Global Protection Cluster

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CIVIL-MILITARY COORDINATION FOR PROTECTION OUTCOMES

REPORT OF A GLOBAL PROTECTION CLUSTER ROUND-TABLE

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Global Protection Cluster

OVERVIEW

The current dynamics and conduct of armed conflict as well as the absence of effective mechanisms to mediate root causes of conflict and displacement have contributed to a global record high of people in need of protection, including displaced people. The regional dimension of many conflicts requires a strategic operational engagement, ensuring a protection continuum during flight and in situations where civilians are unable to move and seek safety.

Civilians are increasingly bearing the burden of armed conflicts. They often find themselves close to violence, attacks and insecurity, requiring humanitarian organisations to increasingly operate in situations of active conflict. At the same time, it is especially in such high-risk environments that humanitarian protection needs are higher due to the increase in violent incidents against civilians and risks thereof. Another key feature is the fragmentation of armed groups with often opportunistic alliances and shifting allegiances, at times across countries and continents, which results not only in more complex conflict dynamics, such as rapidly shifting frontlines, but can also bring a new degree of unpredictability into an armed conflict, potentially increasing the risk for civilians.

For humanitarian organisations, operating in such environments entails a number of particularities, challenges and constraints, such as remote management, insecurity or access limitations. This impacts on the way humanitarian organizations operate, in particular for protection outcomes, which requires proximity to affected people.

For the military, protection of civilians' frameworks have evolved considerably since the failures of the international response in Bosnia and Rwanda. By the late 1990s, some member states of the UN sought to develop a framework that would override state sovereignty and give the international community a right to intervene without the consent of a host state. In 2001, an international commission developed the "Responsibility to Protect (R2P)" framework, which argued that states forfeit their sovereignty when they commit gross violations including genocide, ethnic cleansing, war crimes, and crimes against humanity (The International Commission on Intervention and State Sovereignty (ICISS), 2001). The R2P framework asserts that the international community has three responsibilities for addressing such violations: a responsibility to prevent, react, and rebuild.

Foreign military interventions in Libya and Afghanistan carry lessons for military planners on protection of civilians. First, clear indicators are needed for defining successful protection of civilians within a mandate. Second, plans for mitigating civilian casualties need to be made in advance of every mission, including methods for investigating reports and making amends. Third, a successful counter-insurgency strategy may not be adequate if it is not followed up with security sector reform. These lessons highlight the need to apply a PoC lens across the spectrum of conflict, anticipating gaps, and preparing contingency plans with humanitarian agencies and other partners.

One aspect which requires particular attention in these settings is humanitarian civil-military coordination (UN-CMCoord). Much of the friction in humanitarian military relations is due to a lack of understanding particularly in situations where humanitarian space is shared with contingents much less used to interact with humanitarian actors (e.g. the Russian Armed Forces in Syria or Turkish Armed forces in northern Syria). The sole purpose of humanitarian assistance is to save lives and alleviate suffering of people in need as a result of a humanitarian crisis, be it a complex emergency or a natural disaster. Humanitarian assistance is provided based on need only and in adherence to humanitarian principles of humanity, impartiality, neutrality and independence.

Humanitarian and military actors need to understand each other's roles and mandates. It is crucial for humanitarians to stay independent from political and military objectives, hence being perceived as distinct from military actors and objectives might require a certain degree of physical distance. At the same time, providing assistance may at times require support from the military, without impacting negatively on the operational independence of humanitarian action.

At the same time, Military actors may seek to establish relationships with civilian actors and the civilian population to support military objectives, e.g. enhance the acceptance and image of troops, seek intelligence or ensure support of local communities. Humanitarian actors will acknowledge these activities to avoid duplication with their own, but would provide support or information that supports the activities of military actors exclusively if these are based on humanitarian need, for instance aimed at PoC or concerning the security of humanitarian operations.

Regardless of the situation – complex emergency or natural disaster – dialogue between military and humanitarian actors is crucial. There is a need to establish context-specific coordination mechanisms and to build and maintain relationships of trust and confidence to share information, for example regarding security and at times even conflict analysis to operate effectively and, for humanitarian actors, to achieve protection outcomes. In this respect, guidance endorsed by the Inter-Agency Standing Committee (IASC) on appropriate interaction between humanitarian and military actors was developed at global level (see below).

In October 2017, the Global Protection Cluster convened a round-table of humanitarian agencies, military officials and civil-military coordination experts in Geneva as part of its series of discussions on international humanitarian law to examine why humanitarian civil-military coordination deserves attention in trying to achieve protection outcomes.

Rather than focusing on theory the roundtable examined at length the relationship between humanitarians and militaries in practice.

Some issues and questions discussed at the round-table included:

- How to best engage with military actors on protection and how civil-military coordination impacts protection outcomes? What is the practice in the field?
- Do humanitarian actors know how to use protection data (incl. from other sources such as civilian casualty recording or on the impact of the use of certain weapons) to humanise a conflict and engage with armed forces?
- Are humanitarian actors able to read, understand and analyse a conflict context and are we in a position to obtain relevant information from armed actors or other relevant actors?

The round-table did not attempt to reach conclusions but to canvass ideas and reveal the state of current practice: some operational examples are included below. Country examples illustrate the variety of civil-military relations and coordination mechanisms on the ground; dilemmas faced by humanitarian and military actors; as well as challenges and limitations faced by these coordination mechanisms.

The one-day meeting also drew attention to good practices on civil-military coordination for protection outcomes. Interaction on the ground shows that there is an appetite for closer engagement and coordination between foriegn and/or national miliitaries and humanitarian actors. The importance of enhancing knowledge of International Humanitarian Law (IHL) as well as the need for sustained engagement between military and humanitarian actors to ensure greater protection for crisis-affected communities is considered integral for the way forward. Focusing on building this knowledge as well as the necessary skillsets and capacities together with consistent engagement would inevitably contribute to greater protection outcomes.

WHAT ARE PROTECTION OUTCOMES?

A response or activity is considered to have a protection outcome when the risk to affected persons is reduced. The reduction of risks, meanwhile, occurs when threats and vulnerability are minimized and, at the same time, the capacity of affected persons is enhanced. Protection outcomes are the result of changes in behaviour, attitudes, policies, knowledge and practices on the part of relevant stakeholders. Some examples of protection outcomes include:

- Parties to conflict release child soldiers and issue explicit prohibitions, reinforced by disciplinary measures, to prevent child recruitment by their forces.
- National legislation formally recognises land tenure entitlements of displaced populations.
- Safe access to alternative sources of cooking fuel reduces exposure to the threat of sexual violence.
- Community-based preparedness and early warning mechanisms support timely evacuation of especially vulnerable individuals from areas where they are at risk of violent attacks.
- Community leaders renew and promote societal norms that condemn gender-based violence and its perpetrators.
- Community level protection committees influence security forces to change their conduct in and around civilian areas through on-going liaison and negotiation.
- Government authorities support the voluntary movements of affected persons by ensuring full access to information that enables free and informed decision-making.

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1. ADDRESSING DIFFERING PERCEPTIONS ON COORDINATION FOR PROTECTION OUTCOMES

The frequency of natural disasters and complex emergencies[1] has shown that, despite differences in approach and objectives, a dialogue between military and humanitarian actors to respond to crises remains essential. The growing interaction between the two on the ground presents unique opportunities to achieve protection outcomes, but there are also inherent tensions. Frequent concerns have been raised over the impact this engagement has on humanitarian space and interventions, and how this cooperation or perception of cooperation can jeopardise core humanitarian principles, or put persons of concern or humanitarian personnel at risk.

[1] If a humanitarian crisis takes place in an environment 'characterized by a 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,' the humanitarian community refers to this as a complex emergency.

1.1 Humanitarian perception on coordination

The focal point for Humanitarian Civil Military Coordination in the United Nations System is the Office for the Coordination of Humanitarian Affairs (OCHA).

To acknowledge that civil military dialogue and coordination in humanitarian settings is not limited to OCHA, coordination is understood as a shared responsibility within the humanitarian community. UN agencies, cluster lead agencies, NGO and NGO consortia can establish direct liaison with military counterparts relevant to their mandate and activities. Coordination and negotiations with armed groups and actors, for instance regarding humanitarian access or promoting humanitarian principles, are understood as tasks related, but not limited to, civil-military coordination. Therefore, humanitarian actors can and should reach out to military or concerned actors at all levels to leverage different entry points and center of power on decision making.

HUMANITARIAN ACTION IS GUIDED BY FOUR FUNDAMENTAL 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: 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 beliefs, class or political opinion

IMPARTIALITY: Humanitarian actors must not take sides in hostilities or engage in controversial of a political racial, religious or ideological nature

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.

*Source: OCHA

In certain contexts, the military is invited to attend cluster coordination meetings, if appropriate, as observers, or to provide specific briefings. Experience on the ground shows that coordination can be conducted bilaterally with the cluster coordinator (situated in the cluster lead agency) or the inter-cluster coordination, which is facilitated through OCHA, or in a specific working group to discuss operational civil-military issues (as seen below under Section 2).

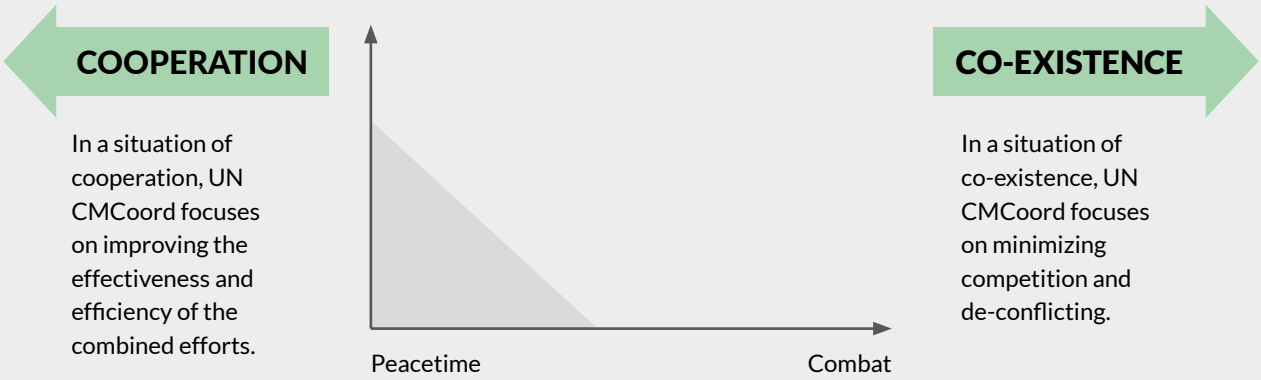
This way of working aims at finding a common and coherent approach to civil-military coordination and interaction through the UN Humanitarian Country Team (HCT). Humanitarian actors are responsible for the implementation of this approach in their own activities as cluster leads.

OCHA has, under the authority of the Inter-Agency Standing Committee (IASC), developed a series of civil-military coordination policies and guidelines. These include the "Guidelines on the use of Military and Civil Defence Assets in Disaster Relief," the so-called Oslo Guidelines of May 1994 (Rev Nov 2007); the "Guidelines on the Use of Military and Civil Defence Assets to Support United Nations Humanitarian Activities in Complex Emergencies" ("MCDA Guidelines", Mar 2003, Rev Jan 2006), and the IASC Non-Binding Guidelines on the "Use of Armed Escorts for Humanitarian Convoys" (Sep 2001; Rev Feb 2013). In addition, in June 2004, the Inter-Agency Standing Committee (IASC) adopted a reference paper on "Civil-Military Relations in Complex Emergencies" that complements and expands the principles and guidelines previously developed on the use of military and civil defence assets and armed escorts, and provides guidance of a more general nature for civil-military coordination in humanitarian emergencies. The complex emergency guidelines and the reference paper also introduced the abbreviation UN Humanitarian Civil-Military Coordination (CMCoord).

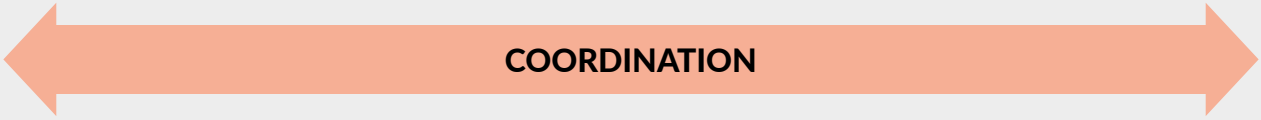
UN-CMCoord is defined as "the essential dialogue and interaction between civilian and military actors in humanitarian emergencies that is necessary to protect and promote humanitarian principles, avoid competition, minimise inconsistency, and, when appropriate, pursue common goals."[2] UN-CMCoord is multi-faceted and evolving. Basic strategies range from cooperation to co-existence and the work ranges from on-site coordination of foreign military assets (FMA) in disaster relief, to access negotiation in conflict. In crisis contexts, principled

[2] United Nations Humanitarian Civil-Military Coordination (UN-CMCoord) Field Handbook, p.7.

Figure 1 **The Range of Civil-Military Relationships and UN CMCoord Strategy**



Scope for civil-military **cooperation** (for example, joint-operations) decreases as the intensity of the military operation increases towards combat. Joint operations are more acceptable in peace-time natural disaster response.



UN CMCoord basic strategy ranges from co-existence to cooperation. In either side of the spectrum and in between, coordination – i.e., the essential dialogue and interaction – is necessary in order to protect and promote humanitarian principles, avoid competition, and minimize inconsistency.

Source: UN CMCoord Course Module

civil–military coordination is critical to protecting humanitarian principles and, therefore, ensuring an effective humanitarian response.

UN-CMCoord officers or focal points facilitate the interaction with military actors, ensuring a principled humanitarian approach by both (I) NGOs and the UN. Primary tasks of UN-CMCoord range from establishing and sustaining dialogue with military forces, humanitarian and development communities, establishing a coordination mechanism with the military forces and other armed groups to supporting the development and dissemination of context-specific guidance and monitoring activities of military forces.

Other key documents developed by OCHA's Civil-Military Coordination Section to foster principled humanitarian civil-military coordination include:[3]

- The UN-CMCoord Field Handbook (2008; Rev 2015, under second revision), designed as a guide for UN-CMCoord Officers and focal points, promotes common understanding and a coherent approach in a changing institutional framework and operational environment;
- The Guide for the Military (2014; Rev May 2017) explains the humanitarian architecture, how it operates and how the military can best interact with, support and complement humanitarian action;[4]
- The UN-CMCoord eCourse is an operational e-learning tool that provides an overview of UN-CMCoord concepts and principles and their practical applications in different operating environments. In addition to providing a well-rounded and interactive approach to learning and applying the UN-CMCoord Field Handbook, it views the military as a key partaker in humanitarian action and provides good examples of coordination practices.

[3] All of the above documents are available at: https://goo.gl/pMB7a7.

[4] 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, *UN-CMCoord Field Handbook; Chapter I – Humanitarian Action.*

Existing UN humanitarian civil-military coordination policies and guidelines assume a humanitarian-military relationship and are concerned with maintaining an appropriate relationship between the two which preserves humanitarian space; upholds humanitarian principles, makes appropriate and timely use of foreign or national military assets to support humanitarian operations.

At the same time, it was noted that limitations of existing guidance constrains operational coordination between humanitarian and military actors. For example, the Oslo Guidelines,[5] which cover the use of United Nations Military and Civil Defence Assets (UN MCDA) as well as other foreign military and civil defence assets that might be available in disaster relief and response provides no guidance on the relationship with national militaries. National militaries are nonetheless encouraged to apply the principles and concepts of the guidelines particularly that in many States, national militaries or civil defence units lead national responses to disasters on their territory. Also, States have primary responsibility to use whatever means at their disposal to respond to the needs of their citizens. In conflict situations, however, where national militaries are involved as a belligerent force, the interaction may be almost exclusively limited to preserving and protecting the humanitarian operating environment, ensuring humanitarian access[6] and protecting civilians.[7] **Figure 1 above illustrates how civil-military interaction ranges from co-operation to coexistence.**

While coordination should happen at all times and at all levels along the spectrum, in a complex emergency where military actors may be perceived to be party to the conflict by the local population, the likely relationship the humanitarian community may establish with military actors is one of coexistence.

KEY POINTS

From a humanitarian perspective, dialogue and interaction with militaries is necessary in order to protect and promote humanitarian principles, avoid competition, minimize inconsistency, and when appropriate pursue common goals. Furthermore, militaries bring unique capabilities to support a humanitarian response. The following five tasks serve as the foundation to a coherent and consistent humanitarian approach to civil-military interaction:

1. Establish and sustain dialogue with military forces;
2. Establish a mechanism for information exchange and humanitarian action with military forces and other armed groups;
3. Assist in negotiations in critical areas of humanitarian-military interaction;
4. Support development and dissemination of context-specific guidance for the interaction of the humanitarian community with the military;
5. Monitor activity of military forces and ensure positive impact on humanitarian communities.[8]

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[5] The "Oslo Guidelines" address the use of MCDA following natural, technological and environmental emergencies in times of peace. The principles, mechanisms and procedures concerning military forces participating in peacekeeping operations or the delivery of humanitarian assistance in situations of armed conflict are not encompassed by this document.

[6] There is no universally agreed-upon definition of the term "humanitarian access," either in practice or in public international law. However, the Global Protection Cluster, UNOCHA, and many humanitarian actors use and promote a general definition of humanitarian access which encompasses the dual dimension of both humanitarians actors' ability to reach affected people and of affected people's ability to access humanitarian assistance and services. See: Handbook for the Protection of Internally Displaced Persons.

[7] OCHA/CMCS 'Discussion Paper on Humanitarian Interaction with National Militaries' (Nov 2014) and its Annex on 'Good Practices for Humanitarian Interaction with National Militaries: Case Studies (July 2015), as well as 'Foreign MCDA in Support of Humanitarian Emergency Operations: What is Last Resort?' (Apr 2012): https://drive.google.com/file/d/0B7LQYninlE81S0NIRVAzUHA3YzA/view

[8] UN-CMCoord Field Handbook, Chapter IV – Key Concepts of UN-CMCoord, 7. Shared Responsibility: Roles and Tasks.

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1.2 A military perception on coordination with humanitarians

The adoption by by the North Atlantic Treaty Organization (NATO) of a Policy for the Protection of Civilians at its 2016 Warsaw Summit[9] establishes a framework based on three pillars:

1. mitigating harm;
2. contributing to a Safe and Secure Environment (C-SASE);
3. facilitating Access to Basic Needs (FABN). Understanding the Human Environment (UHE) is seen as a necessary step for integrating these pillars into the planning and conduct of operations.

PILLAR I: MITIGATE HARM (MH)

Protection from physical harm is arguably the most important element of any protection framework.

The NATO approach includes minimising harm from its own and others' actions. This requires conducting a conflict analysis to determine whether actions increase or decrease sources of tension, and how actions can be adjusted accordingly. For military personnel, these actions can range from standards of conduct, to interacting with children and women in a culturally appropriate way, and accountability for the loss of civilian life (e.g. by having a comprehensive set of civilian casualty mitigation (CIVCAS) tools). This work can be done collaboratively with protection-mandated agencies, which regularly interact with affected populations.

[9] NATO Policy for the Protection of Civilians https://www.nato.int/cps/us/natohq/official_texts_133945.htm

PILLAR 2: SAFE AND SECURE ENVIRONMENT (SASE)

By definition, humanitarian operations normally take place in unsafe and insecure environments and military operations largely take place in the same conditions, including grave violations of International Humanitarian Law. In such operations, correctly identifying and assessing risks to the civilian population is a critical aspect of determining deterrence actions. The U.S. Army considers this such an important factor that an entire pillar of their protection of civilians' doctrine focuses on risk assessment. Military forces can facilitate safe and secure environments through:

- Deterring and preventing recurring hostilities
- Demobilizing parties to the conflict
- Securing weapons stockpiles
- Demining
- Security sector reform
- Stability policing functions addressing public order and criminality
- Support to transitional justice mechanisms, such as hybrid courts
- Supporting national political institutions
- Supporting elections
- Facilitating refugee returns
- Protecting minorities
- Civil-Military interaction
- Enabling conditions for humanitarian access to affected populations
- Rebuilding public infrastructure, such as electricity and telecommunications

Defining what is a safe environment for civilians depends on numerous factors in the local context. Tracking changes in the environment over time is important to determining whether conditions for SASE have been met. Metrics may include safety perception surveys, level of access to humanitarian assistance and basic needs, and whether local services have been restored. Working with national authorities and local civil society can help facilitate SASE.

In building a safe and secure environment one of the fundamental tenets of a humanitarian approach to protecting civilians is through dialogue and engagement. This includes negotiating cease-fires, persuading government, and other armed actors to protect civilians, reporting violations to the relevant authorities, and other forms of information sharing which can shape perpetrator behaviour. In the civilian context, this is often called "humanitarian diplomacy," working toward the desired solution on behalf of the population's well-being. The International Committee for the Red Cross (ICRC) also engages in "confidential dialogue" with all parties to the conflict to remind them of their obligations under international humanitarian law (IHL) and the Laws of Armed Conflict.

PILLAR 3: FACILITATING ACCESS TO BASIC NEEDS (FABN)

The Military and Civil Defense Assets to Support UN Agencies in Complex Emergencies (MCDA) guidelines apply to situations of conflict, and the Oslo Guidelines apply to disaster relief. These guidelines include an acknowledgement that humanitarian assistance is to remain under civilian control and that direct military provision of aid is only to be used only as a last resort. The MCDA guidelines clearly state that, "As a matter of principle, the military and civil defense assets of belligerent forces or of units that find themselves actively engaged in combat should not be used to support humanitarian activities" (OCHA, 2006). Further, the guidelines also state that, "Humanitarian work should be conducted by humanitarian organizations. Insofar as military organizations have a role to play in supporting humanitarian work, it should, to the extent possible, not encompass direct assistance" (OCHA).

Understanding the perspectives and modalities of humanitarian agencies is critical to enhancing civil-military coordination on protection of civilians. As more emphasis is placed on protection of civilians in international military interventions, humanitarian agencies will be key stakeholders to engage at the global and country level. Civil-Military Co-operation (CIMIC) officers play a special role in improving civil-military relations but military commanders should be prepared to engage with these stakeholders, and to welcome their input for improving operational effectiveness.

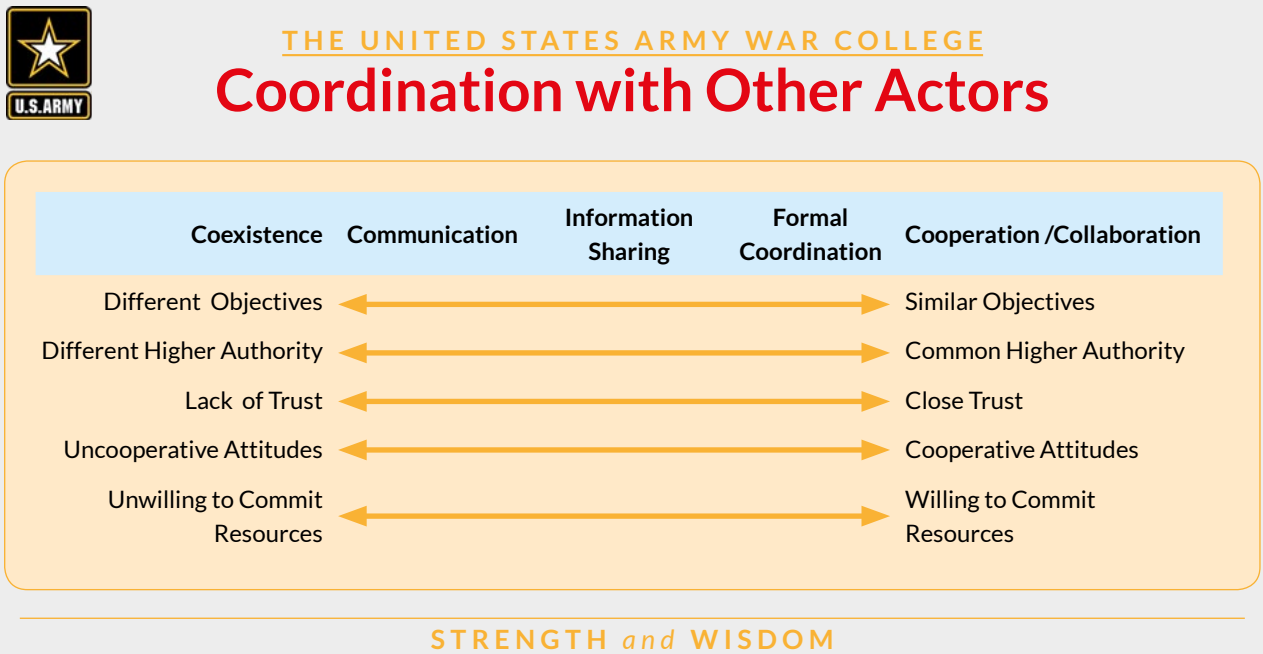

Figure 2

The Norwegian Defence Research Establishment have suggested the following six metrics to measure success in protection of civilians: (1) civilian casualty figures (2) civilian behaviour (3) perception of security (4) territorial control (5) delivery of humanitarian assistance, and (6) perpetrator capabilities (Beadle & Kjeksrud, 2014). From a military perspective, the success of coordination to achieve these can be described as a spectrum:

While there is significant willingness from the military to engage with humanitarians, there are inherent challenges in working together with humanitarian actors in the same space.

On the other hand, increased awareness and interaction with humanitarians has helped raise knowledge of the UN and (I) NGOS in the field, signalling the need for regular inductions and briefings for military actors on humanitarian work and structures, particularly for military personnel deployed to field locations.

To address growing complexity in response, better protection of civilians rests upon the ability to execute numerous tasks effectively through comprehensive, integrated or whole-of-government[10] approaches. For example, the Protection of Civilians (PoC) – Military Reference Guide[11] produced by the US Army War College applies to the U.S. army, navy as well as joint forces to ensure a comprehensive response. Triggered by the Balkans operation, some EU and NATO members developed the concept of a comprehensive approach. The concept aims to achieve sustainable peace by providing security, humanitarian assistance, reconstruction and development, governance and the rule of law, "in a concerted and coordinated manner. Some nations also adopted this approach, also known as the whole-government approach, at the national level.

[10] "Whole-of-Government Approach: An approach that integrates the collaborative efforts of the departments and agencies of a government to achieve unity of effort toward a shared goal. Also known as interagency approach. The terms unity of effort and unity of purpose are sometimes used to describe cooperation among all actors, government and otherwise," United States Institute of Peace, available here: https://www.usip.org

[11] The PoC Military Reference Guide is a resource for military commanders and staffs who must consider PoC across the spectrum of military operations. It is meant to be generally applicable across a wide spectrum of military efforts from peace operations to armed conflict. The guide, issued in 2013, was recently revised and published by the U.S. Army Peacekeeping and Stability Operations Institute. The revised version incorporates a modified framework and task set to be compatible with the 'Understand-Shape Protect' approach in recent U.S. military doctrine on PoC. The revision adds annexes on UN and NATO approaches to PoC and provides suggestions for adapting the guide to these contexts.

While PoC has different interpretations among various actors, it is defined in the PoC Military Reference Guide as "efforts to reduce civilian risks from physical violence, secure their rights to access essential services and resources, and contribute to a secure, stable, and just environment for civilians over the long-term." This definition is relevant during both peace and combat operations, and may also apply to other situations when military forces are used to address risks to civilians. PoC is also acknowledged as a moral, political, legal, and strategic priority for all military operations.

The reference guide incorporates a protection of civilians' framework which includes three key fundamentals to guide military forces during their operations: 1) understanding civilian risks; 2) the protection of civilians during operations; as well as 3) shaping a protective environment. The guide is currently undergoing a revision process influenced by a number of developments including UN peacekeeping missions' mandates; Responsibility to Protect (R2P); Counterinsurgency & Stability Doctrine (population-centric); Civilian Casualty Mitigation; Inclusive Security; Child Protection; Women, Peace & Security (WPS)

Recognising the shared objective of protecting civilians, the guide, contains PoC-related tasks that military forces may perform to support the three overarching PoC fundamentals. A considerable number of these tasks are heavily dependent on civil-military coordination such as:

- Working with and identifying actors to understand civilian risks
- Multi-source Information
- Assessments
- Securing Vulnerable Civilians
- Evacuation of Vulnerable Civilians
- Command and Control
- Protection of Children
- Conflict-Related Sexual Violence
- Combined Operations
- Displaced Persons Relief
- Humanitarian Assistance

While there are substantive efforts and resources invested in coordination as well as a high level of care and concern that goes into planning military operations including upholding International Humanitarian Law (IHL) principles, results are not always successful, underlining the need for sustained engagement.[12]

KEY POINTS

- Sustained engagement between military actors and humanitarian actors is necessary to enhance respect for international humanitarian law (IHL) and ensure greater protection for crisis-affected communities;
- The importance of training to ensure appropriate and efficient civil-military relations in the field. Training sessions are necessary to better understand the mandates, the principles, and modus operandi of the different actors.

[12] For example, despite support provided to the Iraqi military including providing detailed military plans ahead of the 2017 Mosul offensive, violations of International Humanitarian Law (IHL) occurred. Other key challenges voiced at the roundtable include the manipulation of IHL in the conduct of hostilities to the advantage of the warring parties (Iraq), and the perception of humanitarians vis a vis a government that is committing serious human rights abuses against its own people (War crimes in South Sudan (2013) and (2016)).

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2. CIVIL-MILITARY COORDINATION: PERSPECTIVES FROM THE FIELD

2.1 Civil-Military Coordination for protection analysis

There is growing recognition that bringing together different actors is key to a comprehensive protection analysis. Such collective analysis requires enhanced coordination between all those on the ground including military and humanitarian actors. The experiences of several operations highlight that there is a considerable existing body of practice in this effort:

IRAQ

Establishing civil-military coordination units ahead of military operations/offensives can help facilitate actor mapping, analysis and the prioritisation of protection of civilians by military forces: Ahead of the Mosul Operation in Iraq, a UN-Civil Military Coordination Unit (CMCU) was established to support the Humanitarian Coordinator. The CMCU unit was staffed with five experts who, in addition to having a coordination or liaison role with national and international militaries, carry out missions in support of the humanitarian operation in Iraq. From September 2016 to September 2017, the unit conducted approximately 250 field missions, engaged with field commanders, assessed humanitarian access and supported humanitarian programming in proximity to the frontline.

An important activity of the CMCU is actor mapping, that identifies military actors by type, allegiance and can describe commanders and command structures, areas of control and responsibility as well as key contacts. When possible, an analysis of a unit history, loyalties, behaviour, rules of engagement and capabilities is used to inform

engagement by humanitarian actors. An understanding of these dynamics further helps to analyse which units could pose greater threats to civilian populations and identify potential mitigating measures. In context, the deployment of CMCU in advance of the Mosul Operation helped enhance protection analysis, forewarned the military command of protection of civilians issues and facilitated the protection response. However, challenges in relation to a lack of clarity on the chain of command e.g. on humanitarian access, negatively impact humanitarian response.

AFGHANISTAN

Changing behaviour: In Afghanistan, communication and coordination through formal and informal channels with the Afghan Air Force and international military forces on the conduct of hostilities – including restraint on the use of air-strikes in populated areas- was integral to efforts to reduce civilian casualties.

Regular public reports issued by UNAMA, helped garner top-level media coverage locally and internationally, including in troop-contributing countries. Through its regular public reports on the Protection of Civilians in Armed Conflict in Afghanistan, UNAMA is also able to evaluate trends, and progress, as well as facilitate dialogue with parties to the conflict on the importance of upholding their obligations under IHL. Such concerted advocacy efforts resulted in significant reduction in civilian casualties from pro-government forces during ground engagements, especially those caused by explosive and/or indirect weapons.[13] Similar engagement with Anti-Government elements led to a reduction in overall non-suicide IED tactic incidents, and in the recent ratification of Protocol V of 1980 Convention on Certain Conventional Weapons (CCW).[14]

WHOLE OF SYRIA

IDP screening sites: established in Amman in April 2017, the Humanitarian Military Coordination Cell (HuMiCC)[15] for the Whole of Syria operation manages information and requests for assistance to Coalition Forces. The Cell also acts as a channel to raise protection of civilians' issues with Coalition Forces and has contributed to critical protection outcomes. For example, because the cell established a close relation with the Syria Protection Sector, humanitarian and protection concerns are regularly brought to the attention of the Coalition Forces through the HuMiCC mechanism. As a result of this interaction, Coalition authorities recently revised their Standard Operation Procedures on screening procedures at IDP sites to ensure that they are in line with relevant standards, and allow for freedom of movement and voluntary choice of destination.

NIGERIA

Closer engagement and coordination between humanitarian and military actors is often crucial in facilitating access and response: In Nigeria, the Protection Sector Working Group, led by the Nigeria Human Rights Commission and the United Nations High Commissioner for Refugees (UNHCR), faces considerable operational challenges owing to a deteriorating security situation in the north east of the country. To respond to the protection needs of the affected population in the north east, the sector has been using military escorts to be able to visit the affected population in retaken areas.

Further, the security context in north-east Nigeria necessitates the presence of the military throughout the region, including in schools and hospitals to provide security and to facilitate humanitarian aid. The protection sector has undertaken a series of trainings with the Nigerian military in order to promote protection of civilians within operations in retaken areas.

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[13] UNAMA POC Midyear Report. July 2017, available here: https://goo.gl/exKby2

[14] *Ibid.*

[15] HuMICC comprises three representatives from OCHA, SOJTF, and USAID, who meet three times a week to review requests for information.

PHILIPPINES

Changing relationships: In the Philippines, the Protection Cluster's relationship with the military during typhoon Haiyan, contributed to a robust protection analysis and response by the Philippines Protection Cluster when conflict broke out in Mindanao. Lessons learnt from the Philippines Protection Cluster highlight the importance of establishing a relationship and a coordination structure from the onset of an emergency to permit exchange of information and direct access to line ministries including the Philippines Ministry of Defence.

KEY POINTS

- **Early engagement and deployment of UN-CMCoord officers is essential** – the deployment of the UN-Civil Military Coordination Unit (CMCU) ahead of the Mosul Operation in Iraq helped prioritise response to protection issues triggered by the Mosul offensive;
- **Uncoordinated engagement with military actors** is a threat to principled humanitarian action and access;
- **Identifying and understanding trends allows for better planning.** In the case of Iraq, the UN-CMCoord coordination efforts resulted in consistent messaging with the objective of protecting civilians;
- **Establishing relationships with military actors can be both time consuming and sensitive.** For this reason, building relationships requires establishing structures to ensure that sustained engagement with military actors is not weakened when a change of staff occurs.

CHALLENGES

- **Flexibility and adaptation of humanitarian programming:** the humanitarian system is ill-equipped to respond to the rapidly changing nature of military operation;
- **Proximity and Presence:** risk aversion in the humanitarian community is growing with fewer actors working in conflict ridden areas. There is substantial difference between UN agencies willing to work in proximity to a front line and the same applies to international NGOs;
- **Remote management and duty of care arrangements:** remote management operations are increasingly transferring risks to national and local actors who place themselves at serious risks when they raise protection issues with local military actors;
- **Neutrality of local actors:** there is an assumption that national actors working in conflict situations are neutral in their own civil war, underlining the importance of triangulation of information.

2.2 Information gathering and sharing for protection outcomes

Exploring some of the protection outcomes as a result of information sharing explains the reasons behind increased engagement and coordination between humanitarian and military actors.

AFGHANISTAN

Use of protection data to humanise a conflict and engage with armed actors: Identifying ways in which pertinent data in relation to civilian casualties or mortality and morbidity rates, when generated in a systematic manner informs advocacy and other initiatives geared to reducing the direct impact of war on affected populations can contribute to protection outcomes.

In Afghanistan, the UNAMA Human Rights Unit[16] is mandated under the United Nations Security Council Resolution 2344 (2017) to monitor the situation of civilians and coordinate efforts to ensure their protection. UNAMA makes substantial efforts to identify as precisely as possible the party responsible for a particular civilian casualty, through the establishment of an electronic database to supports its reporting on protection in armed conflict. The database provides systematic, uniform and effective method of information disaggregated by age, gender, perpetrator, tactic, weapons and a few other additional categories. This mechanism enabled **a civilian causality tracking mechanism in Afghanistan. It proved to be useful in allowing parties concerned to better understand the impact of their operations on the civilian population and assisted the identification of the steps necessary to reduce that impact to strengthen the protection of civilians**.

AFGHANISTAN AND CENTRAL AFRICAN REPUBLIC (CAR)

The establishment of protection working groups comprising the protection cluster, CMCoord, and human rights missions in a number of operations was noted as good practice. In Afghanistan, a working group comprising the Protection Cluster, CMCoord and human rights facilitated efficient coordination and information sharing between humanitarian and military actors.

In CAR, the Protection Cluster established a protection working group that is chaired by the Protection of Civilians section of the UN mission. The group brings together military actors, UN police, as well as protection partners with the aim of facilitating dialogue on common issues of interest as well as suggesting recommendations for protection interventions. This mechanism allowed the protection cluster to engage in discussions with the UN mission and military actors on the presence of armed elements in IDP sites and in reaching a collective agreement between all actors on how to address this issue.

NIGERIA

Human Rights advisors in military units contribute to enhanced and regular information sharing: Nigeria is another context where conscious efforts to coordination with national military personnel to share critical information successfully contributed to protection outcomes. Coordination between the Nigeria Human Rights Commission (NHRC), which co-leads the Nigeria Protection Cluster together with UNHCR, and the national military helped improve security for humanitarian actors and their access to high-risk security areas to deliver crucial protection and humanitarian assistance. Further, monthly dialogues with the national military resulted in the deployment of human rights advisors within Nigerian military units, thereby contributing to enhanced and regular information sharing. It is also important to realise that investment in such strategic partnerships requires dedication of time and resources.

Discussions on Nigeria raised a number of issues in relation to civil-military coordination for humanitarians. There appears to be an assumption that humanitarians, in all contexts, need to go through some kind of interlocutor arrangement or engage directly with the military. However, in some contexts, as in Nigeria, humanitarian work is carried out at the sub-national level where there are parts of government that humanitarians could work with both for legal reasons and also because these governments have been there before the conflict and will likely continue being there after the conflict.

There is tendency to oversimplify by humanitarians on what is the government; which parts of the government are we talking to; While in certain settings, working with governments have successfully redressed violations including child recruitment as well as other IHL and IHRL violations in camps and IDP sites.

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[16] The Protection of Civilians Human Rights unit of the United Nations Assistance Mission in Afghanistan (UNAMA) is enhancing protection for civilians affected by the armed conflict through remedying situations where civilians are at imminent risk of harm; changing the actions of parties to the conflict with the aim of reducing harm; promoting policies that increase protection and assistance for civilians (including through the provision of technical assistance on such policies), and promoting accountability in the short, medium, and long term.

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IRAQ

Triangulation of information and role of front-line NGOs in monitoring violations: In Iraq, during the active armed conflict in Mosul, particularly in Telafar, UNHCR, as a front line organisation, spoke to a considerable number of civilians on the move. In their brief interactions with civilians fleeing the conflict situation, specific complaints relating to significant violations that were alleged to be occurring at the hands of national military forces and/or pro-government militias during their path to safety was reported such as men and boys as young as nine years old disappearing with no trace. Together with the Ninewa Protection Working Group and protection partners, UNHCR documented these cases and shared the information with CMCoord in Iraq to address with the coalition forces and pro-government militias. In this scenario, triangulation of information was a challenge and difficult to implement due to lack of capacity as well as urgency to address these critical protection issues. With regard to the latter, it was observed that NGOs who witness violations would not come forward immediately contributing to the lack of real-time information on violations that significantly impacts the triangulation process.

In the interest of real-time response, information was passed over with an indication of which agency spotted the violation within the cluster mechanism, which routes IDPs used where violations reportedly occurred, as well as the number of IDPs who reported a specific violation. While the intended outcome was to immediately stop these violations from occurring, by and large the results were mixed. In some instances, success was achieved and in many others it went underground. Information at a later stage revealed that the same violations had occurred in other locations at the hands of the same officials.

Lessons learnt from Telafar emphasise:

- the need for a well-established and robust coordination system, particularly when the intended protection outcome is critical;

- Rethinking ways to engage local NGOs to effectively share critical information on rights violations including addressing their reluctance to immediately come forth with information for fear they would be caught up in investigation processes. In the experience of the Iraq Protection Cluster, if this was addressed early on in the context of Telafar, the cluster could have been more privy to more information on violations and protection incidents.

Challenges and limitations to information sharing between humanitarian and military actors were also explored at the round-table. Humanitarians are often concerned about the implications of sharing information with the military, in terms of humanitarian independence, neutrality and the safety of staff and persons of concern. In the same way, military actors have challenges – especially on classification and force protection issues – and in making sure that they are safeguarding information or protecting information that will help them operationally.

Albeit notwithstanding these challenges, information about the security situation in a given context; unexploded ordnances and mines that have been laid on roads, or in different parts of the region can be shared to facilitate humanitarian access, situational awareness, and protection outcomes. It was suggested that having a centralised way of communication as well as common understanding of what can be shared in a given context would help address concerns surrounding information sharing with military actors.

2.3 Humanitarian coordination with peacekeeping operations with protection mandates

United Nations Peacekeeping missions are considered to have a Protection of Civilians mandate when they are tasked to "protect civilians under imminent threat of physical violence." United Nations Peacekeeping tasks that support humanitarian activities include providing a secure environment; security; protection or armed escorts; as well as providing assets and capabilities. The DPKO/DFS Policy on Protection, April 2015 outlines the role of UN peacekeeping missions to enhance the protection of civilians along three tiers of work:

TIER I: PROTECTION THROUGH DIALOGUE & ENGAGEMENT

Activities include dialogue with a perpetrator or potential perpetrator, conflict resolution and mediation between parties to the conflict, persuading the government and other relevant actors to intervene to protect civilians, public information and reporting on POC, and other initiatives that seek to protect civilians through public information, dialogue and direct engagement.

TIER II: PROVISION OF PHYSICAL PROTECTION

Encompasses those activities by police and military components involving the show or use of force to prevent, deter, pre-empt and respond to situations in which civilians are under threat of physical violence. Those actions are informed by and implemented in close coordination with substantive civilian sections, which help guide the objectives and conduct of military and police operations, including through joint POC planning and coordination structures.

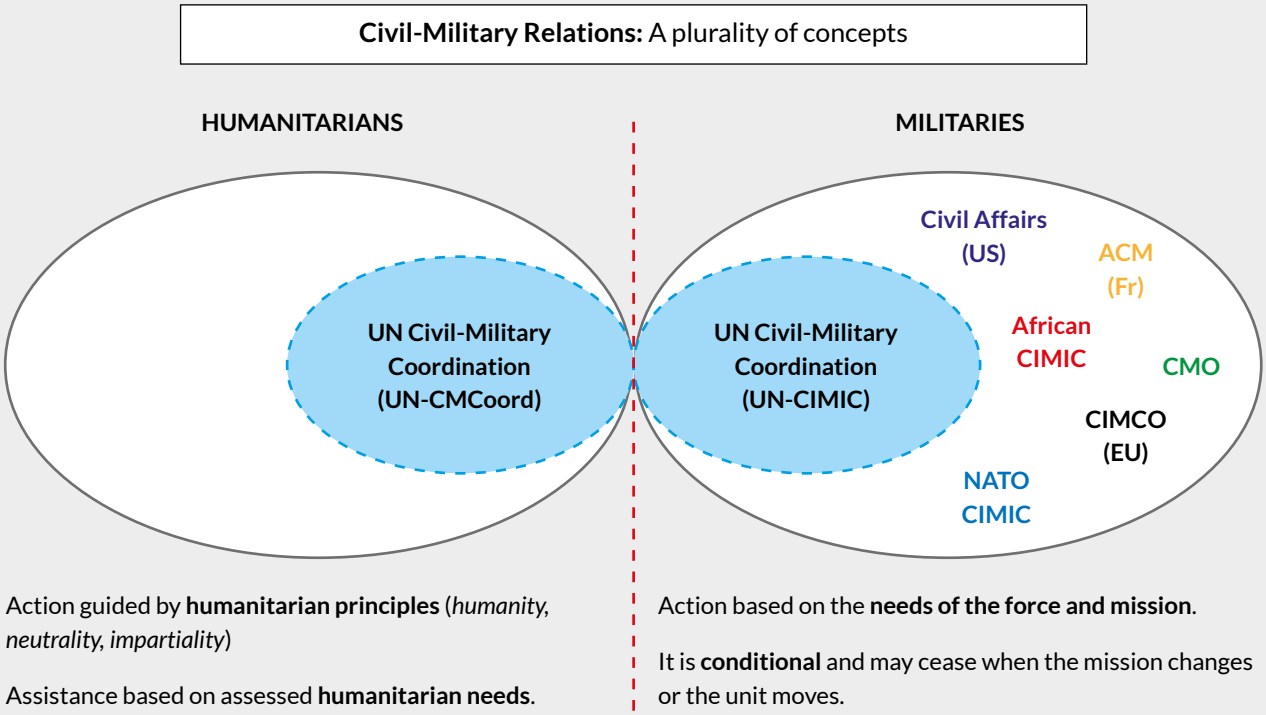

Figure 3

TIER III : ESTABLISHING A PROTECTIVE ENVIRONMENT

Activities are frequently programmatic in nature, as well as broad and designed with committed resources for medium- to long-term peacebuilding objectives. Sometimes presented as separate mandated tasks under country-specific resolutions, these activities help to create a protective environment for civilians and are generally planned for independently of the POC mandate. Most of those activities are undertaken alongside or in coordination with programmes by the United Nations Country or Humanitarian Country Team and may include the following elements, consonant with the mission's mandate as provided by the Security Council:

- Support the political process
- Disarm, demobilize and reintegrate ex-combatants
- Strengthen the rule of law, including through the promotion and protection of human rights, justice and safe, secure and humane correctional facilities
- Fight impunity and strengthen accountability to deter potential perpetrators
- Support security sector reform
- Manage stockpiles and dispose of mines, arms and ammunitions
- Put an end to the illicit exploitation of natural resources
- Contribute to creating the conditions conducive to the voluntary, safe, dignified and sustainable return, local integration, or resettlement of refugees and internally displaced persons (IDPs)
- Support the participation of women in conflict prevention, conflict resolution and peacebuilding, and also support the efforts of the host government towards inclusion of women in decision-making roles in post-conflict governance institutions
- Help establish security conditions to facilitate delivery of humanitarian assistance
- Coordination and cooperate with UN agencies, funds and programmes to support the host government in designing youth employment and other relevant economic development activities
- Support compensation and rehabilitation of victims

All three tiers require close coordination between the civilian and uniformed components of the Mission and have clear synergies with the three levels of responsive, remedial and environment building protection activities carried out by humanitarian actors.

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Figure 3 above illustrates key differences in objectives between humanitarian and military actors in a United Nations Security Council Resolution (UNSCR) mandated mission.

UN-CIMIC is a military staff function in UN integrated missions that facilitates the interface between the military and civilian components of the mission, as well as with humanitarian and development actors in the mission area, in order to support UN mission objectives.

UN-CMCoord is a wider concept, describing how the humanitarian community should interact with military actors to safeguard humanitarian principles.

The following examples illustrate how civil-military coordination for protection can work in practice:

CENTRAL AFRICAN REPUBLIC (CAR)

In CAR, the Protection Cluster established a protection working group that is chaired by the Protection of Civilians section of the UN mission. The group brings together military actors, UN police, as well as protection partners with the aim of facilitating dialogue on common issues of interest as well as make recommendations for protection interventions. This mechanism allowed the protection cluster to engage in discussions with the UN mission and military actors on the presence of armed elements in IDP sites and in reaching a collective agreement between all actors on how to address it.

DEMOCRATIC REPUBLIC OF THE CONGO (DRC)

In the Democratic Republic of the Congo the UN Mission developed Joint Protection Teams with military, police, and humanitarian agencies to determine what "Must-Should-Could" be protected, recognizing that they could not cover the full range of protection concerns in the operating environment (MONUSCO, 2016). The Protection Cluster has developed a matrix in which MONUSCO and the Protection Cluster identify areas with the most pressing protection risks, into which peacekeeping units "should" or "could" deploy and MONUSCO has deployed peacekeepers in 80% of areas in the "should category, showing effective collaboration for protection outcomes.

SOUTH SUDAN

The protection cluster in South Sudan works with the UNMISS in POC sites. The Protection Cluster issues trends reporting on a regular basis that identify violent crimes against people causing displacement on a daily, weekly and monthly basis. Based on the findings of the trends reports, the cluster coordinates with UNMISS on patrols to enhance security and facilitate humanitarian access.

ANNEX: RELEVANT RESOURCES

1. *GPC: Thematic Round-table on "Humanitarian Access, Protection and Assistance under Constraints"*, 7 November 2012
2. *GPC: Thematic Round-table on "Cross-Border Humanitarian Relief Operations"*, 8 July 2014
3. *GPC: Diagnostic Tool and Guidance on the Interaction between field Protection Clusters and UN Missions*, July 2013
4. *ICRC: Professional Standards for Protection Work*, March 2018
5. *IASC Principals: Statement on the Centrality of Protection in Humanitarian Action*, 2013
6. *IASC Policy on Protection in Humanitarian Action*, October 2016
7. *IASC: Frequently Asked Questions on International Humanitarian, Human Rights and Refugee Law in the Context of Armed Conflict*, 2004
8. *GPC and IASC: Protection of Conflict – Induced IDPs: Assessment for Action*, 2008
9. *GPC: The Handbook for the Protection of Internally Displaced Persons*, 2010
10. *United Nations Humanitarian Civili-Military Coordination (UN-CMCoord) Field Handbook*, 2015
11. *NATO Policy for the Protection of Civilians*, July 2016

Global Protection Cluster