://sites.google.com/dialoguing.org/home/resource-centre/resource-library#h.p_XSgRRYvAuIjY.

[4] NYT 2019: 1.

[5] UN. *Statement Attributable to the Spokesperson for the Secretary-General - on UN Board of Inquiry in Northwest Syria.* September 13. 2019. Accessed on February 19, 2020 at: https://www.un.org/sg/en/content/sg/statement/2019-09-13/statement-attributable-the-spokesperson-for-the-secretary-general-un-board-of-inquiry-northwest-syria

had carried out the attacks. However, in all of these cases — and in a suitably diplomatic manner — the Board added that there was insufficient evidence to reach a definitive finding. Of the remaining two sites, one fell outside of the mandate of the Board, and it was 'probable' that the second was attacked by an armed opposition group. Other than this, the report was insipid. No issues of legal liability were raised. Recommendations focused on raising awareness of international humanitarian law amongst all parties to the conflict. They also suggested OCHA should provide clearer guidance, more robust delivery of humanitarian notification, and more careful record keeping.[6] See Annex One for the Board's recommendations. In essence, the Board's recommendations implied there was nothing wrong with HNS4D and OCHA simply needed to be more diligent in their implementation of the system.

Many questions were left unanswered. Does the inclusion of sites on a 'no strike list' make them more or less safe? What are the information sharing challenges regarding humanitarian notification that complicate the process? What makes it so difficult to assign blame and seek recourse when humanitarian sites are struck? How should OCHA move forward; do they simply need to tighten up their information sharing protocols or are there broader challenges to be addressed? How should the wider humanitarian community respond to HNS4D in the light of its shortcomings? And, ultimately, is it worth continuing to use the mechanism?

Answering these questions with existing evidence is challenging to say the least. Beyond the *New York Times* article and a few similar journalistic accounts, few of the challenges facing HNS4D have been investigated in academic studies. More broadly, the scholarly literature on civil-military coordination mainly stands silent on understandings of the socio-political and operational challenges of information sharing. For the purposes of this study the available scholarly work have been divided into three distinct areas.[7] The first focuses on standards and policy guidelines, with limited exploration of operational realities or the contexts in which information sharing takes place.[8] A second discusses principled frameworks for the regulation of information sharing and the protection of aid recipients' personal data. This area of the literature is marked by a distinctly normative framing.[9] Finally, the last encompasses debates on the use of new technologies in humanitarian action, and methods to improve information management systems and data-sharing

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[6] UN. Summary by the Secretary-General of the Report of the United Nations Headquarters Board of Inquiry into Certain Incidents in Northwest Syria since 17 September 2018 Involving Facilities on the United Nations Deconfliction List and United Nations Supported Facilities. 2020. Accessed on April 18, 2020 at: https://www.un.org/sg/sites/www.un.org.sg/files/atoms/files/NWS_BOI_Summary_06_April_2020.pdf

[7] For an overview of the literature see Metcalfe, V., Haysom, S. and Gordon, S. *Trends and Challenges in Humanitarian Civil-Military Coordination: A Review of the Literature*. London: Overseas Development Institute. 2012.; and NWC. Humanitarian Civil-Military Relations: An Annotated Bibliography. Newport: Unites States Naval War College. 2017.

[8] See ICRC. *Professional Standards for Protection Work: Carried Out by Humanitarian and Human Rights Actors in Armed Conflict and Other Situations of Violence*. Third Edition. Geneva: International Committee of the Red Cross. 2018.; and OCHA. *UN-CMCoord: Field Handbook. Version 2.0.* Geneva: Office for the Coordination of Humanitarian Affairs. 2018.

[9] See HHI. *The Signal Code: A Human Rights Approach to Information During Crisis*. Cambridge: Harvard Humanitarian Initiative. 2017.; and HHI. *The Signal Code: Ethical Obligations for Humanitarian Information Activities*. Cambridge: Harvard Humanitarian Initiative. 2018.

platforms.[10] This is a sub-field which is mostly technical in nature. While these three areas of the literature make valuable contributions, there is limited evidence upon which to judge the opportunities and challenges facing humanitarian civil-military information sharing, the mechanisms that facilitate it, and the socio-political dynamics that shape it.

This research report aims to contribute insight to civil-military information sharing debates by challenging assumptions and highlighting the risks and realities of information sharing in complex emergencies. It also aims to bring forth new evidence and stimulate new thinking on the issue.

An analysis of civil-military information sharing is also, partly, an analysis of civil-military coordination, as knowledge of coordination mechanisms in this context and the perspectives, strategies, and practices of actors that use them informs a broader understanding of the value and functioning of information sharing. The following two sections of this chapter review literature — mainly scholarly and 'grey' (i.e. UN, NGO and military policy documents and reports) — first on civil-military coordination and then civil military information sharing. Lastly, the structure of the report will be outlined.

## *Civil-Military Coordination: Principles, Perceptions and Organizational Cultures*

Civil-military coordination is, today, a central component of humanitarian assistance. This report adopts OCHA's definition, which is:

> The essential dialogue and interaction between civilian and military actors in humanitarian emergencies that is necessary to protect and promote humanitarian principles, avoid competition, minimize inconsistency and, when appropriate, pursue common goals." [11]

The humanitarian principles mentioned in the quote above form the basis of how humanitarians conduct the delivery of aid. They are given special consideration by humanitarians in relation to civil-military coordination, dictating how humanitarians choose to, or choose not to, engage with military actors. The four core humanitarian principles are as follows.

> (i) Humanity: Human suffering must be addressed wherever it is found. The purpose of humanitarian action is to protect life and health and ensure respect for human beings; (ii) Neutrality: Humanitarian actors must not takes sides in hostilities or engage in controversies of a political, racial, religious or ideological nature; (iii) Impartiality: Humanitarian action must be carried out on the basis of need alone, giving priority to the most urgent cases of distress and making no distinctions on the basis of

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[10] See Altay, N. and Labonte, M. "Challenges in Humanitarian Information Management and Exchange: Evidence from Haiti" in *Disasters*. London: Overseas Development Institute. 2014.; and Schultz, R., Keelean, K., Jamison, J. and O'Connell, R. *Data Sharing is a Critical Capacity*. MODSIM World. Paper 28. 2017.
[11] OCHA 2018: 55.

> nationality, race, gender, religious belief, class or political opinions; and (iv) Operational Independence: Humanitarian action must be autonomous from the political, economic, military or other objectives that any actor may hold with regard to areas where humanitarian action is being implemented.[12]

Over the last two decades the objectives, forms and range of civil-military coordination have been rapidly evolving.[13] Although examples of military involvement in humanitarian operations have a lengthy history, their evolution has taken on new trajectories since the US-led interventions in Afghanistan (2001)[14] and Iraq (2003).[15]

This evolution has taken place in both disaster response and in humanitarian operations in complex emergencies.[16] In operations responding to natural and man-made disasters (which have escalated following the 2004 Indian Ocean Tsunami)[17] civil-military coordination is more likely to take the form of *cooperation*, given the limited negative impacts of humanitarians being perceived as aligned with military actors. In contrast, in complex emergencies civil-military coordination is more prone to take the form of *co-existence*, as humanitarians endeavor to maintain independence and neutrality from military actors (to avoid, in part, losing neutrality and being targeted as actors party to the conflict).[18]

The development of civil-military coordination in conflict settings has been driven by the increasingly frequent and large-scale international interventions in complex emergencies, such as in Iraq, Afghanistan, Libya, Yemen and Syria. Crucially, the objective of military engagement in humanitarian operations has shifted, where "interventions have become characterized by 'comprehensive' or 'stabilization' strategies that have explicitly sought to combine humanitarian, military and other spheres of action under an over-arching political objective".[19]

This politicization of humanitarianism, most often viewed as emerging from the use of 'stabilization' or 'counter-insurgency' approaches incorporating humanitarian assistance, stands

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[12] OCHA 2018: 15.

[13] Metcalfe *et al* 2012.

[14] Petrik, J. "Provincial Reconstruction Teams in Afghanistan: Securitizing Aid through Developmentalizing the Military" in Brown, S. and Gravingholt, J. (eds.) *The Securitization of Foreign Aid*. London: Palgrave MacMillan. 2016: 163-187; Goodhand, J. "Contested Boundaries: NGOs and Civil-Military Relations in Afghanistan" in *Central Asian Survey*, 32, 3. 2013: 287-305; and Haysom, S. and Jackson, A. "'You Don't Need to Love Us': Civil-Military Relations in Afghanistan, 2002-13" in *Stability: International Journal of Security & Development*, 2, 2. 2013: 1-16.

[15] Hansen, G. "Taking Sides or Saving Lives: Existential Choices for the Humanitarian Enterprise in Iraq" in *Humanitarian Agenda 2015: Iraq Country Study*. Medford: Feinstein International Center, Tufts University. 2007.

[16] A 'complex emergency' is defined as "a humanitarian crisis in a country, region, or society where there is a 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 agency" (IASC. *IASC Guiding & Operating Principles on Civil-Military Relationship & Use of Military Assets*. Geneva: Inter-Agency Standing Committee. 2004: 11).

[17] Metcalfe, V., Haysom, S. and Gordon, S. *Trends and Challenges in Humanitarian Civil-Military Coordination: A Review of the Literature*. London: Overseas Development Institute. 2012.

[18] IASC 2004.

[19] Metcalfe *et al* 2012: 5.

at odds with the goals of humanitarian response.[20] Humanitarians argue that stabilization and counterinsurgency operations that utilize humanitarian activities to win the sympathies of the local population — thereby meeting short-term military and political goals — limit humanitarian access to civilians (through associating humanitarianism with military actors) and endanger aid recipients (who may be viewed as taking sides in the conflict).[21]

Humanitarian concerns are linked to two main possibilities under which the humanitarian principles may be compromised when interacting with military actors. First, the principle of impartiality may be compromised through humanitarian response being distorted by engagement with the military, leading to compromised assistance that does not deliver aid on the basis of need. Second is the fear that humanitarian action is co-opted and directed to meet military objectives. This leads to compromise of the principle of neutrality, and results in humanitarians being viewed as parties to the conflict and, therefore, legitimate targets for attack.[22]

While these perspectives are often held by humanitarians, there is a limited evidence base in the literature that outlines why the provision of humanitarian assistance by the military is problematic or how it has tangibly translated into increased danger for humanitarian staff or aid recipients.[23] Conversely, there is a small body of literature (from disaster response settings) that argues that militaries can play a valuable role in humanitarian response. Some humanitarian actors recognize the comparative advantage that state militaries often possess in humanitarian response.[24] This includes, for example, rapid deployment capabilities and advanced transport and logistical capacities that can result in the rapid distribution of lifesaving aid. Some scholars advocate for military intervention in humanitarian response claiming they have a sizeable comparative advantage,[25] with others arguing that this should only take place where humanitarian organizations lack the capabilities offered by military actors.[26]

While some humanitarians typically adopt a cautious stance toward engagement with military actors, perspectives on civil-military coordination across the humanitarian community vary.

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[20] *Ibid*.; Fishstein, P. *Winning Hearts and Minds? Examining the Relationship between Aid and Security in Afghanistan's Balkh Province*. Medford: Feinstein International Center, Tufts University. 2010.; and Collinson, S., Elhawary, S. and Muggah, R. "States of Fragility: Stabilisation and Its Implications for Humanitarian Action" in *Disasters*, 34, 3. 2010.

[21] Metcalfe *et al* 2011.

[22] See Egeland, J., A. Harmer and A. Stoddard. *To Stay and Deliver: Good Practice for Humanitarians in Complex Security Environments*. OCHA Policy Development and Studies Branch. 2011; and Fast, L. *Aid in Danger: The Perils and Promise of Humanitarianism*. Philadelphia: University of Pennsylvania Press. 2014.

[23] Slim, H. *Humanitarian Ethics: A Guide to the Morality of Aid in War and Disaster. Oxford: Oxford University Press*; and Goodhand 2013.

[24] IASC 2004; Marret, J. "Civil–Military Relations in Disaster Response" in Steets, J. and Hamilton, D. (eds) *Humanitarian Assistance: Improving U.S.–European Cooperation*. Baltimore: Johns Hopkins University, 2009: 339–358; and Eggleston, B. "Humanitarian Values and Military Objectives" in Frame, T. and Palazzo, A. (eds.). *Ethics Under Fire: Challenges for the Australian Army*. Kensington: University of New South Wales Press. 2017: 138-152.

[25] Etkin, D. McBey, K. and Trollope, C. *The Military and Disaster Management: A Canadian Perspective on the Issue*. 2011. Accessed on April 18, 2020 at: www.crhnet.ca/sites/default/files/library/Etkin.pdf

[26] Arcala Hall, R. and Cular, A. "Civil–Military Relations in Disaster Rescue and Relief Activities: Response to the Mudslide in Southern Leyte, Philippines" in *Scientia Militaria. South African Journal of Military Studies* 38, 2, 2010: 62–88.

Experiences in Afghanistan and Iraq have contributed to this divergence of perspectives.[27] Some humanitarian organizations avoided contact with state-supported military forces altogether and others — potentially compromising humanitarian principles in the process — embraced it; often benefitting from financial resources and offers of security provision, or desiring to effect change in accordance with military aspirations.[28] Contributions to the literature point out that there is a large power differential between individual humanitarian actors and international militaries. In the context of Afghanistan, for instance, it has been argued that transgressions have mainly been carried out by military actors seeking to influence humanitarian action.[29] Furthermore, there is also growing political pressure from some donors — typically those, such as the United States and the United Kingdom, who are often parties to the conflict in complex emergencies — for humanitarian organizations they fund to more closely interact with their militaries and allied forces.[30]

The differing approaches to engagement with military actors have led some humanitarian actors to engage state militaries for financial, operational and security support, while others simultaneously accuse those same militaries of placing humanitarians at risk. In some cases, individual humanitarian actors do both.[31] Critically, for those humanitarians operating at the community level, the actions of one humanitarian actor engaging closely with a state military can have the effect of negatively impacting perceptions of the whole humanitarian community by aid recipients, local community actors and non-state armed groups alike.[32]

As a result of the diverse and contradictory range of humanitarian perspectives on engaging the military, alongside organizational mandates, it is very difficult to achieve a comprehensive approach to civil-military coordination in any given complex emergency. Indeed, this may even be undesirable for some humanitarian actors. Even where a coherent model for civil-military coordination is agreed upon, it is highly unlikely that all humanitarians will conform to all elements of the model.[33] The rising number of humanitarian actors with differing interests contributes to this challenge. This makes civil-military coordination increasingly complicated. The move toward strengthening the humanitarian-development-peace nexus in humanitarian response also has an effect. The changing scope of humanitarian action away from lifesaving activities to more transformational interventions such as addressing the root causes of conflict[34] or promoting 'recovery'[35] can have the effect of aligning humanitarian efforts with the strategy of one or more

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[27] Donini, A. "Afghanistan: Humanitarianism under Threat" in *Humanitarian Agenda 2015: Principles, Power, and Perceptions Series*, Medford: Feinstein International Center, Tufts University. 2009.; and Hansen 2007.

[28] Hofman, M. "Dangerous Aid in Afghanistan" in *Foreign Policy*, January 12. 2011.

[29] Goodhand 2013.

[30] Metcalfe *et al* 2012.

[31] Egeland *et al* 2011.

[32] Metcalfe *et al* 2012.

[33] Metcalfe, V., Giffen, A. and Elhawary, S. *UN Integration and Humanitarian Space: An Independent Study Commissioned by the UN Integration Steering Group*, HPG and Stimson Center. 2011.

[34] Macrae, J. and A. Harmer, A. *Beyond the Continuum: An Overview of the Changing Role of Aid in Protracted Crises*. HPG Report 18. London: Overseas Development Institute.

[35] Bailey, S. and Pavanello, S. *Untangling Early Recovery*. HPG Policy Brief 38. London: Overseas Development Institute. 2009.

of the belligerents in a conflict. This can erode impartiality and, in turn, result in humanitarians losing access and the ability to provide humanitarian assistance to those in need.[36]

Some state militaries, on the other hand, bemoan consistent accusations that they seek to politicize humanitarian interventions, arguing instead that, at times, humanitarian and military objectives can align. They also express frustration at humanitarian actors for failing to contribute to 'unity of effort'.[37] This is a result of some military actors viewing humanitarians as 'intelligence partners' or 'force multipliers' and humanitarian assistance as a conflict management tool utilized in stabilization efforts.[38] Indeed, a number of humanitarians argue that the language of 'force multipliers' and 'intelligence partners' can directly undermine their perceived independence and neutrality in a humanitarian context.[39] This association can have real consequences for humanitarians' access to people in need of assistance.

A final, often cited, area of the literature that discusses civil-military coordination relates to challenges emerging from differing organizational cultures between humanitarian actors and the military.[40] Militaries are characterized as hierarchical and task-focused.[41] , the humanitarian ecosystem is viewed as a loosely organized community with no principal authority that is driven by humanitarian principles and donor funding.[42]

## *Civil-Military Information Sharing: Protection, Data Responsibility and Humanitarian Notification*

Information sharing is a key component of civil-military coordination. Information that is often shared includes, "(i) information to de-conflict humanitarian and military operations; (ii) general security information...; (iii) information on infrastructure, population movements and humanitarian needs...; (iv) ... information on threats to civilians, ...; and (v) information on humanitarian principles and humanitarian action".[43] OCHA suggests that, "a minimum of information should always be exchanged, to increase mutual awareness and de-conflict operations".[44] Nonetheless, a key consideration in civil-military information sharing is, "that it

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[36] Metcalfe *et al* 2012.

[37] Clarke, W. "The Humanitarian Dimension in Kosovo: Coordination and Competition" in Wentz, L. (ed.). *Lessons from Kosovo: The KFOR Experience*. Command and Control Research Program, US Department of Defense. 2002, cited in Metcalfe *et al* 2012.

[38] Collinson *et al* 2010.

[39] Carswell, A., Cone, J., Chamberlain, F., Dyer, J., Erickson, D., Katsos, G, McArthur, J., Marx, M., Ruf, J., Schirch, L., and Shea, P. "Interorganizational Cooperation II of III: The Humanitarian Perspective" in *Joint Force Quarterly*, 80, 1. National Defense University Press. 2016: 145-152; Gaist, P., and Wilson R. "Separate and Equal: Building Better Working Relationships with the International Humanitarian Community" in *Joint Force Quarterly*, 80, 1. National Defense University Press. 2016: 45-53; and Eggleston 2017.

[40] See IASC 2004 and OCHA 2018.

[41] Slim 2015.

[42] Clarke 2002, cited in Metcalfe *et al*, 2012; and Collinson, S. and Elhawary S. *Humanitarian Space: A Review of Trends and Issues*. HPG Report 32. London: Overseas Development Institute. 2012, cited in Metcalfe *et al*, 2012.

[43] OCHA 2018: 138.

[44] OCHA 2018: 75.

does not put civilians at additional risk or give tactical advantage to a party".[45] This criterion aligns with the humanitarian principles of humanity and neutrality and, more generally, concerns relating to the Protection of Civilians (POC). As a result, these two elements of information sharing can create inherent tensions for humanitarians.

While information sharing has always featured as a component of civil-military coordination in complex emergencies, in recent years it has featured increasingly in humanitarian operations and gained prominence in humanitarian policy circles. This growing focus on humanitarian information sharing has been driven by two main factors. First, the growing adoption of new technologies (e.g. blockchain, crowdsourcing applications, Big Data capabilities, use of aerial unmanned vehicles for data collection) in humanitarian operations and the opportunities and risks this engenders.[46] And, second, the growing perception that many humanitarian contexts are increasingly dangerous for humanitarian and civilians.[47]

The existing scholarship on technology and aid is highly technical in nature and often presents principle-based approaches to managing technology in humanitarian contexts as well as principle-based critiques of its use. While much of this literature falls outside the remit of this report (as it talks about technology and not the dynamics and politics of information sharing), it highlights the limitations and potential dangers of utilizing new technologies in humanitarian operations, including potential compromises to humanitarian principles and risks to populations receiving humanitarian assistance.[48]

Indeed, a number of scholars highlight broader concerns regarding the reproduction of power inequalities through the application of digital innovations and new data practices in humanitarianism. This includes the ethical questions and real-world dangers associated with the exploitation of aid recipient data for either surveillance or capitalist purposes.[49]

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[45] *Ibid*: 138.

[46] Betts, A. and Bloom, L. *Humanitarian Innovation: The State of the Art*. OCHA Policy and Studies Series. Geneva: Office for the Coordination of Humanitarian Affairs. 2014.; and Belliveau, J. "Humanitarian Access and Technology: Opportunities and Applications" in *Procedia Engineering*, 159. 2016: 300-306.

[47] Fast 2014; and Brooks, J. Protecting Humanitarian Action: Key Challenges and Lessons Learned from the Field. Cambridge: Harvard Humanitarian Initiative. 2016.

[48] Channa, M. and Ahmed, K. "Emergency Response Communications and Associated Security Challenges" in International Journal of Network Security & Its Applications, 2, 4. 2010: 170-192.; Mays, R., Gugerty, M. and Racadio, R. Competing Constraints: The Operational Mismatch between Business Logistics and Humanitarian Effectiveness. Global Humanitarian Technology Conference. 2012.; Altay and Labonte 2014; Sandvik, K., Jumbert, M., Karlsrud, J. and Kaufmann, M. "Humanitarian Technology: A Critical Research Agenda" in *International Review of the Red Cross*, 96, 893. 2014: 219-242.; Belliveau 2016; Fast, L. "Diverging Data: Exploring the Epistemologies of Data Collection and Use among Those Working on and in Conflict" in *International Peacekeeping*, 24, 5. 2017: 706-732.; Searle, M. *Is the Use of Cyber-Based Technology Leading to the Reduction of Humanitarian Independence?* RSIS Working Paper 315. Singapore: Rajaratnam School of International Studies. 2018; Coppi, G. and Fast, L. *Blockchain and Distributed Ledger Technologies in the Humanitarian Sector*. HPG Commissioned Report. London: Overseas Development Institute.

[49] Duffield, M. *Post-Humanitarianism: Governing Precarity in the Digital World*. Cambridge: Polity Press. 2019; and Madianou, M. "Technocolonialism: Digital Innovation and Data Practices in Humanitarian Response to Refugee Crises" in *Social Media + Society*, July-September. 2019: 1-13.

Understandably, given the increasing adoption of new technologies in humanitarian operations, a corresponding concern with data responsibility has emerged in policy and scholarly circles over the last few years.[50] Many large humanitarian organizations have rapidly issued data protection guidelines to protect the identities of, and information pertaining to, aid recipients. These include, but are not restricted to: [51] (i) International Committee of the Red Cross (ICRC) and Brussels Privacy Hub's (BPH) *Handbook on Data Protection in Humanitarian Action*;[52] (ii) UN Privacy Policy Group's (UN PPG) *Principles on Personal Data Protection and Privacy*;[53] (iii) OCHA's *Data Responsibility Guidelines;*[54] (iv) UN World Food Programme's (WFP) *Data Privacy and Protection Framework*;[55] and (vi) Harvard Humanitarian Initiative's (HHI) *Signal Code*.[56]

At the same time, the perception that humanitarians are working in increasingly dangerous operational settings has also contributed to the growing significance of civil-military information sharing in complex emergencies. According to a number of sources,[57] attacks on aid workers have been increasing over the last 15 years, peaking in 2013. However, questions of accuracy, reliability, and comparability make it difficult to determine if humanitarians are indeed subject to greater insecurity in their work.[58] Nonetheless, in the last decade a number of attacks carried out by military forces on humanitarians (mainly humanitarian health workers), humanitarian infrastructure and civilians have been widely reported in conflict-affected contexts. This notoriously includes the 2015 killing of 42 people in the US bombing of a Médecins Sans Frontières (MSF) hospital in Kunduz, Afghanistan;[59] a series of airstrikes on health facilities in Yemen, carried out by the Saudi-led Coalition in 2015; and the 'systematic' bombing of over 500 hospitals in opposition held areas in Syria, by Syrian and Russian military forces.[60] It was in response to the high profile targeting of humanitarian and civilian targets in complex emergencies that OCHA introduced HNS4D in Syria and Yemen.

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[50] See Raymond, N. and Card, B. *Applying Humanitarian Principles to Current Uses of Information Communication Technologies: Gaps in Doctrine and Challenges to Practice*. Cambridge: Harvard Humanitarian Initiative. 2015.; Raymond, N.; Card, B.; and Al Achkar, Z. *What is 'Humanitarian Communication'? Towards Standard Definitions and Protections for the Humanitarian Use of ICTs*. European Interagency Security Forum. 2015.; Raymond, N. and Al Achkar, Z. *Data Preparedness: Connecting Data, Decision-Making and Humanitarian Response*. Cambridge: Harvard Humanitarian Initiative. 2016.; and Cardia, I.; Holzer, A.; Xu, Y.; Maitland, C. and Gillet, D. *Towards a Principled Approach to Humanitarian Information and Communication Technology*. ICTD '17. November 16-19, 2017.

[51] See Berens, J., Mans, U. and Verhulst, S. Mapping and Comparing Responsible Data Approaches. Leiden: Centre for Innovation. 2016 for further details.

[52] ICRC/BPH. *Handbook on Data Protection in Humanitarian Action*. Geneva: International Committee of the Red Cross/Brussels Privacy Hub. 2017.

[53] UN PPG. *Personal Data Protection and Privacy Principles*. New York: UN Privacy Policy Group. 2018.

[54] OCHA. *Data Responsibility Guidelines - Working Draft*. Geneva: Office for the Coordination of Humanitarian Affairs. 2019.

[55] WFP. *WFP Guide to Data Protection and Privacy*. Rome: World Food Programme. 2016.

[56] HHI 2017 and HHI 2018.

[57] Including, for example, the Aid Worker Security Database.

[58] Brooks, J. (2016). *Protecting Humanitarian Action: Key Challenge and Lessons from the Field*. Advanced Training Program on Humanitarian Action. Cambridge: Harvard Humanitarian Initiative.

[59] https://www.hrw.org/news/2015/10/03/afghanistan-us-airstrike-hits-kunduz-hospital

[60] SHC. *Violence on the Front Line: Attacks on Health Care in 2017*. Washington, D.C.: Safeguarding Health in Conflict. 2018.

Shifting to focus specifically on civil-military information sharing, we find a dearth of scholarly work.[61] Of that which does exist, a significant portion of information sharing literature explores data platforms and information management processes.[62] That which has been produced by military actors tends to be highly technical and focus on discussion about civil and military roles in information sharing, or information security and protocols for declassification.[63]

There are some insights, however, that engage with more pragmatic elements of information sharing and the socio-political factors that inform it. For example, many humanitarian actors hesitate to share information with militaries in case it compromises humanitarian principles, advances military agendas, or subjects them to attack.[64] There are also concerns that aid recipient populations may be attacked where there is a *perceived* link between humanitarian agencies and military objectives. This adds another dimension to the existing irregularity in humanitarian positions on how best to engage military actors in coordination structures, which in most cases will include information sharing.[65] At the same time, as implied in scholarly discussions amongst military actors, challenges in information sharing arise due to the tight restrictions military actors have on distributing information to civilians.[66]

A number of methods have been proposed that help address the misalignment between humanitarian and military actors with regard to information sharing, including liaison personnel[67] and academic civil-military centers.[68] Liaison personnel (such as OCHA's Civil-Military Coordination [CMCoord] Officers) purport to bridge informational and procedural gaps between civilian and military actors and help overcome cultural, linguistic and bureaucratic barriers on both sides. In addition, academic centers focusing on civil-military coordination (such as the Center for Excellence in Disaster Management and Humanitarian Assistance [CFE-DMHA]) can contribute to cultivating networks between military and humanitarian counterparts and facilitating information sharing prior to the onset of complex emergencies. While these methods have been noted to help information sharing, there still remains skepticism on both sides of the civil-military divide.[69]

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[61] Metcalfe *et al* 2012.

[62] Zyck S. "Towards More Effective Civil-Military Information-Sharing in Stabilization Contexts" in Humanitarian Exchange, 56. 2013: 20-22.; and Altay and Labonte 2014.

[63] Wentz, L. *An ICT Primer: Information and Communication Technologies for Civil-Military Coordination in Disaster Relief and Stabilization and Reconstruction*. Washington, D.C.: National Defense University. 2016.; Carswell *et al* 2016; Gaist *et al* 2016; and Schultz *et al* 2017.

[64] Metcalfe *et al* 2011.; and Zyck 2013.

[65] Metcalfe *et al* 2011.

[66] Zyck 2013.

[67] OCHA 2018.; and Stewart, R. "Lessons Encountered During the Battle for Mosul" in *NZ Army Journal*, 4. 2018: 19-27.

[68] Pezard, S., Thaler, D., Grill, B., Klein, A., and Robson, S. The Center for Excellence in Disaster Management and Humanitarian Assistance (CFE-DMHA): An Assessment of Roles and Missions. Santa Monica: RAND Corporation. 2016.; Flint, J., Eggleston, B., Sevach, A., and Rosas, A. *Humanitarian Civil-Military Coordination in Emergencies: Towards a Predictable Model*. Canberra: Australian Civil-Military Centre. 2017.; and Stewart 2018.

[69] NRC. *A Partnership at Risk? The UN–NGO Relationship in Light of UN Integration*, Oslo: Norwegian Refugee Council. 2011.

*Moving Forward: Structure of the Report*

This section of the report explored the context of the research and the existing literature pertaining to civil-military coordination and information sharing. The following section of the report discusses methodology; the research questions, sampling technique, methods and ethical considerations that were utilized in data collection. The remainder of the report then interprets this collected data to address some of the gaps and shortcomings in the review of literature on civil-military information sharing, outlined above. Section 4 describes the contexts in which humanitarian civil-military information sharing takes place. In doing so, it outlines the strategies and practices that are employed by humanitarians to share information. Section 5 then looks specifically at the challenges and dynamics specific to HNS4D in Syria and Yemen. Finally, conclusions, key findings and further research is discussed in Section 6. Section 7 includes the annexes.

# III. Methodology: Research Questions, Methods, and Ethics

The research question initially provided to the PI was: *what are the risks posed to civilians by deconfliction/information sharing in civilian-military coordination during humanitarian activities?* Yet, as outlined above, the current state of scholarship and policy guidance in the field of civil-military coordination and information sharing necessitated a particular reading of this guiding question. A research framing that exposed realities and identified risks (reflecting practice) and challenged assumptions (underpinning policy) was sought. Moreover, a framing that precluded an overtly normative or technical analysis and embraced a pragmatic and political lens, was adopted.

As such, the initial research question was interpreted, not in a narrow sense, to only focus on questions of technical failures and operational errors (e.g. data leakage, failure to use targeting procedures) that may lead to risks for civilians but, in a much broader sense, to problematize the nature of civil-military information sharing itself. In other words, by exploring the realities, strategies, opportunities and challenges of civil-military information sharing, this research explores risks posed to civilians in complex emergencies.

The following sub-research questions were developed to expand the primary research question and help the required trajectory of analysis unfold:

- What is the state of the literature on civil-military coordination and information sharing for humanitarian response in complex emergencies?
- What are the strategies and practices commonly employed by humanitarian actors in complex emergencies with regard to information sharing?
- What opportunities and constraints exist in humanitarian civil-military information sharing spaces in complex emergencies, particularly in relation to HNS4D?

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- How can civil-military information sharing be improved with regard to enabling humanitarian operations and protecting civilians in complex emergency settings? And, what further research is required to support this?

## *Methods*

The research methodology is qualitative in nature, relying on a hybrid sampling technique and utilizing Literature Review and Semi-Structured Interview (SSI) research methods. Data collection and analysis took place from April 2019 to July 2020.

### *Sampling Technique*

The research adopted a hybrid form of sampling. This includes purposive and snowball sampling techniques. Initially, purposive sampling was used. Research subjects were initially selected — with support from the Advisory Board — based on their experience and knowledge with regard to the research. While purposive sampling continued throughout the data collection phase, snowball sampling was also used. In the latter case, recommendations were requested from those research participants who had already completed interviews. In some cases, multiple interviews were conducted with the same research participant.

Thirty interviews were conducted with 26 research participants. These research participants included senior and field-level staff belonging to: (i) the civilian and military arms of the US government; (ii) civil-military coordination and information sharing entities; (iii) UN agencies; (iv) international NGOs; (v) NGO coordinating bodies; and (vi) academics and analysts with expertise in civil-military coordination and information sharing.

### *Research Method 1: Literature Review*

A literature review of secondary sources was undertaken. Literature included scholarly sources and 'grey' literature (e.g. UN, NGO or military reports), which were collected from Internet searches, a review of Yale University's library catalogue, and through recommendations from research participants and members of the Advisory Board.

### *Research Method 2: Semi-Structured Interview*

SSIs were used to collect primary data for the research project. SSIs are formal interviews that can provide reliable, comparable data.[70] SSIs follow an interview guide, which structures questions and prompts. Yet, interview guides can be utilized in a flexible manner allowing for the exploration of emerging issues. They also allow research participants to answer questions in their own terms, which aids understandings of meaning and causality.

An initial interview guide was generated and then revised based on feedback from the Advisory Board. See Annex Two for the Interview Guide.

Interviews where mainly conducted by Skype and telephone, with a small number (3) taking place in person. Consent was sought to record all interviews. It was obtained on 23 occasions, with the

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[70] Bernard, H. R. *Research Methods in Anthropology: Qualitative and Quantitative Approaches*. Fifth Edition. New York, NY: Alta Mira Press. 2011.

remaining seven interviews recorded by hand. All recorded interviews were transcribed as close to verbatim as possible. Interview transcript analysis involved coding by hand according to themes that emerged throughout the data collection process.

## *Ethical Considerations*

Primary ethical considerations in this research process include risks relating to research participants and, where they are engaged in delivering humanitarian activities, the aid recipients they serve. Secondary considerations relate to liability for the research team and the institutions they represent. In both cases, risks are perceived as low and do not exceed the expectations of 'normal' qualitative data collection. To maintain ethical standards the research was passed through Institutional Review Board (IRB) processes. Furthermore, informed consent was secured and data confidentiality and research participant anonymity were maintained throughout the research process.

### *Institutional Review Board Processes*
To ensure protection of the welfare and rights of human subjects included in the data collection process, IRB processes were respected. Exemption from IRB consideration at Brown University was already secured upon initiation of this research stream. As the PI is affiliated with Yale University, the proposed research was also considered by the Human Subjects Committee (HSC); the appropriate IRB at Yale University. The research was deemed exempt by HSC under 45CFR46.104 (2)(ii).

### *Informed Consent, Anonymity and Confidentiality*
To meet the ethical research standards, as specified by HSC, two requirements were maintained during the research process. These were: (i) informed consent; and (ii) anonymity and confidentiality of data.

Informed consent was elicited from all research participants. This was secured in written form, by email, prior to data collection but was also confirmed at the outset of interviews. See Annex Three for the Consent Form.

Research data is stored on a laptop, which is secured with a password at all times. No third parties had or will have access to the data. Moreover, data was anonymized at the point of collection. Any information that could lead to the identification of a specific individual has been removed from interview transcripts. For example, research participant names, organization names (where deemed appropriate) and other identifiable details were changed to protect identities. Confidentiality has and will continue to be maintained.

# IV. Evolution, Complexity, and Strategy in Civ-Mil Information-Sharing

Civil-military coordination is complex. While the literature portrays a fractured political and ethical environment with competing humanitarian perspectives on engaging with military actors, it underplays the complexity of actors, mechanisms and strategies in coordination and information sharing. In reality, civil-military coordination involves numerous humanitarian organizations, including UN agencies, NGOs and other organizations engaging a number of military actors (some of whom may potentially be hostile), which may include state militaries, non-state armed groups, peacekeeping forces, police and other security personnel. Coordination takes place through a series of parallel — and potentially competing — collective mechanisms, facilitated by a range of different entities. These collective mechanisms are compounded by bilateral, and sometimes informal, methods of communication between humanitarian and military actors. All of the actors involved in civil-military coordination have a strategy (whether explicit or not) for information sharing.

Coordination amongst civil and military actors is evolving not only in the manner described in the literature review above, but also in terms of information sharing. Changes have occurred across contexts in the capacity of humanitarian and state military actors to manage information and its exchange, as have shifts in the informational demands of both sets of actors. Furthermore, global trends have been observed regarding the key actors facilitating coordination.

Civil-military coordination is also highly context-specific. The nature of civil-military coordination in a complex emergency is defined by the actors and their shifting relationships, the evolution of the conflict, and the requirements of those in need, amongst other factors. Terms of civil-military engagement and the mechanisms through which this occurs will often have been established in the early phases of humanitarian response and will have evolved in very particular ways. Available funding, the presence of coordination agencies, and individual personalities play a large part in the eventual form and effectiveness of the humanitarian coordination architecture.

These context-dependent factors, and others, make it particularly challenging to categorically identify learning across the spectrum of civil-military information sharing. A detailed study of a range of complex emergencies and the specific nature of civil-military coordination in each is beyond the scope of this research. Nonetheless, outlining the nature of complexity across these settings and identifying trends in realities, strategies, and risks is possible and, arguably, absolutely critical to more effective humanitarian intervention in an era of increasingly complex protracted crises.

## *Global Shifts in Civil-Military Coordination and Information Sharing Capabilities*

Interviews identified two global trends that have been witnessed in civil-military coordination and information sharing in complex emergencies. The quote below outlines the first; that of OCHA's resource constraints and associated hybrid arrangements with the International NGO Safety Organization (INSO).

> OCHA was on an excellent trajectory to improve their ability to coordinate; CMCoord. Until about three years ago. They had significant budget and personnel cuts across the entire organization... and they eliminated the CMCoord section... They've since reconstituted a CMCoord service as they began to realize the impact of that cut and lose their competitiveness... Now, I'm just not sure that they are funded or staffed at the level they need to be to take on the global challenges they face! ... There's definitely a dramatic increase in professionalism and the ability to coordinate... But, they need more CMCoord Officers who are able to deploy.[71]

Since 2017, OCHA have suffered a 10% financial rollback.[72] Correspondingly, their ability to deploy CMCoord Officers to complex emergencies has suffered. At the time of writing (July 2020), OCHA has funding for only 64 CMCoord Officers globally, of which 35 are focal points (providing part-time support on civil-military coordination issues).[73] While 'priority' conflicts — such as Syria or Afghanistan, at present — receive preference for deployments and funding, smaller emergencies or those demanding less attention would often have a very limited CMCoord Officer presence. OCHA Syria, for example, has three CMCoord Officers, while OCHA Haiti has only one CMCoord Focal Point.[74] It is also noteworthy that less than 50% of OCHA's CMCoord staff have undertaken the agency's own 'Humanitarian Civil-Military Coordination Training,' the core training course in the field. This training is not an OCHA requirement for personnel in the CMCoord role.

In a number of contexts, the resource deficit outlined above has restricted the ability of OCHA to effectively facilitate civil-military coordination. In fact, due to insufficient levels of funding, OCHA have also faced challenges in suitably operationalizing the broader 'cluster approach'.[75] While humanitarian organizations often have their own resources allocated to civil-military coordination and information sharing, the under-resourced and limited scope of OCHA's CMCoord presence has not only constrained coherent coordination and information sharing in some contexts, but has led to other actors assuming collective coordination functions and/or increasingly relying on bilateral mechanisms.

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[71] Interview: February 4, 2020.

[72] See Oakford, S. "Exclusive: UN Humanitarian Wing OCHA lays off 170, starts overhaul" in *The New Humanitarian*, January 16, 2017. Available at: https://www.thenewhumanitarian.org/investigations/2017/01/16/exclusive-un-humanitarian-wing-ocha-lays-170-starts-overhaul

[73] Interview: June 9, 2020.

[74] Interview: June 9, 2020.

[75] Interview: February 3, 2020.

Over the last few years, while OCHA has been facing resource challenges, INSO has been continuing to consolidate it growth (since establishment in 2011). This includes delivering operations in a number of settings alongside OCHA. While OCHA and INSO have differing mandates, there is often an overlap in potential coordination, information sharing and information management roles. While this may sometimes create tensions, it has in a number of contexts led to a hybridized coordination and information sharing function. A research participant explains, "the overall trend is not really OCHA and INSO stepping on each other's toes. It's really about sharing whatever they can, given the limited resources that they both have".[76] They then go on to explain:

> One of the shortcomings that we have identified is that sometimes CMCoord, as a 'platform' for coordination, is at a nascent stage... Where it is in place, INSO naturally become a strong ally of OCHA and will support the platform... For example, by making sure that the system, which is typically present at the capital level, can be cascaded to the field level. That's where INSO come in. And then, obviously they focus on the quality of coordination rather than on structural features... Where such a platform does not exist, INSO will advocate for one. In contexts where OCHA is absent, INSO basically has to network with militaries for the simple sake of establishing a system for information exchange.[77]

A second broad area of evolution in civil-military information sharing relates to advances in humanitarian capabilities and action with regard to sharing and managing humanitarian data. The quote below, from a research participant, elaborates the nature of the shift.

> On the humanitarian side there's been a tremendous amount of improvement in information sharing over the last decade... On the military side, the US military, there has been essentially stagnation.[78]

There has been a marked improvement not only in the provision of online platforms to host humanitarian data, but also a significant increase in the upload and sharing of such data by organizations involved in humanitarian response. Platforms include Humanitarian Response, ReliefWeb and the Humanitarian Data Exchange, all hosted by OCHA. These platforms have resulted in a greater volume of information sharing between humanitarian and military actors in complex emergency and natural disaster settings.

At the same time, the US military has relied on the All Partners Access Network (APAN), which was stepped-up to become the DOD's information sharing platform of choice in 2010 as part of the Haiti earthquake response. APAN has been useful to a range of international military actors, and has contributed to civil-military coordination in a number of contexts. Yet, it does face challenges. One research participant explained, "*essentially what APAN does is replicate and, for the most part, simply pull information from other humanitarian sources. They put it on a DOD*

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[76] Interview: February 3, 2020.
[77] Interview: February 3, 2020.
[78] Interview: February 4, 2020.

*platform, so the US military are more comfortable using the information.*"[79] APAN is making humanitarian data available to military actors. However, there is a hesitation for humanitarians to engage with APAN, both because they have more advanced alternatives and because of broader concerns of information sharing with the military.

Alongside this growth in information sharing capacity amongst humanitarians, a shift regarding changing informational needs has also been witnessed. The following quote explains:

> NGOs don't really need information from the military anymore. It's redundant from an information provision point of view. Certainly, for us. There is little if anything that we get from any military that is significantly new to us or particularly changes our understanding of the context. More valuable would be prior information on the type of operations militaries are going to undertake, things like that, so that NGOs can get a 'heads up.'[80]

While it would be rash to assume this is a global trend that holds in all contexts, it appears that in a range of complex emergency contexts, there is a decreasing need for NGOs to obtain certain types of information from state-supported military actors (international and national). Research participants indicated that while there has been an increase in the capacity of humanitarian actors to generate and share their own information, this growth has been driven in part by humanitarian concerns linked to the growing profile of military actors in humanitarian response and the rise of 'stabilization' operations and 'comprehensive' strategies.[81]

This shift in informational needs does not mean humanitarians do not need information from state militaries. They do require advance notice of military operations, exchange information for joint logistical operations, and undertake dialogue with military actors to glean greater insights into military strategy. However, humanitarians increasingly have the capacity to collectively develop and share their own situational awareness information. This imbalanced flow of information exchange is further compounded by the limitations that national and international state militaries have with sharing potentially confidential information with civilians.

The reverse is also true. It is increasingly common for state militaries to seek information from humanitarians across a number of complex emergency contexts. Why? The following quote helps illuminate their rationale:

> They [international military actors] want another point of contact, they want to know all the other points of contact. Their job is just to have relationships with everyone and see what they can find out or how that can complement their perspectives. What they're essentially doing, and this is what I really like about them... is that they're trying to combat their own information silo, which is exactly what they should be doing.[82]

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[79] Interview: February 4, 2020.
[80] Interview: February 3, 2020.
[81] Email correspondence with research participant: June 9, 2020.
[82] Interview: November 7, 2019.

This increase in humanitarian capacity should not, however, be taken to imply that all humanitarian organizations run sophisticated information sharing and civil-military coordination functions. The capacities outlined above are managed by organizations with a coordination mandate or available funding and are mainly available to UN agencies, large international NGOs and NGO forums with the resources to participate in and access such platforms. "Many NGOs have this chronic lack of attention to coordination. They don't have the people, the resources, the mental bandwidth [to invest in coordination]",[83] explained a research participant from a coordination entity. This is a broader challenge faced by many smaller and less well-resourced international and national NGOs operating in complex emergencies. They generally do not have the capacity to engage across the spectrum of civil-military coordination and information sharing activities.

## *Complexity in Civil-Military Coordination and Information Sharing: Actors and Mechanisms*

As indicated above, there are a range of humanitarian actors each with a unique mandate, varying resources, different informational needs, and with a particular capacity and interest to engage in civil-military coordination. These range from UN agencies, large national and international NGOs, and NGO forums to small national NGOs and local charities.

Certain humanitarian actors are more predisposed to engage with the military, whereas others are more cautious. MSF and ICRC are outliers, occupying very particular positions on this spectrum. MSF's mission is to remain independent, neutral and impartial and to provide medical assistance to those with the greatest need regardless of affiliation or identity.[84] ICRC has a mandate, ratified in the Geneva Conventions, and is "an impartial, neutral and independent organization whose exclusively humanitarian mission is to protect the lives and dignity of victims of armed conflict and other situations of violence and to provide them with assistance".[85] Both organizations heavily prioritize maintaining the humanitarian principles and regularly operate as first responders in contexts alongside military actors. Given their mandates they are cautious when engaging military actors. Yet, in most complex emergencies they have regular and expansive engagement with them. The following quote from an ex-MSF staff member illustrates their relationship with military actors:

> I made efforts to ensure that we maintained good working relationships with military actors. That was very important. It enabled us to access populations, and that's huge. Often, the military branches, whether it's international or national military, they can be the gatekeepers to the people. That was a huge part of my role; maintaining those relationships in such a way that the community understands why you have to maintain the relationships, and that you're not choosing sides, and that the military actors understand what your real purpose is and that you're not a threat. But also, that they don't get to control the decisions that you make, but you

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[83] Interview: November 7, 2019.
[84] MSF's charter and working principles can be found at: https://www.msf.org/who-we-are.
[85] ICRC's mandate and mission can be found at: https://www.icrc.org/en/who-we-are/mandate.

> respect them enough to take their positions into account... There was a level of information sharing. In one instance, we had a team on the ground in an active conflict area and I received calls from both sides, the rebel side and the government military. They didn't give any specific details, but basically a warning of: "You're going to have to move your people." I evacuated my team and there were three days of active conflict. It had been leading up to that, to be able to build up that relationship with discretion and to a level of trust where both sides felt they were able to share that information. It was a lot of work. Discretion is probably the right word, which is, again, back to those principles of neutrality and independence.[86]

Like humanitarians, military actors are also varied. They may include international state militaries that could stand on differing sides of the conflict, UN peacekeeping forces, national military or police forces, and local armed actors (be they armed militias loyal to the government or non-state armed groups). These military actors will have a range of civil-military coordination experience and differing information sharing capabilities. They may or may not be aware of the humanitarian principles, and may in fact be hostile to humanitarian actors.

Complexity is also witnessed in civil-military coordination mechanisms. In 2005, as part of the humanitarian response to the earthquake in Pakistan, IASC launched the 'cluster approach'. This approach, coordinated by OCHA, "ensures that international responses to humanitarian emergencies are predictable and accountable and have clear leadership by making clearer the division of labour between organizations, and their roles and responsibilities in different areas".[87] Although the cluster approach is primarily a voluntary mechanism for coordination of civilian actors, humanitarians may come into contact or share information with military actors as part of cluster activities (although this largely depends on context as in a number of contexts the cluster approach excludes military actors). Contact with the state militaries, through the cluster approach, is most likely in the case of participation in the Logistics; Protection; Water, Sanitation, and Hygiene (WASH); and Health clusters.[88] Civil-military information sharing can take place within the cluster system, but mainly occurs external to it. MSF and ICRC, given their particular mandates, maintain observer status in the cluster approach. ICRC does not want to be coordinated by the UN. Whereas, MSF does not see the UN as an effective coordinator for their programs or as representative of their values.

The 'cluster approach', as a core coordination mechanism in humanitarian emergencies, may also coexist alongside one or more other coordination mechanisms. These may take many forms, have varying degrees of military involvement and representation, and could be managed by either OCHA, INSO, an NGO coordinating body, or a lead NGO. They commonly include Access Working Groups (AWGs), Civilian-Military Working Groups (CMWGs), Sectoral Working Groups (SWGs) and deconfliction mechanisms, amongst others. Information sharing can also take place through high-level mechanisms. For example, in the Afghan context, information regarding constraints on humanitarian access has been shared with and resolved by the Taliban through peace

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[86] Interview: February 1, 2020.
[87] IASC 2015: 4.
[88] OCHA 2018.

negotiation mechanisms.[89] While they may all have slightly different purposes, different membership and be under different leadership, the goal of these various mechanisms will be for humanitarians, or for humanitarians and military actors, to collectively mobilize with regard to civil-military coordination in order to enable effective humanitarian response.

## *Humanitarian Strategies for Civil-Military Information Sharing*

> Civil-military coordination is messy. There are many humanitarian organizations coming together and they don't all agree on whether and how to speak to the military. So, most go through OCHA. It's also very murky. They may or may not go through OCHA, but at the same time they're also meeting national or international militaries bilaterally, and then also talking to local armed groups to negotiate access.[90]

Humanitarians are faced with an array of parties to exchange information with, including other humanitarians, civil-military coordinating bodies such as OCHA, INSO, an array of military actors, donor country embassies and other donors (who may be linked to belligerents in the conflict). In addition, they have a number of collective mechanisms through which to share information. Collective mechanisms represent mainly formal and public forums through which to engage, or to have other coordination entities facilitate engagement, with military actors.

As the quote above shows, some humanitarians also utilize bilateral mechanisms and information sharing with military actors, especially when engaging non-state armed groups and local-level military 'gatekeepers'. This use of bilateral mechanisms is perhaps unsurprising, given the array of actors that must be engaged and the desire of most humanitarian organizations to maximize their opportunities for data exchange (resources allowing). In addition, collective mechanisms — especially when there are more than one — can be time-consuming, dysfunctional, and remain out of one's domain of control. Participation in collective mechanisms is also sometimes restricted by organizational mandates.

One ex-senior staff member from an NGO coordinating body gave this example regarding how NGOs might structure their civil-military information sharing approach:

> An international NGO, for example, will participate in the cluster system. This includes cluster meetings with other NGOs. They may also share information with members of an international military (such as office coordinates for deconfliction purposes)... They'll also meet with CMCoord Officers on the side-lines to discuss access challenges... They might also attend some sort of working group that is organized by us [the NGO coordinating body], which incorporates a network of national NGOs (who have good and up-to-date local information) and representatives of the national military (who it might be necessary to call when one of their

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[89] Interview: November 9, 2019.
[90] Interview: December 19, 2019.

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> drivers gets detained). At the same time, the NGO will regularly make calls
> to the local police chief to permit movement through police checkpoints and
> the commander of the local armed group, in the areas in which they deliver
> aid, to agree access and assurances of safety... The Country Director [of the
> NGO] will also go drinking with the military liaison from his embassy, just
> in case all hell breaks loose and he needs a member of his staff medivaced
> to safety.[91]

Another consideration in humanitarian information sharing strategy is the profile of humanitarian staff responsible for the sharing of information. A number of humanitarian organizations, including MSF and ICRC, have a tendency to employ ex-military personnel into roles tasked with managing coordination and information sharing with military actors. Advocates of this approach argue that those with knowledge of the military can better engage with military counterparts and leverage their past military networks. Those opposed to this practice, however, argue that recruitment of humanitarian staff in civil-military coordination roles should be tailored to the job's scope of work: "For one situation, I need a very soft person with an IHL background, and for another situation I need a heavy lifter ex-colonel for logistics".[92] Additionally, others still are opposed to favoring ex-military personnel. They call for more open recruitment processes that focus on employing staff with broader understandings of civil-military coordination, the ability to build relationships with all stakeholders, and effective communication skills.[93]

A final element of information sharing strategy relates to the application of data protection standards. In terms of data responsibility, most of the research participants interviewed anonymize names of fellow NGOs/implementing partners and of aid recipients if such information is to be shared outside of their organization. This tends to be a commonly adopted policy within the humanitarian organizations contributing to this study. Some humanitarians will refrain from sharing data sets of their aid recipients. Decision-making on the sharing of potentially compromising information is commonly made by an individual according to a general principle of confidentiality. While this varies greatly in line with organizational practices and individual preferences, some organizations (especially those with high levels of experience of civil-military coordination) may collectively discuss information sharing protocols and/or particular cases of sensitive information that might be shared. None of the practitioners interviewed could reference a set of data protection guidelines that were routinely used in their work. The following interview excerpt describes this approach to protecting data in information sharing.

> We have a basic set of guidelines as to what we do and do not share. As you
> work your way through the organization, it's more a sense of mandate that
> is instilled in you. But there are certain things we won't share. We won't
> share anything that we deem to be confidential. We won't share anything
> that has been shared with us by a partner unless they tell us it's ok, or if
> it's specifically pertinent to a request that we are transmitting. We're quite
> careful not to share too much in terms of our actual information and
> assessments, because that comes from confidential field sources. We don't

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[91] Interview: November 27, 2019.
[92] Interview: June 9, 2020.
[93] Email correspondence with research participants: April 6, 2020 and June 3, 2020.

want to be getting into a situation where we are feeding international armed forces information to no benefit... There are always several layers of supervision for conversations with military actors. If any of my team are speaking to international military forces, we'll always meet about it beforehand, remind ourselves of what our red lines are, and what the purpose of getting involved in any such conversation is. And if we are talking to a [non-state] armed group, we check that there is a reason to it, that we're not overly exposing ourselves, that we are not giving away information that we shouldn't be giving away.[94]

Strategies for information sharing, often determined by the complexity of context and personality factors on the ground, include multiple pathways to a variety of actors, including other humanitarians, coordinating entities, state militaries and non-state armed groups. They include the use of collective mechanisms, but also commonly entail bilateral engagement that may be formal or informal in nature. These invariably rely on personal relationships and trust. While they may draw on information from data platforms, particularly for planning purposes, they will be low-tech on a day-to-day basis, utilizing telephones, email and face-to-face meetings. In terms of data protection, most humanitarians will anonymize names of fellow NGOs and aid recipients as an organizational policy, but will make ad hoc decisions on what and what not to share with other actors.

There appears to be two main reasons reported by research participants on why bilateral relations occur so frequently in civil-military information sharing. The first is that collective civil-military coordination mechanisms are often dysfunctional. A research participant who regularly participates in collective civil-military mechanisms explains:

So, we have a few people [in the civil-military working group]... all of whom are nice. There's this guy [name]; he holds a senior position with the UN... they're on the 6-weeks-on-2-weeks-off work schedule. That means that there are huge gaps when they're out of the country, so they can't follow things up, or they're stuck in a place where they can't really talk to people. And, then there's the other guy [name]... We don't have data so he makes a lot of pretty figures that are all based on really sketchy methodology... You have, actually, a lot of pretty good people when you put it all together, but even then, they're not able to go to meetings, they're not able to form a functional working group, and really the NGOs need a lot of shepherding... everybody thinks that you're just going to talk and it's going to happen. But the most basics rules of procedure for a meeting is that you need to have an order, you need to have an agenda, you need to have clearly defined roles and responsibilities. Having a few OCHA people bring together some other people to talk, and not having any clear deliverables about what they're going to talk about, just doesn't produce anything.[95]

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[94] Interview: December 12, 2019.
[95] Interview: November 7, 2019.

A second commonly reported reason is that bilateral engagement, which is often informal, does not need to be vetted by senior members of the organizations (at headquarters). By default, it is quicker at resolving minor issues. One research participant elaborated, saying, "Most interactions are informal. If we do something formally, then we obviously have to check with HQ. If they agree to it, then we can go through with it".[96]

There is also a more questionable dimension of bilateral information sharing that takes place, as described in the quote below.

> Often we engage in 'Kabuki theater' in a cluster, in a public meeting. Where we say, "Hell no [to the military]!" And, we say that for the benefit of the other groups. Then, we know that we need something from the military. So, at the bar we have a couple of drinks and it's like, "Hey, how are you doing Sergeant?"... and the memory stick falls off the back of the truck... Whoops, you've got my memory stick and I've got yours. The fact is that those informal moments at the bar happen based on frustration about what happens in the public performative aspect of the meetings.[97]

This is a scenario in which data is exchanged in a highly informal manner, which at the very least raises the perception of a lack of neutrality and independence on the part of the humanitarian. At the very worst, it could involve sharing information that is not anonymized or is sensitive, potentially placing humanitarians or aid recipients in danger.

So, why do humanitarians participate in potentially dysfunctional and time-consuming collective mechanisms? Beyond simply carrying out what is expected of them by their line managers, many participate in collective mechanisms for relationship-building purposes. "One of the main reasons [for participating in collective civil-military mechanisms] is that I have the phone number of someone in the US military that I can call up and ask for help with a medivac when one of my staff members breaks a leg in the field".[98]

## Striking a Balance? Ethics, Power, Funding and Effectiveness

For many humanitarians, protection of the humanitarian principles directly equates to minimizing risks to staff and aid recipients and being able to access populations and deliver humanitarian assistance. Two factors that influence the likelihood of compromises being made to humanitarian principles include the distribution of power and funding in the humanitarian ecosystem.

Power is disproportionally distributed across the humanitarian community and in relation to better-resourced and influential national and international militaries. Within the humanitarian community, national NGOs (and national staff members of international organizations) occupy a unique position vis-à-vis civil-military coordination. This carries over into their ability to preserve the humanitarian principles. While they often carry out front-line work, they are disempowered

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[96] Interview: November 9, 2019.
[97] Interview: February 3, 2020.
[98] Interview: November 27, 2019.

when it comes to civil-military coordination in comparison to their international counterparts. The following interview excerpt elaborates:

> There doesn't seem to be much recognition of the challenges that national NGOs and national staff face. They are able to speak the language and more easily engage communities. But they face a whole different level of pressure and expectation from those communities, to do things differently and not necessarily in a principled humanitarian way. The UN, international NGOs and donors all rely upon them to get things done on the ground. Yet they are not well supported to manage this pressure... A large international NGO is going to get more attention from the system when they complain about not being able to access communities. For example, CMCoord, frankly, will not give the same level of attention to a national NGO. So, what is the national NGO going to do? Well, they are going to do whatever it takes in order to gain access and deliver aid to their community. It's not because they do not understand humanitarian principles, but their negotiating position is far less powerful. They need backstopping if we are to expect them to adopt a principled humanitarian approach and align themselves with the standards that international organizations, and not even all international organizations, adopt.[99]

Secondly, funding plays a large role in the 'compromise' of humanitarian principles. It was suggested, on a number of occasions, that "organizations are reporting that donors are pushing this [civil-military information sharing] as something to participate in"[100] and "if an organization receives money from USAID they are more likely, if not expected, to share information and coordinate with military actors".[101] Another research participant from OCHA had this to add:

> All NGOs are vying for funding. And, yes, some do simply ally themselves with the military to gain access to resources... But, national NGOs are often the most squeezed. They don't have the financial pipelines that big international NGOs have. So, they cozy up to the military and share information. Can you blame them?[102]

While many humanitarians assumed that compromising the humanitarian principles was inherently problematic and undermined operational efficiency and staff safety, a number of humanitarians working for civil-military coordinating bodies, such as OCHA and INSO, had more pragmatic perspectives. For example:

> NGOs are overly committed to the humanitarian principles. I think this undermines the whole sector. This is one of those things where it's great in theory, but in practice you can see the difference when just one NGO is on board [to engage the military]. I've seen certain elements in the US military

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[99] Interview: February 3, 2020.
[100] Interview: January 30, 2020.
[101] Interview: December 2, 2019.
[102] Interview: October 11, 2019.

> really make a good faith effort and put some credible information on the table, which has actually made a huge difference. And, also from the [national] military. I've seen quite a bit of this. But NGOs generally won't capitalize on this.[103]

There is clearly importance in maintaining humanitarian principles, but it is unclear what qualifies as an acceptable compromise and, more importantly, what the impacts upon humanitarian outcomes are when a red line is crossed. Not only is this relationship poorly understood, but the qualification of 'preserving' and 'compromising' are highly subjective and therefore hard to identify. Many humanitarians are already sharing information and undertaking coordination with military actors either through collective mechanisms or more informal and bilateral means. Perhaps a more earnest discussion rooted in evidence would clarify these issues and possibly lead to more effective civil-military information sharing in complex emergencies.

# V. Notification, Opacity, and Constraint in Civ-Mil Information-Sharing

The UN Board of Inquiry, exploring the targeting of UN-affiliated humanitarian sites that had theoretically been deconflicted using HNS4D in Syria, determined that it was 'highly probable' that the majority of these sites were struck by the Syrian government or their allies. This is a significant finding, one that many of the research participants familiar with the contexts of Syria and Yemen echoed. For instance, one of the research participants stated the following:

> The overarching problem, as bad as Syria and Yemen are right now, is that those are the two worst countries where both humanitarians and civilians are being attacked. Let's set aside the attacks on civilians for a minute, and just talk about humanitarians. There is now a complete and total disregard of International Humanitarian Law (IHL), a.k.a. Law of Armed Conflict by some military actors. Russia and Syria definitively disregard IHL on a routine basis in Syria. In Yemen, the Saudi-led Coalition ignores IHL on a weekly basis, sometimes multiple times a week, and attacks aid workers, healthcare facilities, and other protected structures. We now have a complete and utter erosion of respect for IHL.[104]

While the targeting of humanitarians and civilians by state militaries in Syria and Yemen is deeply concerning, the primary question from a civil-military information sharing perspective is not whether Syrian or Russian forces attacked humanitarian targets, but if humanitarian sites were struck *as a result* of having been identified thorough HNS4D. In other words, can involvement in HNS4D reduce the ongoing attacks on humanitarians by parties to the conflict?

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[103] Interview: November 7, 2019.
[104] Interview: February 4, 2020.

> There's definitely the perception of increased risk... Separate from the HNS4D itself, you can't argue with facts that attacks against aid workers or civilian populations are continuing, if not rising in certain circumstances. Just by observing tactics by Syrian and Russian military forces, deliberate attacks against those who may use HNS4D or any other type of system, or anyone who identifies as a humanitarian are taking place... Conflict characteristics paint a clear picture of what the threats and the risks are. The question is, how does HNS4D either amplify or reduce those risks? I don't believe we have the data to make that assessment.[105]

The quote above rightly points out that there is insufficient information with which to assess whether HNS4D results in humanitarians in Syria and Yemen being more or less safe. This is not due to a lack of data collection, but to the opaque manner in which notification data is used by military actors in Syria and Yemen after they have received it. This notification 'black box' is not just a challenge for the UN Board of Inquiry, for example, when determining whether notification data has been used to target its operational sites. The 'black box' conundrum also directly impacts humanitarian information sharing and decision-making on whether to participate in the notification system itself.

## *The Notification 'Black Box': Information Scarcity and Humanitarian Calculus*

> One of the main concerns with notification is the problem of the so-called 'black box'. It is very difficult to assess if humanitarian notification is working or not. In order to assess if humanitarian notification is effective, we need to know what is done with the information once it is received by parties to the conflict. How do they process it and factor it into their military operations? This is how we would be able to determine if humanitarian notification 'works.'[106]

The quote above clearly points out the difficulties associated with the notification 'black box'. It is not only unclear how notification information is used by military actors who are parties to the conflict, but also whether any targeting errors that may result are accidental or intentional, be that from failing to use the data, from processing errors, or from using it deliberately to target humanitarian sites.

An associated concern raised by research participants is the scale of notification data being managed by military actors and their ability to process it. The interview excerpt below outlines the issue:

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[105] Interview: January 30, 2020.
[106] Interview: February 10, 2020.

> In Yemen HNS4D now incorporates operating procedures for collecting movements over land, sea, and air, temporary deconfliction of actual warehouses or other venues, and a permanent deconfliction list... You can download all the forms offline and it's all paper based. It's led to a lot of questions of even just the ability to manage such a system with many organizations participating. Within the first year, they had tens of thousands of sites submitted for Yemen. When you think about what that means in reality, it's not only a 'black box' issue, you're really counting on the military to make sense of and incorporate the sheer volume of data that you're passing to them. That's a huge question mark.[107]

As the interview excerpt implies, vast amounts of data is being submitted to military actors via HNS4D, especially in Yemen. It has been estimated that 64,000 sites have been entered into HNS4D in Yemen and 778 in Syria.[108] Given the opacity of how this data is managed, legitimate questions pertaining to the ability of military actors to process the vast amounts of information are being asked. Humanitarian concerns relate not only to whether the inability to process this volume of data could lead to unintended errors, but that the data may simply be disregarded.

Research participants working with OCHA on HNS4D believe that the challenges the 'black box' creates are not only problematic when evaluating efficacy, but also lead to predominantly negative conclusions.

> There's an ontological question about how you establish the effectiveness of something that's trying to prevent an action in the first place... Fundamental elements of the mechanism are in a 'black box'... We can't measure it on its own functioning, its own coherence. We can only speak to what happens before and after. This is compounded by the fact that the only demonstrable effects are when people suffer, which adds to how egregious it is when it doesn't work. It leads to the conclusion that it's not working.[109]

In addition to expected humanitarian reservations on engagement and information sharing with the military, strikes against humanitarians in Syria and Yemen and a lack of transparency regarding the notification 'black box' have led to high levels of caution, and an associated range of perspectives on compliance with HNS4D.

A number of research participants — mainly those facilitating humanitarian civil-military coordination activities — argued that while the notification 'black box' was indeed problematic in determining causality, it did not necessarily lead to questions about the abuse of notification data for targeting purposes. They did not believe that parties to the conflict needed to draw on notification data for targeting purposes, due to other intelligence-gathering capabilities they have

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[107] Interview: January 30, 2020.
[108] TNH. *What is Humanitarian Deconfliction? How Aid Agencies Try to Avoid Getting Bombed in Yemen and Syria.* November 13. Geneva: The New Humanitarian. 2018. Accessed on April 29, 2020 at: http://www.thenewhumanitarian.org/analysis/2018/11/13/what-humanitarian-deconfliction-syria-yemen.
[109] Interview: February 7, 2020.

at their disposal. Commentary included, "the parties with whom humanitarian notification is done likely already have the means to know what they're dealing with on the ground, independently of any notification."[110] And, "my opinion is that it's unlikely that being on a deconfliction list means you'll be targeted. There are plenty of other ways that they [the Syrian military] can find out where a hospital is".[111] While this argument may or may not stand true, it serves as another hypothetical upon which humanitarians must assess their participation in a largely non-transparent humanitarian notification mechanism.

Given the opaque nature of the militaries' use of humanitarian notification data, and the unconfirmable suspicions that it may be used for targeting purposes, why would any humanitarian actor participate in the mechanism? This concern was echoed by one of the research participants: "There's very little trust in humanitarian deconfliction systems right now," they said, "I don't know why any humanitarian organization is sharing any information at present in Syria or Yemen. It's either going to be used deliberately to target humanitarians... Or, they [parties to the conflict] simply don't care and they're going to just target whoever and whatever they want".[112] While this is a sensible perspective, there are a number of reasons that some humanitarians continue to submit notification information through HNS4D (although it should be noted that not all humanitarian actors do).

First, humanitarians working at the operational level of humanitarian response in Syria and Yemen participate in HNS4D in line with guidance from their superiors. A number of those interviewed stated they were simply following protocol. Yet, as one interviewee explained, they are also ensuring internal accountability: "Even if people are doubtful of the utility of notification itself, they want to be able to refer back if something went wrong; for their headquarters to be able to say, 'we used the mechanism'".[113]

In turn, the desire to maintain internal accountability relates to a second rationale for participation in HNS4D. A number of research participants referred to donor pressure to participate. This was especially the case for US donors, who would advocate for involvement in the notification system as a means to increase protections for humanitarian actors. Indeed, those donor representatives who were interviewed for this research were largely unaware of HNS4D's shortcomings – or overlooked them – and took it to be a valuable mechanism bolstering humanitarian safety in complex emergencies.

Third, some humanitarians simply feel that it is better to participate in humanitarian notification, just in case the mechanism does result in their staff and facilities escaping harm. A member of a coordinating body in Syria pointed out the following:

> I can understand why so many of our partners feel uncomfortable in sharing notification information. They look around at the overarching trend towards humanitarian operations being impacted and say: 'Why bother, what's the point?'... But there remains a sense that, despite the

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[110] Interview: February 10, 2020.
[111] Interview: December 12, 2019.
[112] Interview: February 4, 2020.
[113] Interview: February 7, 2020.

odds, you still have to try... That you have to have some sort of mechanism in place to even engage in those kinds of discussions to begin with. If you're not trying to deconflict on some level, it makes it even easier for some parties to the conflict to say: 'Well, you did nothing to notify us that this was a humanitarian facility. We couldn't possibly have known.' So, even despite the odds and... even if we are skeptical about its value, it's the only tool we've got.[114]

Finally, and perhaps most importantly, humanitarians are participating in HNS4D in a bid to promote accountability when humanitarian sites are struck.

Some of those who are in favor of it [participating in HNS4D] say, 'if we accept that the operational value of notification is maybe quite limited, we at least hope for some level of accountability'. So that when a facility is struck, they can demonstrate that it was deconflicted legally, that all parties to the conflict were informed, and therefore that someone should ultimately be held to account.[115]

Accountability is sought on two fronts. The first is "in-the-moment accountability."[116] Here, humanitarian organizations that have been hit by an air strike prepare public reports that outline when notification data was submitted, when confirmation of deconfliction was received, when an airstrike occurred, what damage and loss of life resulted from the strike, and (when known) who was responsible. It places pressure on the perpetrator, limits their ability to deny the site was deconflicted and draws attention to the event. The second front is "long-term accountability".[117] In this case, details of a strike upon an ostensibly deconflicted humanitarian site is documented for the purposes of a potential international criminal investigation on the basis of IHL.

Perspectives on the importance of accountability and the likelihood of it being achieved varied greatly. A number of humanitarians (mainly NGO staff) who were interviewed felt strongly that accountability was important and, even if difficult to achieve, should be pursued. Whereas others, normally staff members of OCHA or other coordinating entities, were more pragmatic. They believed that accountability was highly unlikely. The two following interview excerpts illustrate the two main standpoints:

When it comes to accountability, if an NGO facility is hit by an attack then they have the right to seek punishment for the perpetrator. It's important to document the attack, to lobby the International Criminal Court or push for a tribunal so that they will be held to account. It may not happen now, but it could happen in the future. We need to make sure we are documenting and advocating these violations of IHL.[117]

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[114] Interview: December 12, 2019.
[115] Interview: December 12, 2019.
[116] Interview: January 30, 2020.
[117] Interview: December 19, 2019.

> There are varying expectations [amongst members of the humanitarian community] on HNS4D and accountability. There are some organizations who believe that an investigation should be launched after an attack, and there will be consequences. And, clearly that hasn't been happening and won't happen. So, there's a question of what, if at all, can notification provide in terms of accountability. My own personal view is that it's distinctly unclear on that front too. Even when facilities have been deconflicted and then struck, responsibility and the events leading up to that incident have been contested by all parties involved.[118]

Reflecting that latter sentiment, a research participant from OCHA pointed out that a number of 'myths' needed to be clarified regarding HNS4D; first, that "notification does not guarantee that the location or movement will not be a target," and second, that "notification does not mean immunity." They went on to explain that "any military actor carrying out an airstrike was *already* legally mandated under IHL to understand the nature of the target it is attacking". The implications of this were summarized in the following manner:

> The notification system in operational and legal terms is effectively akin to placing a mark on a roof. The significance of the mechanism for all concerned is simply in identifying these sites... [Providing] this information at the end of the day is inconvenient, but the overall intention is to provide it so that there is the maximum possibility it will be factored into military planning. In effect, whether the site is notified or not, whether it's marked or not, it doesn't matter. It's protected in any case by IHL. The parties are obligated by law. This marking system, this notification system, is simply a means to communicate ahead of time. It's something that's arguably a very ambitious endeavor, even as expectations are built up and projected onto it.[119]

HNS4D is taking place amidst transgressions in IHL — this is, after all, its raison d'etre. Due to the notification 'black box', it is not possible for humanitarians to evaluate whether military actors utilize notification data to target them, or, even to determine if military actors utilize the available data and do so efficiently. Some humanitarians argue that military actors do not need notification data for targeting purposes, but whether this is indeed the case (much like what happens in the 'black box') is currently unknowable. Where humanitarians participate in the mechanism, immunity is not forthcoming (as humanitarian targets are already protected under IHL) and a low likelihood of accountability can be expected if a site is struck (not that this should deter humanitarians from documenting such strikes). Nonetheless, participation in HNS4D may lead to humanitarian targets being safer; but again, this is an unknowable but possible outcome. Ultimately, the effectiveness of humanitarian notification depends upon the willingness of the parties to the conflict to adhere to IHL and the HNS4D mechanisms itself, which is challenging given the highly politicized nature of the conflicts in Syria and Yemen. This leaves humanitarians with limited information and constrained decision-making. Some opt out, although many proceed

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[118] Interview: December 12, 2019.
[119] Interview: February 7, 2020.

due to organizational fiat, donor pressure and quite frankly a lack of alternatives. They face significant constraint when determining their position on humanitarian notification and whether to participate or not.

## *Politics and Power in Information Sharing: Data Accuracy, Validity and Negotiation*

While humanitarian actors face a number of constraints in determining whether they should participate in HNS4D, they are not without options. A range of perspectives on humanitarian notification have emerged and have been debated in the contexts of both Syria and Yemen. One key element of these debates relates to elevated levels of caution when sharing data through HNS4D, which is not surprising given the concerns discussed in the previous section. The following excerpt, from an interview with a research participant working for a coordination entity in Syria, explains:

> Discussion [amongst members of the humanitarian community participating in HNS4D] has recently centered around the more practical, procedural aspects. Especially around questions like: If I'm a humanitarian agency and I want to deconflict say, the school I support, or the office from where my staff are based, do I have to share the name of my agency? Does that get shared with Turkey, Russia and the Coalition? That's something that makes the humanitarian community and the NGO community quite wary. On the side of parties to the conflict, it seems that very few of them are willing to acknowledge deconfliction requests that are anonymous. Several of them have come back to OCHA and essentially said: "If we don't have a name of an agency, how can we possibly know that this is a legitimate humanitarian entity?". So, you have to at least give us the name of the agency, otherwise we won't acknowledge it.[121]

Contrary to the perspective of the research participant above, it could be argued that while being procedural, seeking to remain anonymous to preserve the humanitarian principles and potentially protect oneself from attack is a deeply political act. And, as the quote above indicates, it is not only humanitarians that have entered into politics surrounding information provision, but some parties to the conflict as well.

Some humanitarians also negotiated the submission of their notification data in a number of ways, pushing boundaries, typically to gain greater control over the manner in which it could be used. MSF and ICRC — both of whom, due to their mandates, do not participate in HNS4D but manage their own notification systems directly with military actors — approach information sharing in very innovative ways. In the context of Yemen, for example:

> [ICRC and MSF] were more deliberate about what they were doing. My understanding is that ICRC would only notify sites where their staff were physically present, which wasn't the case for UN or NGOs. My understanding is that MSF, on a monthly basis, would send an updated list of all their coordinates to EHOC, and they were also the ones that

seemingly pushed the envelope with EHOC. We are not going to transfer to you a single point, we're going to give you a polygon. Here are the corners of the facilities. The perimeter around which an area would be considered notified, as part of their military calculations, was never resolved. By virtue of their size, their mandate, the volume of work that they are doing, they [ICRC and MSF] had a different scope in the conversation. I know that ICRC in particular used the notification system as one part of their discussion with the Saudi-led Coalition.[120]

Humanitarians are also very selective in which information is submitted for notification purposes. For obvious reasons, humanitarians do not submit movements to HNS4D when they are meeting opposition forces. One interviewee elaborated:

No NGO will tell you: "I'm going to meet the head of the [non-state armed group] on such and such date, so don't strike me". They will do deconfliction if they are setting up distribution points for food, or something like that, no way for movements that are meant to secure access.[121]

It is at these times (i.e. when negotiating access with non-state armed groups) that humanitarians are at significant risk of being indirectly targeted in air strikes upon the military actors they are negotiating with. Yet, this is one occasion in which they cannot notify military actors of their movement for fear of defying the humanitarian principles and undermining the relationship with non-state actors that is essential for the delivery of aid.

One of the major ways in which humanitarian notification was contested by military actors, principally EHOC in Yemen, but also RCR in Syria, was the 'rejecting' of notifications. HNS4D is by its nature a *notification* mechanism. Permission for movement or use of humanitarian infrastructure is never sought from military counterparts; they are only *notified* of intent. The following quotes outlines the manner in which this took place.

Some parties might misconstrue or misuse humanitarian notification of movements, for example to deny or impede movement even if there are no legitimate reasons for doing so (i.e. 'imperative military necessity' under IHL). In turn, the UN Department of Safety and Security (UNDSS) might only allow a UN movement to proceed if the notified party 'accepts' the notified movement. This also means that UNDSS might bar the UN from proceeding with the movement even in cases in which safety or security might not be the concern. Some have reported this to be a concern in Yemen with humanitarian notification to the Saudi-led coalition.[122]

It was clear that it [HNS4D] was a point of leverage that the Saudi-led Coalition could use and exercise both in a soft fashion — saying: "look at the goodwill that we're exercising, we're still doing humanitarian work" —

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[120] Interview: February 7, 2020.
[121] Interview: November 9, 2019.
[122] Interview: February 10, 2020.

and, in a more heavy-handed fashion, to block and stop things from happening, to prevent movements or to send messages: "We're paying attention to what you bring in and we have expectations that you have to account for."[123]

As indicated in both interview excerpts, the Saudi-led Coalition on occasion operated outside of the agreed operational parameters of HNS4D in an attempt to use the mechanism as a tool to limit humanitarian access. Another key area in which contestation occurred with regard to the humanitarian notification system was military counterparts questioning the validity of submitted data. In the context of Syria, the Russian Federation has repeatedly made claims that notification data is occasionally not only factually incorrect, but has been manipulated to include sites that are actually opposition facilities. Similar, claims have been made by the Saudi-led Coalition in Yemen, as mentioned in the interview excerpt below.

> On a number of occasions, the Saudi-led Coalition would respond to notification requests, saying, "these are not humanitarian sites, these are Houthi sites. There are Houthi fighters operating in these locations". They would push back arguing that they had evidence — which we would never see — saying that some of our operational locations were legitimate targets.[124]

While it is acknowledged by OCHA and other humanitarian actors that there are deficiencies in the collection of notification data, any discrepancies, even genuine errors, typically bolstered accusations of data manipulation on the part of the Saudi-led Coalition or the Russian Federation.

> The harsh reality is that the staff who are collecting and submitting this data may not be properly trained and equipped to do so. This is where you can see tensions in local to national to international agencies or NGOs who are participating in this, because of course resourcing, staffing, training can really vary across organizations... This has resulted in incorrect data being submitted, and not for any nefarious or purposeful reasons, but maybe from an accident or technical problem... OCHA has actually said, no, we're actually going to have a dedicated team for Syria and they will be working on checking and cleaning the data that's coming in. That way they can ensure that what's being passed to the military is accurate and correct. Thinking on that, the point that was raised that I hadn't really considered was: how does the inclusion of incorrect data into the system either support or help give credence to Russia's claims about manipulation of these systems and misinformation?[125]

Yet, manipulation of data by humanitarians — even where well intentioned — cannot be ruled out. As one research participant pointed out, "If I'm an international humanitarian on the ground... and I'm trying to have a conversation with a belligerent military about what to attack and what not

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[123] Interview: February 7, 2020.
[124] Interview: December 12, 2019.
[125] Interview: January 30, 2020.

to attack... I have no interest in minimizing the number of sites that I submit as needing protection." They then elaborated, "If there is a structure that I might be in next week or I might be in next month, or I just know the people that live there and they have a telephone that we use sometimes, why not include it? It costs me nothing."[126]

What is clear from these examples of information sharing in the context of HNS4D is that humanitarian notification is a deeply political process. These examples demonstrate the manner in which humanitarians negotiate the political constraints they face in humanitarian notification and the sharing of information with military actors. It also highlights the manner in which these same belligerents utilize HNS4D as a tool to control humanitarian access and challenge assertions that humanitarian sites are indeed legitimate and are protected by IHL.

More importantly, the negotiation and coercion inherent in humanitarian notification in Yemen and Syria is indicative of a sizeable power differential between humanitarian and military actors. Humanitarians find themselves in a difficult position; unable to verify the effectiveness of the mechanism and often wary of participating for fear of potentially increasing the level of risk they are exposed to, whilst also being in a position where non-participation may also increase risk. One research participant summed up this dynamic, saying:

> HNS4D is a system you can opt into or out of that may or may not work. It has no accountability, but if you don't opt in you have less leverage and have taken on some type of risk. Yet, you don't know the particulars. Basically, militaries will do what they want and you are at their mercy as an NGO.[127]

Research participants working with OCHA recognize the challenges the mechanism experiences and the power dynamic it entails. Yet, they also believe that continued investment in the mechanism, and the associated building of relationships with military actors in Syria and Yemen, may result in gains. The following quote outlines the standpoint:

> Humanitarian notification is an iterative process. One that builds trust over time. Humanitarian actors hope to be able to leverage this trust to increasingly create space for discussion with those military actors that use the mechanism... We could begin to explore the 'black box' with them. One could be in a position to broker discussions with military actors in Yemen and Syria on how they manage and use data. So, if there is an incident, there is clarity on whether information was used incorrectly. We could see how the process could be improved. Most importantly, we would be able to understand whether this is a robust system, and we would know whether we should advocate for or against its use.

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126 Interview: January 31, 2020.
127 Email correspondence with research participant: June 3, 2020.

# VI. Conclusions and Further Research

Information sharing between humanitarian and military actors in complex emergencies is an increasingly common and required component in the delivery of humanitarian assistance. It is assumed to be necessary for the safety of civilians, aid recipients and humanitarians alike, and, yet, often a threat to humanitarian principles that may lead to co-opted assistance and increased risk. Neither is true at all times, or in all contexts. The available literature, while recognizing these perspectives, remains thin on exploration of the issue. Typically, technical solutions and normative policy prescriptions are what is available. In response, this research report set out to uncover the realities, strategies and risks associated with civil-military information sharing in complex emergencies. It approached analysis from an operational perspective that emphasized the practical and socio-political factors that impact information sharing. It also explored HNS4D, as an information sharing mechanism utilized in Syria and Yemen, to better understand the specific challenges this modality entails.

## Summary of Key Findings

The research project was structured by a series of sub-research questions. Key findings for sub-research questions 1-3 are outlined below. Sub-research question 4 is addressed under the following heading, 6.2 Implications and Recommendations.

***What is the state of the literature on civil-military coordination and information sharing for humanitarian response in complex emergencies?***

*Section 2 addressed this initial sub-research question.*

The literature highlights that civil-military coordination and information sharing have been deeply impacted by the growing scale and nature of military involvement in humanitarian response since the US-led intervention in Afghanistan began in 2001. The utilization of 'stabilization' operations and 'comprehensive' strategies, which view — and arguably co-opts — humanitarian action as a tool to support political and military goals, have made humanitarians wary of engaging state-sponsored military actors. Yet, as the presence of the military grows in complex emergencies, so does the need for humanitarians to engage with them. This has generated bureaucratic constraints and barriers linked to differing organizational cultures. Yet, beyond these challenges, humanitarians are cautious of interaction with militaries on the grounds that such engagement may compromise humanitarian principles and influence their ability to deliver aid to people in need of assistance. However, there is limited scholarly evidence to suggest that coordinating with militaries actually negatively impacts humanitarian outcomes.

The perceived increase in attacks on aid workers — arguably also grown since 2001 — has also led to the need for further engagement and information sharing with state militaries, whilst simultaneously leading some humanitarians to maintain strict boundaries with these same actors. The latter is undertaken to avoid the perception of collaboration that would not only undermine humanitarian access to aid recipients (often brokered by local non-state armed groups opposing state-sponsored militaries), but could result in humanitarian actors being treated as legitimate targets in ongoing conflicts. As such, civil-military coordination is viewed by most humanitarians

as either a necessary evil or an unquestionable requirement in securing the safety of humanitarians and aid recipients. Some humanitarian actors have worked closely with militaries to either gain access to military resources (including funding) or because they seek to align themselves with the military's objectives.

Beneficial interventions that help facilitate civil-military coordination and information sharing are academic civil-military centers, which can help develop networks and cultivate information sharing outside and in advance of humanitarian emergencies, and the deployment of liaison personnel in complex emergencies. The latter, embodied in OCHA's CMCoord Officers, assist civilian and military actors to share information and coordinate more effectively, while overcoming cultural, linguistic and bureaucratic barriers.

At the same time, with the growing phenomenon of information sharing taking place between humanitarian and military actors, and the increasing role of new technologies that are used in humanitarian response, many organizations have moved to develop data protection guidelines to safeguard against risks potentially experienced by aid recipients. These are largely normative or technical in nature, and will continue to emerge as a central feature in the field.

### *What are the strategies and practices employed by humanitarian actors in complex emergencies with regard to information sharing?*

*This sub-research question was broached largely in Section 4 and to a lesser extent, with regard to HNS4D, in Section 5.*

Civil-military information sharing is complex. Numerous actors and mechanisms exist, with different mandates and perspectives on civil-military engagement and potentially overlapping functions. In the midst of this complexity, strategies for information sharing include multiple pathways to a variety of actors, including other humanitarians, coordinating entities and multiple militaries (both state-sponsored and non-state armed groups, amongst others).

Strategies include the use of collective mechanisms but also commonly entail bilateral discussions, which are largely ad hoc and informal. Oftentimes, these strategies rely on personal relationships and trust. While they may draw on information from data platforms, particularly for planning purposes, strategies are low-tech on a daily basis, utilizing telephones, email and face-to-face meetings.

In terms of data protection, most humanitarians anonymize names of fellow NGOs and aid recipients as a commonly agreed-upon organizational policy, but will make ad hoc decisions on what and what not to share with others. Notably, none of the research participants interviewed could indicate a set of data protection guidelines that structured their data sharing protocols.

While bilateral (and mainly informal) mechanisms are commonly employed, questionable information sharing — which may compromise humanitarian principles — takes place on an occasional basis. These transgressions in information sharing with military actors are partly a product of shortcomings in collective mechanisms, including a lack of 'space' for dialogue on compromises, acceptable trade-offs and red lines in the protection of humanitarian principles when engaging military actors in humanitarian action.

A contributing factor to the reduced effectiveness of collective mechanisms and of reduced civil-military coordination, more generally, is OCHA's downturn in funding since early 2017. This has resulted in the reduced capability of the organization to field CMCoord Officers. Of the limited number of CMCoord Officers deployed by OCHA (currently 64 globally), less than 50% have passed through OCHA's own 'Humanitarian Civil-Military Coordination Training' program. The challenges faced by OCHA have also, in part, led to hybrid arrangements with INSO, which over the last decade has had a growing role in civil-military coordination and information sharing.

Associated with discussions of civil-military liaison staff are debates on whether ex-military personnel should be given preference in recruitment to civil-military roles in humanitarian organizations. While ex-military staff could leverage familiarity with military actors and their past networks, critics believe that recruits with broader understandings of civil-military coordination and with the ability to effectively build relationships and communicate with all stakeholders should be prioritized.

With regard to strategies and practices employed by humanitarians in relation to HNS4D, we see that intentional choices are made regarding *what* and *how* information is shared with military counterparts in humanitarian notification. Humanitarian actors continue to anonymize shared data, and certain locations and movements are not communicated in order to preserve humanitarian access in areas under opposition or non-state control. Moreover, some humanitarian organizations, such as MSF and ICRC, have developed their own methods for presenting notification information; for instance, the use of polygons for identifying humanitarian sites and the regular submission of full and updated lists of sites. This was undertaken as a way to increase control over the use and misuse of notification data by military counterparts.

### *What opportunities and constraints exist in humanitarian civil-military information sharing spaces in complex emergencies, particularly in relation to HNS4D?*

*Section 4 and Section 5 responded to this sub-research question, with the latter exploring the issue in the context of HNS4D.*

HNS4D is being utilized in both Syria and Yemen, where humanitarian targets are being struck by state-backed military actors. IHL is disregarded on a regular basis in both contexts. This makes it important to understand if humanitarian sites are being struck as a result of inclusion in the humanitarian notification mechanism or not. Yet, it is extremely challenging to assess what effects participation in the mechanism has, partly due to the notification 'black box'. Consequently, there is no way for humanitarian actors to know how their notification data is being used by military actors, or if it is accidental or intentional when a humanitarian target is hit. Indeed, the sheer volume of notifications taking place, particularly in Yemen, leads research participants to question if the military actors in question can manage and process the volume of data they receive.

This has led some humanitarians to question HNS4D, with others suspecting that notification data may be used for targeting purposes. Others are less critical, arguing that the military actors involved do not require notification data to be able to locate and target sites, should they choose to do so. While debates over the value of HNS4D continue, most humanitarians continue to identify their sites and movements using the mechanism. They do so for a number of reasons. First,

some research participants stated that, even where they question the mechanism, they are simply following protocol by submitting notification data. They emphasize the importance of being able to demonstrate to their head office that they carried out due diligence, should one of their sites be struck. Second, a number of those interviewed pointed to donor expectations and pressure to participate. Those donors that were questioned were largely unaware of or overlooked the mechanism's shortcomings. Third, many research participants expressed that while it is not possible to judge the effectiveness of the mechanism, it may simply be safer to participate, in case their sites or convoys were struck. Fourth, humanitarians are choosing to participate in HNS4D as they feel it may be utilized as an accountability mechanism when a site is targeted. Yet, other humanitarians countered this rationale, arguing that use of the mechanism will not guarantee accountability. IHL already mandates military actors to be aware of the nature of the targets they strike. This leaves many humanitarians in a constrained position, unable to determine whether to participate in the mechanism or not, while in some cases facing pressure to do so.

Given the mistrust in HNS4D held by some humanitarian actors, there is significant political negotiation that takes place in its implementation. On the one hand, some humanitarians (including MSF and ICRC) are selective with what and how information is shared through the mechanism. On the other hand, military actors often seek to control humanitarian access by rejecting notifications (although it should be noted approval is not required in HNS4D) and by questioning the validity of submitted data. There is also a likelihood that humanitarians may be manipulating data by incorporating sites that may potentially be utilized for programming in the future. This has been exacerbated by challenges arising from untrained humanitarian staff preparing notification data, which can lead to mistakes that, in turn, can bolster accusations of data manipulation from military actors.

The political negotiation surrounding implementation of HNS4D taken alongside the challenges arising from the notification 'black box' phenomenon indicate a distinct power imbalance between military and humanitarian actors, with humanitarians in the weaker position. Currently, humanitarians can choose to participate in a mechanism that may or may not work in their favor, and that will probably not deliver accountability. Yet, opting out may expose them to increased risk. Typically, humanitarian organization opt in to demonstrate due diligence and to try to ensure safety.

OCHA sees an opportunity, however. Through continued use of the mechanism and the relationship-building it entails with military actors, OCHA staff believe that it may be possible, in the near future, to open up discussion on what happens in the notification 'black box'. This could lead to discussion with military actors on how data is managed, and what to do should a humanitarian target be struck. Ultimately, this may also provide humanitarians the chance to assess whether HNS4D makes them more or less safe.

## *Implications and Recommendations*

The final sub-research guiding this report was: How can civil-military information sharing be improved with regard to enabling humanitarian operations and protecting civilians in complex emergency settings? And, what further research is required to support this? These questions are addressed below.

Acknowledgment of the highly complex and context-dependent nature of civil-military coordination and information sharing implies that academics, policymakers and senior humanitarian managers could benefit from recognizing that normative policy prescriptions and data protection standards alone are insufficient. Likewise, technical solutions that fail to incorporate socio-political analysis of information sharing may fall short. Policy documents and data protection frameworks that solely promote guidelines and principles that articulate normative assumptions about unfailingly protecting humanitarian principles, without incorporating debates regarding the challenges inherent in complex emergencies and the trade-offs made in delivering humanitarian assistance, will be of limited use to humanitarians in the field. It will continue to limit space for dialogue and undermine innovative and socio-politically informed research that will contribute to improved coordination and practice in humanitarian response.

It is therefore essential that 'spaces' for frank dialogue between humanitarians be facilitated. While the right of humanitarians to opt out of civil-military information sharing should be respected, many humanitarians are regularly interacting with the military. This engagement creates challenges but also opportunities. Further recognition, discussion and exploration of the real-world benefits, compromises and problems that result from sharing information with military actors in complex emergencies could better inform humanitarian action moving forward.

There also needs to be recognition that collective and more formal mechanisms do not necessarily deliver civil-military coordination and information sharing as envisaged. In some cases, formal mechanisms are dysfunctional and drive alternative information sharing arrangements. They are, however, important for the development of relationships between civilian and military actors, which may be drawn upon in ad hoc interactions to deal with emergencies or exchange of information. In this sense, they are valuable in enabling information sharing. It is therefore important that those engaged in civil-military information sharing not only focus on the delivery of collective mechanisms, but also recognize and seek to support bilateral information sharing, where appropriate.

To make this a reality, it is important that greater funding be directed to those actors engaged in civil-military coordination and information sharing. OCHA requires further financial support to deployed adequate numbers of CMCoord Officers globally. They are currently being asked to undertake potentially life-saving coordination with insufficient resources. It would also be beneficial if those officers, old and new, were required to undertake OCHA's own 'Humanitarian Civil-Military Coordination Training' program, to better prepare them for their role in facilitating civil-military coordination and information sharing. Training courses of this type should also be expanded to accommodate the reality that a large part of civil-military information sharing happens bilaterally; which carries with it a particular set of opportunities, risks and constraints. Correspondingly, the recruitment of these officers — and of other personnel in civil-military liaison roles — would benefit from recruitment targeting bespoke skill sets and broad understandings of civil-military coordination, rather than simply prioritizing ex-military personnel. This is not to say ex-service women and men should be excluded from recruitment; where they have the required skills, they should be viewed as desirable candidates.

In terms of data protection, few protocols are routinely followed by humanitarian organizations beyond anonymization of aid recipients and partners. There is a need for internal discussions and further guidance in such organizations on information sharing practices. This is already underway in some larger agencies. However, it is important to note that any new protocols need to be driven by on-the-ground realities and experience, not lofty normative goals. Humanitarian actors operating in complex emergencies also have a limited ability to introduce new guidelines and mechanisms, given the often overwhelming circumstances in which they operate. As such, internal consultations and any new guidelines and protocols they generate should be 'light touch' and should focus on risks, redlines and real-world trade-offs. They should also incorporate bilateral and informal information sharing alongside participation in more formal and collective mechanisms.

A final implication for civil-military information sharing pertains to the importance of balancing high-level information sharing mechanisms (such as HNS4D), alongside more local level and bilateral engagement (to negotiate access) with local military gatekeepers. The direction of finite resources and indeed civil-military coordination must target both levels of information sharing to effectively enable principled and adequate humanitarian response in an environment of increasing complex humanitarian crises. Decisions for investment of global resources, such as those in HNS4D have a significant impact on resources available for CMCoord functions, NGO actors and training and engagement of military actors at all levels. Even when working according to design, high-level mechanisms do not replace the need for relationship building and bilateral engagement at the local level with military 'gatekeepers'.

### *Implications and Recommendations for the Humanitarian Notification System for Deconfliction*

This report does not indicate whether participating in HNS4D makes humanitarians more or less safe. Indeed, it is not possible to assess this due to the notification 'black box', or the inability to know how, if at all, information is used by military counterparts. This same problem places humanitarian actors at a distinct disadvantage. While HNS4D may indeed be stopping strikes upon humanitarians in Syria and Yemen, there is no way of evaluating the efficacy of the mechanism. At the same time, there is also no indication of whether notification information is used for the targeting of humanitarian sites.

Despite the inability to understand and evaluate the functioning of the mechanism, it continues to be advocated as the best measure to ensure safety for humanitarians in two of the world's largest humanitarian emergencies. The UN Board of Inquiry's recommendations did nothing to change this. While the measures set out by the Board (see Annex One for details) respond to some of the challenges discussed in this report, they fail to adequately portray the nature of the problem HNS4D faces. Raising awareness of IHL, providing clearer guidance, more robust implementation of the mechanism, and more careful record keeping — all recommendations from the Board of Inquiry — will not alone resolve HNS4D's shortcomings. Major systemic constraints are being experienced that undermine the functioning of the mechanism. This is partially driven by wider political relations. More efficient implementation of HNS4D, as prescribed by the Board will not overcome the problems generated by the notification 'black box', for example.

Remedying this state of affairs may come about through OCHA's ability to leverage growing relationships with military actors. However, given the power dynamic at work, achieving systemic change in the functioning of the mechanism seems overly optimistic, albeit not impossible. In this regard, it would be pertinent for OCHA to be more transparent about the challenges that constrain HNS4D and more communicative of what, in their eyes, the mechanism is and is not.

Building on this, and given the mechanism's limitations (particularly that it may not deliver long-term accountability), it would be germane for the wider humanitarian community — including UN agencies, coordinating bodies, ICRC, MSF and those NGOs participating in the mechanism — to collectively explore what the mechanism can deliver and the trade-offs participation demands. There is currently no consensus on what the mechanism does. Arguably, a better-informed and clearly-reasoned rationale for involvement or withdrawal from the mechanism is preferential to the constrained and information-poor choices currently being made by many humanitarian organizations in Syria and Yemen.

While it is without doubt that OCHA are trying to deliver a mechanism that protects humanitarians to the greatest extent possible, they may not be best placed to facilitate such discussions on HNS4D amongst humanitarian actors. This mantle might be best taken up by an international NGO coordinating body or by academic centers specializing in humanitarian affairs and civil-military coordination and information sharing.

It would also be wise for donors and others investing in and promoting HNS4D —  as a means to attain humanitarian safety and security in Syria and Yemen — to think more carefully about the mechanism's use, acknowledging the challenges and power differential it embodies. Promoting HNS4D is not only problematic because we are unable to assess if and how effective the mechanism is. It may also serve, on the one hand, as a costly exercise to maintain the appearance of humanitarian safety; while, on the other, detract from military violations of IHL and create opportunities for military actors to monitor and regulate humanitarian action.

At the current time, acknowledging that humanitarian notification may be saving lives but being unable to prove it, we can only conclude that HNS4D serves to provide humanitarians with an opportunity to conform to acceptable norms of information sharing and safety, whilst providing military actors the guise of due diligence. All the while, state-sponsored militaries and their allies in Syria and Yemen escape punitive measures, while repeatedly striking humanitarian targets.

## *Further Research*

The maintenance of humanitarian principles in relation to coordination and information sharing with military actors underpins many of the issues that emerged in this research. Humanitarian and military perspectives shape to a large degree the nature and effectiveness of coordination and information sharing in complex emergencies. There are well-founded concerns held by humanitarians relating to both the potential co-option of humanitarian assistance and increased threats to aid workers and aid recipients, which emerge from engagement with the military. Yet, there are also many unfounded assumptions and some potential benefits.
A more earnest assessment of the manner in which humanitarian principles are 'preserved' and 'compromised' (both highly subjective claims) when engaging with military actors, and crucially

the impacts this has on humanitarian assistance *outcomes*, would be of value. As part of their 2014 evaluation of the humanitarian response to Typhoon Haiyan in the Philippines, MSF concluded that "the military are here to stay in disasters, and doing a good job". [128] They went on to recommend that, "it may be worthwhile for MSF response in Asia to look more closely at the planning and deployment of militaries in natural disasters and be able *to take a more proactive, thoughtful approach*" (emphasis added).[129] While it is acknowledged that complex emergencies pose more politicized and potentially challenging contexts than those of natural disasters, MSF's recommendation is supported by the current research. It also stands as a significant gap in the literature. Further critical and evidence-based research could contribute to a clearer understanding of the trade-offs between principles and outcomes when engaging military actors in humanitarian action.

With regard to information sharing, more specifically, a more detailed investigation of specific complex emergencies and the evolution of civil-military coordination and information sharing — at the local, national and (where appropriate) regional level — is advised. Detailed inquiry of this type was beyond the scope of the current research project, but on numerous occasions it was recognized that deeper contextual analysis would strengthen the current findings. Further research would track shifts in contextual factors, including the evolution of the conflict, emergency and civil-military coordination and information sharing space (e.g. actors, mechanisms, challenges and opportunities). This would allow for a more nuanced and contingent understanding of civil-military coordination and information sharing, deeply rooted in time and place, which in turn could contribute to suggested improvements in their management and delivery.

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[128] MSF. *'The New Humanitarian Aid Landscape'. Case Study: Philippines Typhoon Haiyan Response*. Geneva: Médecins Sans Frontières. 2014.
[129] MSF. 2014.

# ANNEX ONE: UN BOARD OF INQUIRY RECOMMENDATIONS

The Board made the following recommendations:

1. In order to further strengthen the implementation of international humanitarian law, the United Nations should enhance its awareness raising and capacity building efforts with all parties to the conflict in the northwest of Syria, including armed opposition groups.

2. Based on the regular assessment of staff security risks, mitigating measures and programme criticality, the United Nations should seize on any opportunity that may arise to secure United Nations access to or presence in the northwest of Syria.

3. Building upon lessons learned from past experience, including the "Declaration of Commitment on Compliance with IHL and Humanitarian Assistance" signed by a number of armed opposition groups in the northwest of Syria, the United Nations should issue clear guidance on United Nations engagement with non-State actors in the northwest of Syria and monitor its implementation.

4. In any situation where an entity has access to resources under the Syria Cross-border Humanitarian Fund (SCHF) and transmits such resources to an implementing partner, both entities — that is, the entity receiving the SCHF funds and its implementing partner — should be explicitly identified and acknowledged in project agreements signed with the United Nations.

5. In any situation where a project is conducted by an implementing partner using SCHF funds in a number of facilities, all such facilities should be specifically and individually identified in the project agreements and in any subsequent amendments or revisions to them.

6. Upon receipt of an incident report concerning a facility which benefits from United Nations support, thematic clusters should engage and share any relevant information about the incident with other concerned thematic clusters and assess in a coordinated manner the incident's impact on the implementation of the Humanitarian Response Plan (HRP) and the need for any follow-up action.

7. With regard to the "deconfliction mechanism" managed by OCHA:

a. OCHA should consider renaming it as "Humanitarian Notification Mechanism" to highlight its distinct nature, in the overall framework of international humanitarian law;

b. OCHA should develop a comprehensive and publicly available guidance document to clarify its role and responsibilities in relation to the humanitarian notification mechanism and to provide clear and detailed guidance on its implementation process;

c. OCHA should directly notify all parties to the conflict, including the Government of Syria, of the deconfliction information, unless for security reasons an implementing partner formally requests that such information is not brought to the attention of one or more parties;

d. Armed opposition groups relevant in the northwest of the Syria should be involved in the deconfliction mechanism;

e. OCHA should consistently request all parties involved with the deconfliction mechanism to acknowledge receipt of the deconfliction information;

f. Implementing partners should be required to inform OCHA of any incident against any of its deconflicted facilities;

g. OCHA should consistently notify the parties involved with the deconfliction mechanism of any incident affecting a facility on the deconfliction list and request that the incident be duly investigated;

h. OCHA should keep implementing partners informed of any follow-up actions taken upon receipt of an incident report;

i. OCHA should keep comprehensive, accurate and reliable records of all sites included in the deconfliction mechanism, as well as of the communications with those involved in the deconfliction mechanism;

j. Only specifically identified sites or installations inside a refugee camp should be submitted for deconfliction, rather than the camp in its entirety.

8. Given the complexity and multifaceted nature of OCHA's responsibilities in the northwest of Syria and the very high demands on its important work, OCHA should further strengthen its capacity for record keeping and tracking all aspects of its operations. That includes the need for detailed records of all the projects funded through the SCHF and of the facilities where the projects are implemented.

**ANNEX TWO: INTERVIEW GUIDE**

Name of Interviewer(s):

Time/Date:

Location(s):

Medium:

<center>***Check interviewee has signed the Consent Form***</center>

**A. Research Participant Key Information**

1. Can you tell me about your experience in civ-mil coordination and complex emergencies?

    a. What is/was your current post?

    b. Do/did you focus on particular sectors or areas of work?

    c. Who are/were your partners, if any?

    d. Who are/were your beneficiaries?

    e. How long have/had you been in the post?

    f. Tell me about your relevant experience.

**B. Information Sharing and Civilian-Military Coordination**

2. What types of information and data do you share with other organizations in complex emergencies?

3. How do you collect this data? Are ethical protocols followed during data collection? Is all of the collected data shared?

4. In what format(s) do you share information and data? Do you use specific software or a data platform?

5. When do you share this information and data? Is it systematic or ad hoc?

6. With whom do you share this information and data? Do you have preferred partners or an intermediary that you share information and data with? Do you share information and data through a pre-established mechanism (e.g. cluster approach, UN-CMCoord)?

7. Are there specific organizations or groups in the humanitarian community with which your organization does not exchange any information? If so, why?

8. In your personal opinion, are there specific organizations or groups in the humanitarian community which your organization does, but should not exchange information or data with?

9. In your personal opinion, are there specific organizations or groups in the humanitarian community which your organization should, but does not exchange information or data with?

10. How do you determine information and data sharing protocols?

11. How do you determine sensitivity in information and data sharing?

12. How do you and/or your organization manage information exchanges with different partners?

13. What are your priorities related to those practices? Are they based on personal or organizational experience?

14. Does your organization have a framework or guidelines that outline the manner in which you share information and data in complex emergencies?

15. Do you think actual field practice aligns with these frameworks/guidelines? Please explain.

16. How, if at all, has information sharing in your organization - either on paper or in practice - changed over time? What has driven these changes?

17. Do you think any of the information sharing practices or engagements your organization employs significantly lowers the level of risk faced by you or others during a response? If so, who and how?

18. Do you think any of the information sharing practices or engagements your organization employs significantly raises the level of risk faced by you or others during a response? If so, who and how?

19. In your experience, what mechanisms, if any, have been most effective in facilitating civ-civ or civ-mil information sharing in complex emergencies?

20. Based on your experience, what do you think are the main risks to *humanitarians* (international and national) that result from civ-mil information and data sharing practices in complex emergencies? What steps need to be taken to address these risks?

21. Based on your experience, what do you think are the main risks to *civilians/aid recipients* that result from civ-mil information and data sharing practices in complex emergencies? What steps need to be taken to address these risks?

**Principal Investigator:** Dr. Naysan Adlparvar, Postdoctoral Fellow, Yale University
**Contact Information:** naysan.adlparvar@yale.edu, +1(XXX) XXX-XXXX

We are asking you to join the 'Civilian-Military Coordination in Humanitarian Response: Expanding the Evidence Base' research study. The study is funded by the Carnegie Foundation of New York. It is co-implemented by the Center for Human Rights and Humanitarian Studies (CHRHS) based at Brown University's Watson Institute and the Humanitarian Response Program (HRP) based at the U.S. Naval War College.

One stream of research under this research project, for which we are requesting your participation, focusses on information sharing in civilian-military cooperation in complex humanitarian emergencies. The goal of this research stream is to better understand information sharing in such circumstances, including risks posed to civilians. The Principal Investigator for this research study is Dr. Naysan Adlparvar, a Postdoctoral Fellow at Yale University.

We are asking you to take part in this research study because you have expert knowledge and experience of information sharing in complex emergency settings. You will not have to pay for taking part in this study. And, you will not be paid for taking part in this study. We are looking for approximately fifty research participants across a variety of countries to take part in this research. If you agree to take part, your participation in this study will involve undergoing one, or possibly two, interviews. We estimate that an interview will take approximately one hour of your time.

If you decide to take part in this study, you may experience a possible risk of loss of confidentiality. You may benefit from taking part in this study. We hope that our results will add to the knowledge about information sharing in civilian-military coordination in complex emergency settings, which in turn could be reflected in academic debate and relevant policies and programs.

All information collected during this interview will be stored anonymously and securely. Furthermore, information will not be shared with third parties. Only the researchers involved in this study and those responsible for research oversight (such as representatives of the Yale

University Institutional Review Boards, and others) will have access to any information that could identify you which you provide. We will share it with others if you agree to it or when we have to do it because U.S. or State law requires it. For example, we will tell somebody if we learn that you are hurting a child or an older person.

Any information that you share could be used in a number of ways, including in research reports, academic articles and policy briefings, among other uses. In all cases you and your contributions will be anonymized. Please note quotes from your interview may be used (anonymously). We will not share information about you with other researchers for future research.

Taking part in this study is your choice. You can choose to take part, or you can choose not to take part in this study. You also can change your mind at any time. Whatever choice you make will not have any effect on your relationship with Yale University, Brown University or the U.S. Naval War College.

Please feel free to ask about anything you don't understand. If you have questions later or if you have a research-related problem, you can call the Principal Investigator at +1 (XXX) XXX-XXXX or email naysan.adlparvar@yale.edu. If you have questions about your rights as a research participant, or you have complaints about this research, you should call the Yale Institutional Review Boards at (203) 785-4688 or email hrpp@yale.edu.

**Documentation of Informed Consent**
Your signature below indicates that you read and understand this consent form and the information presented and that you agree to be in this study. We will give you a copy of this consent form.


_____        _____        _____
Participant Name                                    Participant Signature                              Date


_____        _____        _____
Person Obtaining Consent Name                Person Obtaining Consent Signature            Date