

Chapter I: Humanitarian Action

Chapter I of the **UN-CMCoord Field Handbook** outlines the basics of humanitarian action and highlights links to military actors and CMCoord. It includes:

- ✓ The most important **definitions** for humanitarian action.
- ✓ The significance of disaster **preparedness**.
- ✓ Differences and linkages between “**civil defence/protection**”, “**disaster management**” and “**humanitarian assistance**”.
- ✓ Civilian and military roles in the **Protection of Civilians (PoC)**.
- ✓ A recap of **humanitarian principles** and some basic definitions of **international law**.
- ✓ Considerations for the creation and sustaining of a conducive **humanitarian operating environment**.
- ✓ The relevance of the “**do no harm**” approach.

This chapter is particularly relevant for CMCoord Officers with a predominantly military background and provides an *aide memoire* for those with a humanitarian background.

Some Key Terms to Start:

Humanitarian action comprises **assistance**, **protection** and **advocacy** activities undertaken on an impartial basis in response to humanitarian needs resulting from **complex emergencies** and/or **natural disasters**. These activities can be responsive to an event that already occurred, or preventive, to mitigate risks and prepare for future events.

A **humanitarian crisis** is a situation in which the health, lives and well-being of people are in danger as a consequence of the disruption of their daily routine and access to basic goods and services. This can be the result of natural disasters, technological or man-made disasters, and situations of violence and conflict.

Humanitarian actors are civilians, whether national or international, United Nations (UN) or non-UN, governmental or non-governmental, which have a commitment to humanitarian principles and are engaged

in humanitarian activities.

Natural disasters are events caused by natural hazards that seriously affect the society, economy and/or infrastructure of a region. The humanitarian consequences depend on the vulnerability of affected people and their coping and local response capacity.

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

1. Disaster Management and Civil Defence/Protection

The affected state has the primary responsibility to provide protection and life-saving assistance to people affected by crises, including preparedness measures for communities. The real **first responders** in emergencies are the affected people and communities themselves. The local response mechanisms might be more or less institutionalized. They comprise local organizations, private health and service providers, and government institutions that provide basic services in peacetime and respond to emergencies and disasters when they occur. National response to disasters can be non-governmental or governmental or both, including **the armed forces and other uniformed services**.

In recent years, the role of government institutions in preparedness and their capacity to coordinate and provide assistance have increased – and with that comes expectations to mitigate or prevent potential disasters and provide assistance where needed. Coordination, interoperability and complementarity with the international humanitarian assistance are crucial.

The activities of **National Disaster Management Authorities (NDMA)** and response systems are usually differentiated from **humanitarian assistance**. NDMA and government response systems have different set-ups, operating standards and actors, than the international humanitarian community. These structures can be partly or even predominantly military or para-military in some countries. The **armed forces** can in fact be the first responders in a country. Non-governmental, private sector and volunteer-based organizations could either be closely integrated in the national system or be distinct from it. Government-owned units under direct command of government institution are often referred to as **civil defence/protection** assets.

Civil defence is the performance of humanitarian tasks intended to protect the civilian population against the dangers, and to help it to recover from the immediate effects, of hostilities or disasters and also to provide the conditions necessary for its survival.

Additional Protocol 1 of the Geneva Conventions

Today, the terms **civil defence**, **civil protection**, **emergency management** and **disaster management** are used by different governments and regional organizations to refer to the same concept: a structure or state entity established to prevent disasters and mitigate the effects of such disasters on people, property and the environment.



In this handbook, disaster management is used for in-country systems; civil defence/protection for government-owned civilian or para-military assets; and international humanitarian assistance for the response of the international humanitarian community and their operational partners.

International actors respond to a crisis only **with the consent** of the affected state; usually **at the request** or upon the acceptance of an offer of assistance. Assisting States provide support in the form of financial contributions and in-kind donations; bilateral deployment of government disaster response and assistance teams, including civil defence/protection, civilian and military units; and by financing humanitarian assistance carried out by government agencies, non-governmental organizations (NGO), the UN or other organizations.

The affected state decides which actors can provide assistance and coordinates the overall response. National armed forces might play an important role in the national coordination efforts, and in particular in the coordination of incoming **FMA**. The affected state may ask the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) to assist in the coordination of international humanitarian efforts.

Military Actors in Disaster Preparedness

- Familiarize yourself with the role of the national military in disaster preparedness and response.
 - Enquire about the role of national military and FMA in the national contingency plans.
 - Familiarize yourself with existing agreements with other states and foreign military entities, Status of Forces Agreements (SOFA), etc.
 - The NDMA might have its own civil-military coordination guidelines and arrangements in place.
 - National military forces might be part of national or local disaster management exercises.
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2. Preparedness and Resilience

The Inter-Agency Standing Committee (IASC) in 2014 underlined that *humanitarian action, including preparedness, can be designed and implemented in such a way that it helps systems and people to be more resilient – that is, to be less vulnerable to future shocks.*



Does CMCoord have a role in preparedness? OCHA's Policy Instruction identifies specific tasks for CMCoord in preparedness. See Chapter V of this handbook.

The severity of humanitarian consequences of a crisis depends on the **vulnerability** and **coping capacity** of the affected people and societies. A natural disaster does not necessarily turn into a humanitarian crisis. This depends on how **resilient** the affected people are and how well the response works.

[IASC guidance on Emergency Response Preparedness](#)

[IASC Common Framework for Preparedness](#)

[Sendai Framework for Disaster Risk Reduction 2015-2030](#)

The United Nations International Strategy for Disaster Risk Reduction (UNISDR)

www.unisdr.org

[IASC Priority: Preparedness and Resilience](#)

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Preparedness: The knowledge and capacities developed by governments, professional response and recovery organizations, communities and individuals to effectively anticipate, respond to, and recover from, the impacts of likely, imminent or current hazard events or conditions.

Resilience: The ability of a system, community or society exposed to hazards to resist, absorb, accommodate and recover from the effects of a hazard in a timely and efficient manner, including through the preservation and restoration of essential basic structures and functions.

Vulnerability: The characteristics and circumstances of a community, system or asset that make it susceptible to the damaging effects of a hazard. There are many aspects of vulnerability, arising from various physical, social, economic, and environmental factors.

Coping capacity: The ability of people, organizations and systems, using available skills and resources, to face and manage adverse conditions, emergencies or disasters.

UNISDR, 2007

If they are first responders in a country, armed forces should ideally be included in preparedness planning and activities. If national military and FMA are part of the national contingency planning processes, it is important for the humanitarian community to recognize this role in their own preparedness activities.

3. Humanitarian Assistance

Humanitarian assistance seeks to save lives and alleviate suffering of people-in-need as a result of a humanitarian crisis. It focuses on short-term emergency relief, providing basic life-saving services that are disrupted because of the humanitarian crisis. Humanitarian assistance is needs-based and provided in adherence to **humanitarian principles** of humanity, impartiality, neutrality and operational independence (see Chapter 1.5).

The assessment of such needs must be independent and humanitarian assistance, must be given without discrimination of any kind, regardless of race, ethnicity, sex/gender, religion, social status, nationality or political affiliation of the recipients.

What is a humanitarian actor? Humanitarian actors are civilians engaged in humanitarian activities with a clear commitment to humanitarian principles. This commitment is usually laid down in their legal mandates, mission statements and statutes.

Military forces that deliver aid – be it fulfilling obligations under international humanitarian law (IHL), offering assistance to affected populations as part of a wider stabilization mandate, *in extremis*, or in support of humanitarian operations – **are not considered humanitarian actors**. They might very well fulfil or support humanitarian tasks, without changing their original *raison d'être*.

The military is a tool of the government's foreign policy. The separation of humanitarian and political objectives is not clear. While this might be true for other government agencies, military units are not primarily perceived as humanitarians by the civilian population, particularly in complex emergency situations. It is likely that they have other military objectives while fulfilling humanitarian tasks, making the latter a means to an end.

Humanitarian assistance must take into account the local capacity already in place to meet those needs. It complements local services and capacity on a short-term basis and aims to enable people to get back to normalcy.



Humanitarian actors have several surge and rapid response mechanisms to ensure that humanitarian assistance is provided as soon as possible. Still, the first 48 to 72 hours after a natural disaster are the most critical in terms of search and rescue operations, medical treatment and/or evacuation and other life-saving measures. The response largely relies on the capacity available on the ground. The ability to respond quickly is crucial. However, it is equally important to have a clear **exit strategy** to end external assistance as soon as the local systems are restored to normalcy.

What is the role of military actors and within what timeframe? The relief phase ranges from a couple of weeks to months, depending on the scale of destruction, access, and a variety of other factors. The military can play a crucial role given its ability to **mobilize quickly** – especially in terms of logistics, engineering and transport assets. CMCoord is a requirement at the first minute.



As observed in past, FMA that deploy to a natural disaster tend to **drawdown or re-deploy** from the scene before the relief phase is over, and sometimes on very short notice. In anticipation of this reality, the CMCoord Officer needs to ensure that military commanders clearly communicate the end of their deployment. This is important to make sure that handover plans are in place for the transition from military support to follow-up by civilian capacities.

Humanitarian assistance becomes necessary because of existing vulnerabilities of people and communities. Thus humanitarian organizations aim at **linking relief, rehabilitation and development** to allow transition of short-term humanitarian assistance into long-term development programmes. This promotes the sustainable improvement of the coping capacity of communities. Reconstruction activities follow the “build back better” principle and include prevention and mitigation elements to reduce a community’s vulnerability to future hazards in the long-term.

4. Protection

Protection encompasses all activities aimed at ensuring full respect for the rights of the individual in accordance with international human rights law, international humanitarian law (which applies in situations of armed conflict) and refugee law. (IASC)

States have the primary responsibility to **protect** people within their jurisdiction. In situations of natural disasters, national authorities are responsible for providing assistance and protection to those affected. In situations of armed conflict, all parties to the conflict, e.g. states and organized armed groups, must respect and protect civilians.

The first rule of IHL is to distinguish between civilians and combatants and to direct attacks only against combatants. Hence, the term **Protection of Civilians (PoC)** is used to describe protection during times of armed conflict and is generally understood by the military to be the application of and respect for IHL and other applicable law. More recently, the term PoC has also been used to describe the specific mandate given by the UN Security Council to many UN peacekeeping forces to *protect civilians under imminent threat of physical violence*. This should not be confused with the much broader protection accorded to civilians under IHL.

Protection is a major concern in humanitarian crises, whether in situations of armed conflict, general insecurity or natural disasters. Protection can be seen as a legal responsibility, objective or activity. Humanitarian activities in support of protection fall into three phases:

- **Responsive** activities to prevent, stop, or alleviate the effects of a threat to peoples' rights or safety, e.g. sexual or gender-based violence (SGBV), by advocating with parties to a conflict to refrain from such abuse or by providing basic medical care.
- **Remedial** responses to restore peoples' dignity and ensure adequate living conditions after an abuse, for example legal assistance if a victim of SGBV decides to take legal action.
- **Environment building** aims to build a social, cultural, institutional and legal environment conducive to respect for individual rights. This could include strengthening legislation against SGBV or training police on how to handle SGBV cases appropriately.

An effective humanitarian response to such situations must be informed by an **analysis of the threats and risks** that people face. Appropriate steps should be taken to minimize those threats and risks, and ensure full respect for the rights of all people affected by disaster or armed conflict.



Is protection a CMCoord task? Protection requires engagement with a broad range of actors, including civilian and military. It is not a CMCoord task as such; CMCoord is a useful tool for humanitarian protection actors to engage military or other armed actors to support protection. It serves as a bridge between humanitarian organizations with a protection mandate and deployed military forces to ensure adequate dialogue and cooperation where needed and as appropriate.

In armed conflicts, humanitarian protection actors engage with duty bearers (the institutions obligated to fulfil holders' rights) to **promote adherence to IHL** or other applicable legal instruments to reduce risks faced by affected people. Duty bearers may include national or foreign military forces or, in cases of armed conflict, organized armed groups. Their interaction includes information sharing, advocacy, training, awareness-raising and measures to reduce the impact of hostilities on civilians, as well as the promotion of the “do no harm” approach and related methods.

Humanitarian actors will engage UN peacekeepers or other forces **mandated to proactively protect civilians under threat**, by sharing information on what those threats against civilians are. They will advocate with the military to enhance security for civilians in those areas and respond to requests for information on population movements and humanitarian needs.

What is the difference between PoC and responsibility to protect? While the two concepts share some common elements, particularly in regard to prevention and support to national authorities in discharging their responsibilities towards civilians, there are fundamental differences.



PoC is a legal concept based on IHL, human rights and refugee law, while the **responsibility to protect (R2P)** is a political concept.

PoC relates to violations of IHL and human rights law in situations of armed conflict. R2P is limited to violations that constitute war crimes or crimes against humanity or that would be considered acts of genocide or ethnic cleansing, which may occur in situations that do not meet the threshold of armed conflict.

Cf. SG Report on PoC (S/2012/376), Para 21

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[OCHA on Message: Protection of Civilians](#)

[Security Council Aide Memoire on Protection of Civilians \(2014\)](#)

[IASC Statement on the Centrality of Protection in Humanitarian Action
Protecting Civilians in the Context of UN Peacekeeping Operations](#)

5. Humanitarian Principles

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.	
NEUTRALITY	IMPARTIALITY
Humanitarian actors must not take sides in hostilities or engage in controversies of a political, racial, religious or ideological nature.	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 nationality, race, gender, religious belief, class or political opinions.
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.	

Table 1: Humanitarian Principles

One of the core guiding documents for humanitarian assistance is UN [General Assembly \(GA\) resolution 46/182](#) on strengthening of the coordination of humanitarian emergency assistance of the UN. In addition to the principles of [humanity](#), [neutrality](#) and [impartiality](#), the resolution formulates other guiding principles for humanitarian assistance, e.g.:

- Each state has the [responsibility](#) to take care of the victims of natural disasters and other emergencies in its territory.
- In the context of [sovereignty](#), humanitarian assistance should be provided with the consent of the affected country, although such consent may not be withheld *arbitrarily*.
- The affected states are called upon to [facilitate](#) the work of humanitarian organizations.



What are “arbitrary reasons”? There is no definition as to what constitutes “arbitrary reasons”. As a minimum, consent must not be withheld in situations which would violate international law, for instance where people face starvation. OCHA is working on a guidance note related to such “arbitrary

reasons”, to be available end of 2015.

The CMCoord function is guided by humanitarian principles and has a crucial role in their promotion and safe-guarding. This includes sensitizing the military community about humanitarian principles and key considerations of humanitarian vis-à-vis military actors, as well as raising awareness and promoting a coherent approach by the humanitarian community in its engagement with the military.

It is crucial for humanitarians to stay independent from political and military objectives. Being perceived as distinct from military actors and objectives might require a certain degree of physical distance in some contexts. At the same time, providing assistance to people-in-need may at times require the support from military actors, without impacting negatively on the **operational independence** of the humanitarian community.



CMCoord facilitates dialogue to find the right balance. The work with the military should contribute to – and not compromise – the neutrality and impartiality of humanitarian operations.

Humanitarian advocacy: Advocacy refers in a broad sense to efforts to promote, in the domain of humanitarian aid, respect for humanitarian principles and law with a view to influencing the relevant political authorities, whether recognised governments, insurgent groups or other non-state actors. One could add “international, national and local assistance agencies”. (Active Learning Network for Accountability and Performance)

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[OCHA on Message: Humanitarian Principles](#)

[General Assembly resolution 46/182](#) & [General Assembly resolution 58/114](#)

[OCHA on Message: General Assembly resolution 46/182](#)

6. Legal Aspects of Humanitarian Action

Areas of international law with particular relevance to humanitarian action are IHL, international human rights law and refugee law.

6.1 International Humanitarian Law

IHL regulates situations of **armed conflict**. The most important sources are the Hague Conventions, the **Geneva Conventions** and the Additional Protocols to the Geneva Conventions. The inspiration for this set of rules in armed conflict was humanitarian: *Even in war, rules apply; even war does not justify all means and methods of warfare.*

This also includes the concept of **proportionality**: the impact of military operations on civilians must be balanced with the intended military outcomes. The Geneva Conventions introduced the **distinction** between combatants and non-combatants, promoting the protection of individuals who are not or no longer participating in hostilities; **196 nations** are signatories to the treaties.

The **Fourth Geneva Convention** defines the responsibilities of an **occupying power** vis-à-vis the population, e.g. providing food, medical assistance and other supplies essential to their survival (Art. 55-60). The default option is to provide these services through civilian actors.

The **Additional Protocols** of 1977 relating to the Protection of Victims of International (Protocol I) and Non-International (Protocol II) Armed Conflicts contain regulations for PoC, as well as the status, protection and access of relief actors. While a large majority of states have ratified Protocols I and II, these instruments have not yet gained universal adherence. Several states in which non-international armed conflicts are taking place have not ratified Protocol II. In these non-international armed conflicts, **Common Article 3** of the four Geneva Conventions is often the only applicable treaty provision.

The four Geneva Conventions and Protocol I (if ratified) apply only in cases of **international armed conflict**. In cases of **non-international** armed conflict, only **Common Article 3** and **Protocol II** (if ratified) apply. All of the rules laid down in the Hague and Geneva Conventions, and many of the rules laid down in the Additional Protocols, are widely recognised as **customary international law** (“the general practice of states and what states have accepted as law”). Hence, the principles of distinction and proportionality, as well as the obligation to not arbitrarily withhold consent to relief operations, will apply in any context of conflict. Be aware of the fact that the classification of a situation of violence as (non-)international armed conflict is often disputed and highly politicized.



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[Geneva Conventions of 1949](#)

The [International Committee of the Red Cross: What is IHL?](#) gives a good overview of IHL sources and their content.

6.2 International Human Rights Law

While IHL is only applicable in situations of armed conflict, **international human rights law** is universal. In a state of emergency, such as an armed conflict, states can suspend certain human rights (under stringent conditions), whereas IHL cannot be suspended. However, certain **fundamental rights** must be respected in all circumstances and cannot be suspended, including the right to life, the prohibition of torture and inhuman punishment or treatment, the outlawing of slavery or servitude, and the right to freedom of thought, conscience and religion.

During armed conflict, human rights law complements and reinforces the protections provided by IHL. However, in some cases IHL and human rights law provide contradictory rules, e.g. regarding the **right to life**. As IHL was specially designed to apply in armed conflicts, its specific rules will prevail over the general rules of human rights law in relation to the conduct of hostilities and other situations closely linked to the battlefield. On the other hand, in situations that more closely resemble ordinary life (e.g. law enforcement by state authorities), the rules of human rights law will generally prevail over IHL notwithstanding the existence of an armed conflict in the country.

The basis for most binding legal instruments referring to human rights is the **Universal Declaration of Human Rights** (UN General Assembly 1948). Many humanitarian actors base their work on a broader human rights approach and NGOs often act as humanitarian relief organizations and advocates for human rights.



The UN **Rights Up Front** Plan of Action emphasizes the imperative for the UN to protect people, wherever they may be, in accordance with their human rights and in a manner that prevents and responds to violations of international human rights and humanitarian law (IASC, Centrality of Protection).

6.3 Refugee Law

Refugee law is the branch of international law that deals with the rights and protection of refugees. It is related to, but distinct from, international human rights law and IHL.

The **Convention relating to the Status of Refugees from 1951** and its Protocol from 1967 to this day set the standards for the treatment of refugees. It serves to safeguard the fundamental rights of refugees and the regulation of their status in the countries of asylum.

Refugee is a legal term only applicable if a person has crossed an internationally recognized state border. When people have to leave their homes but remain within their own country, they are known as **Internally Displaced Persons (IDPs)**; this can be as a consequence of armed conflicts, situations of generalized violence, violation of human rights or natural disasters.

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[OCHA on Message: Internal Displacement](#)

[UN Guiding Principles on Internal Displacement \(OCHA 2004\)](#)

[1951 Convention relating to the Status of Refugees and its 1967 Protocol](#)

6.4 Disaster Response Laws, Rules and Principles

For natural disasters, there are a number of global and local laws, treaties, and regulations. The **IDRL Guidelines** (international disaster response laws, rules and principles) – for the national facilitation and regulation of international disaster relief and initial recovery assistance – are meant to assist governments to improve their own disaster laws with respect to incoming international relief, ensuring better coordination and quality.

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The International Federation of Red Cross and Red Crescent Societies (IFRC) has established a [disaster law database](#), a collection of **international disaster response laws, rules and principles (IDRL)**.

The **World Customs Organization** has compiled a [customs directory](#) with national focal points and legislation, instruments and tools related to the movement of emergency relief aid, as well as international resolutions.

7. Humanitarian Operating Environment

A key element for humanitarian agencies and organizations when they deploy, consists of establishing and maintaining a **conductive humanitarian operating environment**, sometimes referred to as **humanitarian space**.

Adhering to the principles of neutrality and impartiality in humanitarian operations – and being *perceived* as doing so – is critical to ensuring **access to affected people**. It can also make a significant difference to the **security** of humanitarian personnel and the people they assist. Maintaining a **clear distinction** between the role and function of humanitarian actors from that of the military is the determining factor in creating an operating environment in which humanitarian organizations can carry out their responsibilities effectively and safely.



Civil-military distinction: A main aspect for context-specific consideration is whether being associated with the military affects the operating space and has detrimental and unacceptable effects on humanitarian operations.

7.1 Humanitarian Access

Humanitarian access concerns humanitarian actors' ability to reach people affected by crisis, as well as affected people's ability to access humanitarian assistance and services. Sustained and effective humanitarian access to the affected people implies that all affected people can be reached and that the receipt of humanitarian assistance is not conditional upon the allegiance or support to parties involved in a conflict, but independent of political, military and other action.

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[OCHA on Message: Humanitarian Access](#)

[IASC Guidelines on Humanitarian Negotiations with Armed Groups](#)

To have access to all affected people and areas requires engagement and **negotiation** of such access with all relevant parties. Particular care must also be taken to ensure the sustainability of access. Ability of humanitarian actors to establish and maintain humanitarian access is related to adherence to humanitarian principles. **Humanitarian access** is an important part of humanitarian advocacy. It can become an

important task of, but is not limited to, civil-military coordination. Upon request by humanitarian actors, it also may require political support to create/reinforce conditions conducive to humanitarian action.

Coordination with the military should be considered to the extent that it facilitates and sustains – and not hinders – humanitarian access. **Humanitarian access negotiations** seek to ensure provision of assistance and protection to affected people; to safeguard the humanitarian operating environment; and to improve respect for international law. To do so, establishing specific arrangements with relevant parties may be necessary. Such measures can include **de-confliction** of military and humanitarian activities in an area, the provision of **area security** by security actors, the establishment of humanitarian “pauses”, “days of tranquillity” and modalities for unhindered passage at checkpoints.

In high risk environments, necessary security measures such as controls at airports or en route checkpoints, can slow down humanitarian convoys and impede the rapid delivery of humanitarian assistance. **Restrictions and impediments to humanitarian access** can be minimized or avoided without compromising the security efforts.

- Security forces inform humanitarians on procedures and expected waiting times.
- If necessary, humanitarians may notify security forces of an intended movement on specific routes, to allow quick passage.
- Establish de-confliction mechanisms for notification, if there is no alternative.



De-confliction arrangements: Established liaison between humanitarian actors and parties to the conflict to communicate the time and location of humanitarian activities and humanitarian convoys. This should only be applied in exceptional cases, in order to ensure that military operations do not jeopardize the lives of humanitarian personnel, impede the passage of relief supplies or implementation of humanitarian activities, or put recipients of humanitarian assistance at risk.

Negotiating access: Humanitarian access to affected people can be constrained for instance by general insecurity or ongoing hostilities, by

lack of infrastructure, or through restrictions imposed by actors controlling an area. The humanitarian community needs to be able and seeks to communicate as necessary with all actors that can provide, restrict or influence access, e.g. all parties to a conflict, the government, national/local authorities and security actors (civilian and military), communities, non-state armed actors.

CMCoord's Role in Access – an example from South Sudan in 2014



In December 2013, the recently founded Republic of South Sudan faced an outbreak of violence throughout the country, resulting in high numbers of IDPs (1.5 million in November 2014). In the first weeks, tens of thousands of people fled the violence to seek refuge within the compounds of the UN Mission in South Sudan (UNMISS).

People came there to seek physical protection, but obviously needed humanitarian assistance while they were there. This was provided by humanitarian partners within the UN Missions' compounds, which are referred to as Protection Sites. Meanwhile, humanitarian organizations provided assistance to IDPs in six of the ten districts.

There were a number of issues pertaining to humanitarian access, of which not all were civil-military related. This was addressed with a unique set-up: **a policy, access and civil-military coordination team** was established prior to the conflict, and surged up to six people.

The civil-military coordination had two sides: coordination with the military part of UNMISS, and the coordination and information sharing with the governmental armed forces and other armed groups.

The liaison with UNMISS included the conditions of people who had taken refuge in UNMISS compounds, situation analysis and contingency planning. In addition, given the security situation, the liaison included the provision of armed escorts and static guards, as needed.

Another aspect was the coordination with all parties: e.g. with the Government in terms of clearance for aircraft and convoys to leave the capital, and with military and/or armed groups at destination. It also included providing information on humanitarian activities to all parties in their



respective area of operation. All of the zonal commanders of the armed groups fighting government forces signed off on **humanitarian ground rules**. These laid down what they could expect from humanitarian actors in terms of their activities and also what was expected from them in terms of access to people-in-need and respect for IHL.

7.2 Perception of Humanitarian Action

The perception that humanitarian actors are affiliated with military forces could impact negatively on the security of humanitarian staff, their ability to access and thus to rapidly and effectively provide assistance and protection to affected people.

To be impartial, and to be *perceived* as impartial, first and foremost the delivery of humanitarian assistance must come without political or military conditions. Humanitarian organizations must not take sides in conflicts and remain independent from political or military objectives. This would otherwise affect their ability to provide assistance and protection to all affected people in an impartial manner, and erode their credibility and acceptance.

Perceptions could exist even before humanitarians have started projects: From the perspective of the local population, the different objectives/nature/principles of action between military and humanitarian operations might not be obvious. The distinction between military and humanitarian actors could be blurred. An operation in one region or country can very well affect the perception in another. Blurring of lines may have some positive effects from the military point of view, as it could enhance their own acceptance, but it is clearly undesirable for humanitarians. It can put in danger the people assisted and humanitarian personnel, negatively impact the humanitarian operating environment and subsequently lead to suspensions of humanitarian operations.



Any civil-military coordination and interaction must not jeopardize the principles guiding humanitarian actors, local networks and trust that humanitarian agencies have created and maintained with communities and relevant actors.

7.3 Distinction Between Civilian and Military Actors

Humanitarian workers and organizations are protected by IHL, and this protection is reflected in the national laws of many states. Humanitarian organizations are civilian organizations and unarmed. They rely on the protection provided by IHL and the acceptance of their humanitarian mandate by all parties. The Geneva Conventions introduced the principle of **distinction** between combatants and non-combatants. It promotes the protection of individuals who are not or no longer participating in hostilities.

The key concept of **civilian-military distinction** used in CMCoord guidelines is derived from that principle; it specifically refers to the distinction between military and humanitarian actors. If they carry out similar activities, the distinction between them and their mandates becomes very difficult to maintain, even if humanitarians are not cooperating directly with the military. It is the responsibility of both communities to maintain a clear distinction between them, particularly in complex emergencies. Military personnel must refrain from presenting themselves as humanitarian workers and must clearly state who they are, and vice versa.

CMCoord has a crucial role in promoting the civilian-military distinction among military and humanitarian actors. Acknowledging this, civic action, civil affairs, Quick Impact Projects (QIPs), reconstruction, and other military activities can be an integral part of military strategy. Similarly, military support might be indispensable in some situations to deliver life-saving assistance. It is one of the most difficult tasks to promote; an approach that takes into account these realities and safeguards distinction at the same time.



The approaches of humanitarian actors and their willingness to accept military assistance vary significantly. It is the role of the Humanitarian Coordinator (HC) and Humanitarian Country Team (HCT) to seek a common approach, in which all actors can operate without compromising humanitarian principles guiding their action and the perception of the whole humanitarian community. The CMCoord Officer or focal point supports them in that role. See Chapters IV-VI.

7.4 Security of Humanitarian Personnel

In recent years, humanitarian workers have been routinely required to operate in complex security environments that require a more robust **security risk management** regime and the acceptance of higher risk. Humanitarian actors operating within an emergency situation must

identify the most expeditious, effective and secure approach to ensure the delivery of vital assistance to people-in-need. This approach must be balanced against the need to ensure staff safety, and therein a consideration of any real or perceived affiliation with the military.

Security risks may be caused by the lack of knowledge of IHL among armed actors; not being perceived as neutral and impartial and aligned with parties to the conflict; criminal activities; and, simply associated with the complexity of the operational environment. **Humanitarian principles** remain the key to gain all parties' **acceptance** of humanitarian action and actors and to establish a **conducive operating environment**. At the same time, many risks can be reduced by good security risk management.

There are many steps to create a **conducive humanitarian operating environment** and access and ensure an acceptable level of safety and security of aid workers. This includes a comprehensive **risk assessment** based on thorough **local knowledge**. The process to weigh the security risks with the criticality of life-saving programmes is called **programme criticality**.

Many risks can be reduced by **trust and acceptance**, if humanitarian actors are widely perceived as neutral and impartial, their humanitarian mission is understood, and their presence and work do not have negative effects or offend local customs and culture. The more humanitarian action is perceived as actually changing the situation for the better, the higher the acceptance among the local communities will be. And with that the extent to which they actively contribute to the safety and security of humanitarian workers.

Acceptance-based approaches depend on long-term and continuous dialogue and partnerships. They include knowledge of and adaptation to the local environment; communication, consultation with and involvement of communities; and close monitoring of potential negative perceptions and threats. Local actors, partners and staff play a crucial role in understanding the environment, threats and possible perceptions; and in communicating humanitarian messages. "Do no harm" approaches also play a crucial role in avoiding local tensions resulting from humanitarian programming.

Examples of good practices are **local co-ownership** of programmes and the involvement of all groups in programming, e.g. including the needs of host communities in humanitarian assistance to people living in IDP or refugee camps, and including local labour and livelihoods in components.

In high-risk situations, gaining acceptance may be extremely challenging and may need to be accompanied by other appropriate risk management measures. For instance, where some groups or organizations are ideologically opposed to parts of the international humanitarian response, humanitarian workers might be directly targeted. In these cases, **low-profile approaches** can include the de-branding of vehicles, staff not wearing organization emblems, the use of local vehicles and un-marked offices, or not gathering in groups or offices identifiable as belonging to the organization. While these measures will reduce the likelihood of incidents they tend to increase the impact if they do happen.

In certain situations, the risks may be higher for international staff, staff from other parts of the country, or staff from certain nationalities. In these cases, **remote programming**, static localized staffing and local capacity building for community-based organizations and volunteers can be considered. If the risk is equally high for all staff, complete remote programming – carried out by the community itself and monitored via visits and the internet – as well as providing **cash and vouchers** rather than goods, can be options for consideration.

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Good practices are described in detail in [To Stay and Deliver: Good practice for humanitarian workers in complex security environments, OCHA 2011](#).

If security risk management measures are not creating an acceptable level of safety and security for aid workers, the **provision of security conditions conducive to humanitarian activities** is one of the main expectations of humanitarian actors from military components in peacekeeping operations. **Deterrent measures**, defined as those that pose a counter-threat in order to deter a threat, and **armed protection** are the **last resort** considered before **suspending programmes** and ceasing life-saving assistance. As a general rule, humanitarian actors will **not use armed escorts**. The minimum requirements to deviate

from this general rule are laid out in the IASC [non-binding Guidelines on the Use of Armed Escorts for Humanitarian Convoys](#) (see Chapter IV.2.4).

An alternative and good practice to deterrence measures and armed protection is to request [area security](#). This may involve “clearing” and patrolling key road networks, maintaining a presence in the area but not being visible or accompanying the convoy, or providing aerial flyovers.



What is the CMCoord role in security management? Understanding the described security management approaches is particularly relevant when determining the necessity or alternatives for the use of armed escorts. Some of the tasks of CMCoord Officers may be related to or overlapping with security management. See Chapter VI for further details.

8. Do No Harm

Any humanitarian assistance, e.g. food distribution or provision of health care, is a [significant external intervention](#) in a local system and can considerably affect the local economy, power balance, and population movements. It can also contribute adversely to crime or misuse of power. The “[do no harm](#)” concept is ascribed to the “Hippocratic Oath” in the medical practice. It posits that any potential unintentional consequences of humanitarian assistance should be critically examined and any negative consequences avoided.

This has relevance to CMCoord in two ways: to avoid negative consequences of civil-military dialogue and interaction, and to promote the “do no harm” concept to military actors involved in humanitarian assistance.



This is not the same as malpractice or collateral damage. Negative consequences can be adverse, side-, or second- and third-order effects of humanitarian activities.

Any actor involved in humanitarian response has to weigh the possible consequences, impacts and effects of his/her activities. Cultural, economic, societal considerations need to be borne in mind. Each response needs to be based on humanitarian standards (e.g. SPHERE Standards, codes of conduct, good practices) and adapted to the

context after a thorough assessment. This assessment needs to cover affected people and other peripheral stakeholders that may help, hinder or be affected by the humanitarian activities.

Examples can be food distributions that destroy local markets; female beneficiaries that are assaulted and robbed when picking up relief items; or creating local conflicts if the local host population in an area where a refugee or IDP camp is established is not included in relief distributions. If the military is visibly involved in relief activities, beneficiaries of this assistance might be put at risk to become targets.

A practical use of the “do no harm” concept is to “examine the solutions being offered today for they might be the cause of problems tomorrow”. Some militaries have applied the “do no harm” analysis in their planning processes – i.e. analyzing the second- and third-order consequences of a proposed course of action.

Example: Helicopter Distribution of Food and Non-Food Items (NFI)

The only way to reach inaccessible affected areas after a major natural disaster is often by helicopter. Airlift capacity is one of the most important, but also most limited resources during the first days of a disaster. In previous relief operations, military actors have provided direct assistance and delivered relief items and food. These deliveries can be critical in the early stages of the response as the humanitarian community gets organized and deployed to the affected area.

The local and assisting governments, as well as media, are often very supportive of these measures, as they provide quick and highly visible results. Although helicopter distributions seemed to be the only way to get immediate help into the worst affected areas, they can have some negative effects that the CMCoord Officer may have to address. The following are examples from recent disasters:

- Helicopters identified devastated areas from the air and landed or hovered over open spots to drop or unload relief items from two to five metres.
- Local people heard of help arriving either by actually hearing the sound of the helicopters or learned via word of mouth, and flocked to the landing zone. The helicopters threw up debris which injured many people who rushed in to get help – and who had no access to health care.
- The helicopter crew did not stay and did not manage the distribution. This resulted in the local residents who were the most able claiming relief items, while many others – usually women, children; sick, disabled or elderly people – were left with nothing.
- The people did not know if and when the helicopters would return, so they camped in the open field to wait for the next distribution. This could make the

landing spots dangerous areas and subject to all kinds of crime, including rape and abduction.

- When the helicopters returned, people tried to enter the helicopter, threatened the crew, and in worst cases, the situation ended up in riots – with people killed by security forces or helicopter crew in self-defence.
- The helicopters brought random items which were not necessarily needed, e.g. if the water supply was not affected and food was scarce, the helicopters came with bottled water, rather than food. Empty bottles cause a waste problem.
- In cases where local markets did offer sufficient wares, local sellers suffered significant losses as a result of the “free” competition.
- Operations were suspended without notification, leaving no time to find alternative supply routes – and leaving people behind still in need, and upset.



The CMCoord Officer has a crucial role in sharing assessment data, ensuring military relief activities are coordinated with humanitarian actors, and promoting humanitarian principles, standards and codes of conduct.