

Session 3: Crisis Response: Implications for Ombuds Institutions

Responding to Humanitarian Crises and Emergencies

In major emergencies or conflict situations, a variety of individuals, groups and organizations provide assistance to people affected by the crisis. This ranges from neighbours; community-based organizations; local, regional and national government actors; national and international humanitarian organizations; and military and security forces. Among the roles falling outside the traditional responsibilities of the military, soldiers' involvement in emergency responses to natural disasters, health crises and man-made catastrophes has been one of the longest-standing, most frequent and the least controversial.

National and foreign military forces can play a vital role in the response. On the one hand, internal security provision and assistance by the military has been the most recurrent. However, in response to the rising frequency of humanitarian emergencies and their increasing destructiveness, military engagement in international relief operations has also progressively grown over the years. Important examples include the October 2005 earthquake in Pakistan, in which national and international military actors mounted the largest helicopter airlift ever, as well as international efforts to provide military assets during the earthquakes in Haiti (2010) and Nepal (2015), and during the Ebola epidemic in West Africa in 2014. In 2011, U.S. troops conducted their biggest bilateral humanitarian mission with the Japanese army in response to Japan's Tōhoku earthquake and tsunami, and the following meltdowns at three nuclear reactors in the Fukushima Daiichi Nuclear Power Plant complex.

As states are increasingly contributing military assets to assist humanitarian emergencies, the international community has increasingly been paying attention to civil-military relations and to the frequent interaction among the two on the ground. Supporting humanitarian efforts may have both positive and negative outcomes for the military. In times of crisis, on the one hand, the military's unique capabilities and ability to deploy quickly is perhaps the overriding reason for the deployment of the military in crisis response. At the same time, supporting relief operations can improve the military's image. On the other hand, however, critics of military involvement in humanitarian emergencies claim that it is inefficient, inappropriate and expensive, as well as contrary to humanitarian principles and driven by political imperatives.

The scale and frequency of humanitarian emergencies is assumed to increase, in particular the risk and severity of natural disasters as a result of climate change. Consequently, the likelihood of intervention of the armed forces in relief operations is expected to rise.

Ombuds Institutions:

As the military is more and more employed in domestic and international crisis response, important implications arise for the work of ombuds institutions mandate to supervise them. Ombuds institutions should ensure that when the military is deployed to respond to crises, personnel are provided with the relevant legal framework, clear instructions and mandates, as well as adequate mechanisms for complaint. To achieve this, it is imperative for ombuds institutions to reflect on their role and, when necessary, reconfigure their work to better monitor the operations of the military in crisis response and promote the fulfilment of these new crisis response tasks.

- ❖ *Legal mandates:* A number of generic guidelines have been developed to provide direction to humanitarian actors and the military on how to best interact, support and complement one another in major emergencies, looking at appropriate levels in different scenarios. They were also written to encourage Member States and other actors to carefully consider the appropriate use of military and civil defence assets. These guidelines were drafted and agreed through the inter-governmental/organizational Consultative Group on the Use of MCDA (today Consultative Group on Humanitarian Civil-Military Coordination) and the Inter-Agency Standing Committee (IASC).

Depending on the country, military personnel may not be fully aware of international guidelines for action in humanitarian emergencies. Ombuds institutions can play a key role in ensuring that all military personnel are equipped with knowledge of legal requirements in situations of crisis response, most importantly respect for humanitarian principles, on the basis of which they are expected to incorporate the needs of the affected population in their work. Ombuds institutions should also guarantee that international frameworks defining military engagement in humanitarian assistance in emergencies are adequately translated into national legislation and codes of conduct.

- ❖ *Technical support:* Ombuds institutions should pay special attention to whether military personnel are equipped with the necessary training and skills to undertake crisis response tasks. Steps should be taken to improve the capacity of military commanders and forces to take part in natural disaster relief alongside humanitarian actors. This could be done through, for example, military training and ensuring that military doctrines, standard operating procedures and field manuals adequately reference humanitarian principles. Particularly important are the 2006 Oslo Guidelines on the Use of Foreign Military and Civil Defence Assets in Disaster Relief, establishing the first basic framework for formalizing and improving the effectiveness and efficiency of the use of foreign military and civil defence assets in international disaster relief operations. Expanding military personnel's knowledge of the guidelines can also contribute to establishing good practices for the military's protection of affected civilians.
- ❖ *Enabling dialogue:* During relief operations, the military generally interacts with several actors, in particular civilians affected by the crisis and members of the humanitarian sector. Ombuds institutions can promote dialogue in both cases. In the first instance, ombuds institutions can act as a key mechanism for affected civilians to report cases of rights violations during military crisis response operations. The existence of efficient and effective mechanism for complaint enables dialogue to take place between the civilians and military personnel involved and redress to be provided, thus mitigating a sense of grievance which could overall negatively affect civilian perceptions of the military. Concerning relations between military and humanitarian actors, depending on the context their engagement varies significantly, ranging from sheer co-existence to much closer levels of collaboration. Humanitarian-military dialogue at all levels is essential, as it forms the basis for effective civil-military coordination on the ground. Mutual understanding of each other's role, mandate, objectives, principles and concerns is essential to succeed. To facilitate their interaction, ombuds institution can promote the sharing of best practices or the involvement of both actors in the design of training and management of humanitarian assistance and disaster response. In addition, humanitarian actors could be involved in the design of military trainings on humanitarian assistance and disaster response.

Questions for Discussion:

1. In your opinion, has crisis response become a higher priority for the military in recent years? Among health crises, natural disasters and man-made catastrophes, which type of humanitarian emergency affects the mandate and operations of your country's armed forces the most?
2. To what extent have tasks related to crisis response impacted on the work of the military (in terms of their mandate/operations/legal requirements/recruitment/budget etc.)?
3. How is your office affected by the evolving roles and responsibilities of the military in crisis response?
4. Does your office's mandate cover both domestic and overseas crisis response operations? In situations of international humanitarian missions, is cooperation with foreign ombuds institutions important for your office's ability to fulfill its mandate? What would be the lessons learned for the future of your institution and for that of other offices?