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Humanitarian Civil-Military Information-Sharing in Complex Emergencies

Realities, Strategies, and Risks

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The statements made and views expressed are solely the responsibility of the author.*

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

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

I. Research Project Background

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

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

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

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

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

II. Introduction: Context and Literature Review

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

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

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

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

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

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

⁴ NYT 2019: 1.

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

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

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

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

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

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

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

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

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

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

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

Civil-Military Coordination: Principles, Perceptions and Organizational Cultures

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

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

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

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

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

¹¹ OCHA 2018: 55.

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

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

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

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

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

¹² OCHA 2018: 15.

¹³ Metcalfe *et al* 2012.

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

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

¹⁶ A ‘complex emergency’ is defined as “a humanitarian crisis in a country, region, or society where there is a total or considerable breakdown of authority resulting from internal or external conflict and which requires an international response that goes beyond the mandate or capacity of any single agency” (IASC. *IASC Guiding & Operating Principles on Civil-Military Relationship & Use of Military Assets*. Geneva: Inter-Agency Standing Committee. 2004: 11).

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

¹⁸ IASC 2004.

¹⁹ Metcalfe *et al* 2012: 5.

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

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

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

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

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

²¹ Metcalfe *et al* 2011.

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

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

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

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

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

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

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

As a result of the diverse and contradictory range of humanitarian perspectives on engaging the military, alongside organizational mandates, it is very difficult to achieve a comprehensive approach to civil-military coordination in any given complex emergency. Indeed, this may even be undesirable for some humanitarian actors. Even where a coherent model for civil-military coordination is agreed upon, it is highly unlikely that all humanitarians will conform to all elements of the model.³³ The rising number of humanitarian actors with differing interests contributes to this challenge. This makes civil-military coordination increasingly complicated. The move toward strengthening the humanitarian-development-peace nexus in humanitarian response also has an effect. The changing scope of humanitarian action away from lifesaving activities to more transformational interventions such as addressing the root causes of conflict³⁴ or promoting ‘recovery’³⁵ can have the effect of aligning humanitarian efforts with the strategy of one or more

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

²⁸ Hofman, M. “Dangerous Aid in Afghanistan” in *Foreign Policy*, January 12. 2011.

²⁹ Goodhand 2013.

³⁰ Metcalfe *et al* 2012.

³¹ Egeland *et al* 2011.

³² Metcalfe *et al* 2012.

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

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

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

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

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

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

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

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

³⁶ Metcalfe *et al* 2012.

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

³⁸ Collinson *et al* 2010.

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

⁴⁰ See IASC 2004 and OCHA 2018.

⁴¹ Slim 2015.

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

⁴³ OCHA 2018: 138.

⁴⁴ OCHA 2018: 75.

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

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

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

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

⁴⁵ *Ibid*: 138.

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

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

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

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

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

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

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

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

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

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

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

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

⁵⁶ HHI 2017 and HHI 2018.

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

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

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

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

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

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

A number of methods have been proposed that help address the misalignment between humanitarian and military actors with regard to information sharing, including liaison personnel⁶⁷ and academic civil-military centers.⁶⁸ Liaison personnel (such as OCHA's Civil-Military Coordination [CMCoord] Officers) purport to bridge informational and procedural gaps between civilian and military actors and help overcome cultural, linguistic and bureaucratic barriers on both sides. In addition, academic centers focusing on civil-military coordination (such as the Center for Excellence in Disaster Management and Humanitarian Assistance [CFE-DMHA]) can contribute to cultivating networks between military and humanitarian counterparts and facilitating information sharing prior to the onset of complex emergencies. While these methods have been noted to help information sharing, there still remains skepticism on both sides of the civil-military divide.⁶⁹

⁶¹ Metcalfe *et al* 2012.

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

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

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

⁶⁵ Metcalfe *et al* 2011.

⁶⁶ Zyck 2013.

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

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

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

Moving Forward: Structure of the Report

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

III. Methodology: Research Questions, Methods, and Ethics

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

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

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

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

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

Methods

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

Sampling Technique

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

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

Research Method 1: Literature Review

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

Research Method 2: Semi-Structured Interview

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

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

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

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

remaining seven interviews recorded by hand. All recorded interviews were transcribed as close to verbatim as possible. Interview transcript analysis involved coding by hand according to themes that emerged throughout the data collection process.

Ethical Considerations

Primary ethical considerations in this research process include risks relating to research participants and, where they are engaged in delivering humanitarian activities, the aid recipients they serve. Secondary considerations relate to liability for the research team and the institutions they represent. In both cases, risks are perceived as low and do not exceed the expectations of 'normal' qualitative data collection. To maintain ethical standards the research was passed through Institutional Review Board (IRB) processes. Furthermore, informed consent was secured and data confidentiality and research participant anonymity were maintained throughout the research process.

Institutional Review Board Processes

To ensure protection of the welfare and rights of human subjects included in the data collection process, IRB processes were respected. Exemption from IRB consideration at Brown University was already secured upon initiation of this research stream. As the PI is affiliated with Yale University, the proposed research was also considered by the Human Subjects Committee (HSC); the appropriate IRB at Yale University. The research was deemed exempt by HSC under 45CFR46.104 (2)(ii).

Informed Consent, Anonymity and Confidentiality

To meet the ethical research standards, as specified by HSC, two requirements were maintained during the research process. These were: (i) informed consent; and (ii) anonymity and confidentiality of data.

Informed consent was elicited from all research participants. This was secured in written form, by email, prior to data collection but was also confirmed at the outset of interviews. See Annex Three for the Consent Form.

Research data is stored on a laptop, which is secured with a password at all times. No third parties had or will have access to the data. Moreover, data was anonymized at the point of collection. Any information that could lead to the identification of a specific individual has been removed from interview transcripts. For example, research participant names, organization names (where deemed appropriate) and other identifiable details were changed to protect identities. Confidentiality has and will continue to be maintained.

IV. Evolution, Complexity, and Strategy in Civ-Mil Information-Sharing

Civil-military coordination is complex. While the literature portrays a fractured political and ethical environment with competing humanitarian perspectives on engaging with military actors, it underplays the complexity of actors, mechanisms and strategies in coordination and information sharing. In reality, civil-military coordination involves numerous humanitarian organizations, including UN agencies, NGOs and other organizations engaging a number of military actors (some of whom may potentially be hostile), which may include state militaries, non-state armed groups, peacekeeping forces, police and other security personnel. Coordination takes place through a series of parallel — and potentially competing — collective mechanisms, facilitated by a range of different entities. These collective mechanisms are compounded by bilateral, and sometimes informal, methods of communication between humanitarian and military actors. All of the actors involved in civil-military coordination have a strategy (whether explicit or not) for information sharing.

Coordination amongst civil and military actors is evolving not only in the manner described in the literature review above, but also in terms of information sharing. Changes have occurred across contexts in the capacity of humanitarian and state military actors to manage information and its exchange, as have shifts in the informational demands of both sets of actors. Furthermore, global trends have been observed regarding the key actors facilitating coordination.

Civil-military coordination is also highly context-specific. The nature of civil-military coordination in a complex emergency is defined by the actors and their shifting relationships, the evolution of the conflict, and the requirements of those in need, amongst other factors. Terms of civil-military engagement and the mechanisms through which this occurs will often have been established in the early phases of humanitarian response and will have evolved in very particular ways. Available funding, the presence of coordination agencies, and individual personalities play a large part in the eventual form and effectiveness of the humanitarian coordination architecture.

These context-dependent factors, and others, make it particularly challenging to categorically identify learning across the spectrum of civil-military information sharing. A detailed study of a range of complex emergencies and the specific nature of civil-military coordination in each is beyond the scope of this research. Nonetheless, outlining the nature of complexity across these settings and identifying trends in realities, strategies, and risks is possible and, arguably, absolutely critical to more effective humanitarian intervention in an era of increasingly complex protracted crises.

Global Shifts in Civil-Military Coordination and Information Sharing Capabilities

Interviews identified two global trends that have been witnessed in civil-military coordination and information sharing in complex emergencies. The quote below outlines the first; that of OCHA's resource constraints and associated hybrid arrangements with the International NGO Safety Organization (INSO).

OCHA was on an excellent trajectory to improve their ability to coordinate; CMCoord. Until about three years ago. They had significant budget and personnel cuts across the entire organization... and they eliminated the CMCoord section... They've since reconstituted a CMCoord service as they began to realize the impact of that cut and lose their competitiveness... Now, I'm just not sure that they are funded or staffed at the level they need to be to take on the global challenges they face! ... There's definitely a dramatic increase in professionalism and the ability to coordinate... But, they need more CMCoord Officers who are able to deploy.⁷¹

Since 2017, OCHA have suffered a 10% financial rollback.⁷² Correspondingly, their ability to deploy CMCoord Officers to complex emergencies has suffered. At the time of writing (July 2020), OCHA has funding for only 64 CMCoord Officers globally, of which 35 are focal points (providing part-time support on civil-military coordination issues).⁷³ While 'priority' conflicts — such as Syria or Afghanistan, at present — receive preference for deployments and funding, smaller emergencies or those demanding less attention would often have a very limited CMCoord Officer presence. OCHA Syria, for example, has three CMCoord Officers, while OCHA Haiti has only one CMCoord Focal Point.⁷⁴ It is also noteworthy that less than 50% of OCHA's CMCoord staff have undertaken the agency's own 'Humanitarian Civil-Military Coordination Training,' the core training course in the field. This training is not an OCHA requirement for personnel in the CMCoord role.

In a number of contexts, the resource deficit outlined above has restricted the ability of OCHA to effectively facilitate civil-military coordination. In fact, due to insufficient levels of funding, OCHA have also faced challenges in suitably operationalizing the broader 'cluster approach'.⁷⁵ While humanitarian organizations often have their own resources allocated to civil-military coordination and information sharing, the under-resourced and limited scope of OCHA's CMCoord presence has not only constrained coherent coordination and information sharing in some contexts, but has led to other actors assuming collective coordination functions and/or increasingly relying on bilateral mechanisms.

⁷¹ Interview: February 4, 2020.

⁷² See Oakford, S. "Exclusive: UN Humanitarian Wing OCHA lays off 170, starts overhaul" in *The New Humanitarian*, January 16, 2017. Available at: <https://www.thenewhumanitarian.org/investigations/2017/01/16/exclusive-un-humanitarian-wing-ocha-lays-170-starts-overhaul>

⁷³ Interview: June 9, 2020.

⁷⁴ Interview: June 9, 2020.

⁷⁵ Interview: February 3, 2020.

Over the last few years, while OCHA has been facing resource challenges, INSO has been continuing to consolidate its growth (since establishment in 2011). This includes delivering operations in a number of settings alongside OCHA. While OCHA and INSO have differing mandates, there is often an overlap in potential coordination, information sharing and information management roles. While this may sometimes create tensions, it has in a number of contexts led to a hybridized coordination and information sharing function. A research participant explains, “the overall trend is not really OCHA and INSO stepping on each other's toes. It's really about sharing whatever they can, given the limited resources that they both have”.⁷⁶ They then go on to explain:

One of the shortcomings that we have identified is that sometimes CMCoord, as a ‘platform’ for coordination, is at a nascent stage... Where it is in place, INSO naturally become a strong ally of OCHA and will support the platform... For example, by making sure that the system, which is typically present at the capital level, can be cascaded to the field level. That's where INSO come in. And then, obviously they focus on the quality of coordination rather than on structural features... Where such a platform does not exist, INSO will advocate for one. In contexts where OCHA is absent, INSO basically has to network with militaries for the simple sake of establishing a system for information exchange.⁷⁷

A second broad area of evolution in civil-military information sharing relates to advances in humanitarian capabilities and action with regard to sharing and managing humanitarian data. The quote below, from a research participant, elaborates the nature of the shift.

On the humanitarian side there's been a tremendous amount of improvement in information sharing over the last decade... On the military side, the US military, there has been essentially stagnation.⁷⁸

There has been a marked improvement not only in the provision of online platforms to host humanitarian data, but also a significant increase in the upload and sharing of such data by organizations involved in humanitarian response. Platforms include Humanitarian Response, ReliefWeb and the Humanitarian Data Exchange, all hosted by OCHA. These platforms have resulted in a greater volume of information sharing between humanitarian and military actors in complex emergency and natural disaster settings.

At the same time, the US military has relied on the All Partners Access Network (APAN), which was stepped-up to become the DOD's information sharing platform of choice in 2010 as part of the Haiti earthquake response. APAN has been useful to a range of international military actors, and has contributed to civil-military coordination in a number of contexts. Yet, it does face challenges. One research participant explained, “*essentially what APAN does is replicate and, for the most part, simply pull information from other humanitarian sources. They put it on a DOD*

⁷⁶ Interview: February 3, 2020.

⁷⁷ Interview: February 3, 2020.

⁷⁸ Interview: February 4, 2020.

platform, so the US military are more comfortable using the information.”⁷⁹ APAN is making humanitarian data available to military actors. However, there is a hesitation for humanitarians to engage with APAN, both because they have more advanced alternatives and because of broader concerns of information sharing with the military.

Alongside this growth in information sharing capacity amongst humanitarians, a shift regarding changing informational needs has also been witnessed. The following quote explains:

NGOs don't really need information from the military anymore. It's redundant from an information provision point of view. Certainly, for us. There is little if anything that we get from any military that is significantly new to us or particularly changes our understanding of the context. More valuable would be prior information on the type of operations militaries are going to undertake, things like that, so that NGOs can get a 'heads up.'⁸⁰

While it would be rash to assume this is a global trend that holds in all contexts, it appears that in a range of complex emergency contexts, there is a decreasing need for NGOs to obtain certain types of information from state-supported military actors (international and national). Research participants indicated that while there has been an increase in the capacity of humanitarian actors to generate and share their own information, this growth has been driven in part by humanitarian concerns linked to the growing profile of military actors in humanitarian response and the rise of 'stabilization' operations and 'comprehensive' strategies.⁸¹

This shift in informational needs does not mean humanitarians do not need information from state militaries. They do require advance notice of military operations, exchange information for joint logistical operations, and undertake dialogue with military actors to glean greater insights into military strategy. However, humanitarians increasingly have the capacity to collectively develop and share their own situational awareness information. This imbalanced flow of information exchange is further compounded by the limitations that national and international state militaries have with sharing potentially confidential information with civilians.

The reverse is also true. It is increasingly common for state militaries to seek information from humanitarians across a number of complex emergency contexts. Why? The following quote helps illuminate their rationale:

They [international military actors] want another point of contact, they want to know all the other points of contact. Their job is just to have relationships with everyone and see what they can find out or how that can complement their perspectives. What they're essentially doing, and this is what I really like about them... is that they're trying to combat their own information silo, which is exactly what they should be doing.⁸²

⁷⁹ Interview: February 4, 2020.

⁸⁰ Interview: February 3, 2020.

⁸¹ Email correspondence with research participant: June 9, 2020.

⁸² Interview: November 7, 2019.

This increase in humanitarian capacity should not, however, be taken to imply that all humanitarian organizations run sophisticated information sharing and civil-military coordination functions. The capacities outlined above are managed by organizations with a coordination mandate or available funding and are mainly available to UN agencies, large international NGOs and NGO forums with the resources to participate in and access such platforms. “Many NGOs have this chronic lack of attention to coordination. They don’t have the people, the resources, the mental bandwidth [to invest in coordination]”,⁸³ explained a research participant from a coordination entity. This is a broader challenge faced by many smaller and less well-resourced international and national NGOs operating in complex emergencies. They generally do not have the capacity to engage across the spectrum of civil-military coordination and information sharing activities.

Complexity in Civil-Military Coordination and Information Sharing: Actors and Mechanisms

As indicated above, there are a range of humanitarian actors each with a unique mandate, varying resources, different informational needs, and with a particular capacity and interest to engage in civil-military coordination. These range from UN agencies, large national and international NGOs, and NGO forums to small national NGOs and local charities.

Certain humanitarian actors are more predisposed to engage with the military, whereas others are more cautious. MSF and ICRC are outliers, occupying very particular positions on this spectrum. MSF’s mission is to remain independent, neutral and impartial and to provide medical assistance to those with the greatest need regardless of affiliation or identity.⁸⁴ ICRC has a mandate, ratified in the Geneva Conventions, and is “an impartial, neutral and independent organization whose exclusively humanitarian mission is to protect the lives and dignity of victims of armed conflict and other situations of violence and to provide them with assistance”.⁸⁵ Both organizations heavily prioritize maintaining the humanitarian principles and regularly operate as first responders in contexts alongside military actors. Given their mandates they are cautious when engaging military actors. Yet, in most complex emergencies they have regular and expansive engagement with them. The following quote from an ex-MSF staff member illustrates their relationship with military actors:

I made efforts to ensure that we maintained good working relationships with military actors. That was very important. It enabled us to access populations, and that's huge. Often, the military branches, whether it's international or national military, they can be the gatekeepers to the people. That was a huge part of my role; maintaining those relationships in such a way that the community understands why you have to maintain the relationships, and that you're not choosing sides, and that the military actors understand what your real purpose is and that you're not a threat. But also, that they don't get to control the decisions that you make, but you

⁸³ Interview: November 7, 2019.

⁸⁴ MSF’s charter and working principles can be found at: <https://www.msf.org/who-we-are>.

⁸⁵ ICRC’s mandate and mission can be found at: <https://www.icrc.org/en/who-we-are/mandate>.

respect them enough to take their positions into account... There was a level of information sharing. In one instance, we had a team on the ground in an active conflict area and I received calls from both sides, the rebel side and the government military. They didn't give any specific details, but basically a warning of: "You're going to have to move your people." I evacuated my team and there were three days of active conflict. It had been leading up to that, to be able to build up that relationship with discretion and to a level of trust where both sides felt they were able to share that information. It was a lot of work. Discretion is probably the right word, which is, again, back to those principles of neutrality and independence.⁸⁶

Like humanitarians, military actors are also varied. They may include international state militaries that could stand on differing sides of the conflict, UN peacekeeping forces, national military or police forces, and local armed actors (be they armed militias loyal to the government or non-state armed groups). These military actors will have a range of civil-military coordination experience and differing information sharing capabilities. They may or may not be aware of the humanitarian principles, and may in fact be hostile to humanitarian actors.

Complexity is also witnessed in civil-military coordination mechanisms. In 2005, as part of the humanitarian response to the earthquake in Pakistan, IASC launched the 'cluster approach'. This approach, coordinated by OCHA, "ensures that international responses to humanitarian emergencies are predictable and accountable and have clear leadership by making clearer the division of labour between organizations, and their roles and responsibilities in different areas".⁸⁷ Although the cluster approach is primarily a voluntary mechanism for coordination of civilian actors, humanitarians may come into contact or share information with military actors as part of cluster activities (although this largely depends on context as in a number of contexts the cluster approach excludes military actors). Contact with the state militaries, through the cluster approach, is most likely in the case of participation in the Logistics; Protection; Water, Sanitation, and Hygiene (WASH); and Health clusters.⁸⁸ Civil-military information sharing can take place within the cluster system, but mainly occurs external to it. MSF and ICRC, given their particular mandates, maintain observer status in the cluster approach. ICRC does not want to be coordinated by the UN. Whereas, MSF does not see the UN as an effective coordinator for their programs or as representative of their values.

The 'cluster approach', as a core coordination mechanism in humanitarian emergencies, may also coexist alongside one or more other coordination mechanisms. These may take many forms, have varying degrees of military involvement and representation, and could be managed by either OCHA, INSO, an NGO coordinating body, or a lead NGO. They commonly include Access Working Groups (AWGs), Civilian-Military Working Groups (CMWGs), Sectoral Working Groups (SWGs) and deconfliction mechanisms, amongst others. Information sharing can also take place through high-level mechanisms. For example, in the Afghan context, information regarding constraints on humanitarian access has been shared with and resolved by the Taliban through peace

⁸⁶ Interview: February 1, 2020.

⁸⁷ IASC 2015: 4.

⁸⁸ OCHA 2018.

negotiation mechanisms.⁸⁹ While they may all have slightly different purposes, different membership and be under different leadership, the goal of these various mechanisms will be for humanitarians, or for humanitarians and military actors, to collectively mobilize with regard to civil-military coordination in order to enable effective humanitarian response.

Humanitarian Strategies for Civil-Military Information Sharing

Civil-military coordination is messy. There are many humanitarian organizations coming together and they don't all agree on whether and how to speak to the military. So, most go through OCHA. It's also very murky. They may or may not go through OCHA, but at the same time they're also meeting national or international militaries bilaterally, and then also talking to local armed groups to negotiate access.⁹⁰

Humanitarians are faced with an array of parties to exchange information with, including other humanitarians, civil-military coordinating bodies such as OCHA, INSO, an array of military actors, donor country embassies and other donors (who may be linked to belligerents in the conflict). In addition, they have a number of collective mechanisms through which to share information. Collective mechanisms represent mainly formal and public forums through which to engage, or to have other coordination entities facilitate engagement, with military actors.

As the quote above shows, some humanitarians also utilize bilateral mechanisms and information sharing with military actors, especially when engaging non-state armed groups and local-level military 'gatekeepers'. This use of bilateral mechanisms is perhaps unsurprising, given the array of actors that must be engaged and the desire of most humanitarian organizations to maximize their opportunities for data exchange (resources allowing). In addition, collective mechanisms — especially when there are more than one — can be time-consuming, dysfunctional, and remain out of one's domain of control. Participation in collective mechanisms is also sometimes restricted by organizational mandates.

One ex-senior staff member from an NGO coordinating body gave this example regarding how NGOs might structure their civil-military information sharing approach:

An international NGO, for example, will participate in the cluster system. This includes cluster meetings with other NGOs. They may also share information with members of an international military (such as office coordinates for deconfliction purposes)... They'll also meet with CMCoord Officers on the side-lines to discuss access challenges... They might also attend some sort of working group that is organized by us [the NGO coordinating body], which incorporates a network of national NGOs (who have good and up-to-date local information) and representatives of the national military (who it might be necessary to call when one of their

⁸⁹ Interview: November 9, 2019.

⁹⁰ Interview: December 19, 2019.

drivers gets detained). At the same time, the NGO will regularly make calls to the local police chief to permit movement through police checkpoints and the commander of the local armed group, in the areas in which they deliver aid, to agree access and assurances of safety... The Country Director [of the NGO] will also go drinking with the military liaison from his embassy, just in case all hell breaks loose and he needs a member of his staff medivaced to safety.⁹¹

Another consideration in humanitarian information sharing strategy is the profile of humanitarian staff responsible for the sharing of information. A number of humanitarian organizations, including MSF and ICRC, have a tendency to employ ex-military personnel into roles tasked with managing coordination and information sharing with military actors. Advocates of this approach argue that those with knowledge of the military can better engage with military counterparts and leverage their past military networks. Those opposed to this practice, however, argue that recruitment of humanitarian staff in civil-military coordination roles should be tailored to the job's scope of work: "For one situation, I need a very soft person with an IHL background, and for another situation I need a heavy lifter ex-colonel for logistics".⁹² Additionally, others still are opposed to favoring ex-military personnel. They call for more open recruitment processes that focus on employing staff with broader understandings of civil-military coordination, the ability to build relationships with all stakeholders, and effective communication skills.⁹³

A final element of information sharing strategy relates to the application of data protection standards. In terms of data responsibility, most of the research participants interviewed anonymize names of fellow NGOs/implementing partners and of aid recipients if such information is to be shared outside of their organization. This tends to be a commonly adopted policy within the humanitarian organizations contributing to this study. Some humanitarians will refrain from sharing data sets of their aid recipients. Decision-making on the sharing of potentially compromising information is commonly made by an individual according to a general principle of confidentiality. While this varies greatly in line with organizational practices and individual preferences, some organizations (especially those with high levels of experience of civil-military coordination) may collectively discuss information sharing protocols and/or particular cases of sensitive information that might be shared. None of the practitioners interviewed could reference a set of data protection guidelines that were routinely used in their work. The following interview excerpt describes this approach to protecting data in information sharing.

We have a basic set of guidelines as to what we do and do not share. As you work your way through the organization, it's more a sense of mandate that is instilled in you. But there are certain things we won't share. We won't share anything that we deem to be confidential. We won't share anything that has been shared with us by a partner unless they tell us it's ok, or if it's specifically pertinent to a request that we are transmitting. We're quite careful not to share too much in terms of our actual information and assessments, because that comes from confidential field sources. We don't

⁹¹ Interview: November 27, 2019.

⁹² Interview: June 9, 2020.

⁹³ Email correspondence with research participants: April 6, 2020 and June 3, 2020.

want to be getting into a situation where we are feeding international armed forces information to no benefit... There are always several layers of supervision for conversations with military actors. If any of my team are speaking to international military forces, we'll always meet about it beforehand, remind ourselves of what our red lines are, and what the purpose of getting involved in any such conversation is. And if we are talking to a [non-state] armed group, we check that there is a reason to it, that we're not overly exposing ourselves, that we are not giving away information that we shouldn't be giving away.⁹⁴

Strategies for information sharing, often determined by the complexity of context and personality factors on the ground, include multiple pathways to a variety of actors, including other humanitarians, coordinating entities, state militaries and non-state armed groups. They include the use of collective mechanisms, but also commonly entail bilateral engagement that may be formal or informal in nature. These invariably rely on personal relationships and trust. While they may draw on information from data platforms, particularly for planning purposes, they will be low-tech on a day-to-day basis, utilizing telephones, email and face-to-face meetings. In terms of data protection, most humanitarians will anonymize names of fellow NGOs and aid recipients as an organizational policy, but will make ad hoc decisions on what and what not to share with other actors.

There appears to be two main reasons reported by research participants on why bilateral relations occur so frequently in civil-military information sharing. The first is that collective civil-military coordination mechanisms are often dysfunctional. A research participant who regularly participates in collective civil-military mechanisms explains:

So, we have a few people [in the civil-military working group]... all of whom are nice. There's this guy [name]; he holds a senior position with the UN... they're on the 6-weeks-on-2-weeks-off work schedule. That means that there are huge gaps when they're out of the country, so they can't follow things up, or they're stuck in a place where they can't really talk to people. And, then there's the other guy [name]... We don't have data so he makes a lot of pretty figures that are all based on really sketchy methodology... You have, actually, a lot of pretty good people when you put it all together, but even then, they're not able to go to meetings, they're not able to form a functional working group, and really the NGOs need a lot of shepherding... everybody thinks that you're just going to talk and it's going to happen. But the most basics rules of procedure for a meeting is that you need to have an order, you need to have an agenda, you need to have clearly defined roles and responsibilities. Having a few OCHA people bring together some other people to talk, and not having any clear deliverables about what they're going to talk about, just doesn't produce anything.⁹⁵

⁹⁴ Interview: December 12, 2019.

⁹⁵ Interview: November 7, 2019.

A second commonly reported reason is that bilateral engagement, which is often informal, does not need to be vetted by senior members of the organizations (at headquarters). By default, it is quicker at resolving minor issues. One research participant elaborated, saying, “Most interactions are informal. If we do something formally, then we obviously have to check with HQ. If they agree to it, then we can go through with it”.⁹⁶

There is also a more questionable dimension of bilateral information sharing that takes place, as described in the quote below.

Often we engage in ‘Kabuki theater’ in a cluster, in a public meeting. Where we say, “Hell no [to the military]!” And, we say that for the benefit of the other groups. Then, we know that we need something from the military. So, at the bar we have a couple of drinks and it’s like, “Hey, how are you doing Sergeant?”... and the memory stick falls off the back of the truck... Whoops, you’ve got my memory stick and I’ve got yours. The fact is that those informal moments at the bar happen based on frustration about what happens in the public performative aspect of the meetings.⁹⁷

This is a scenario in which data is exchanged in a highly informal manner, which at the very least raises the perception of a lack of neutrality and independence on the part of the humanitarian. At the very worst, it could involve sharing information that is not anonymized or is sensitive, potentially placing humanitarians or aid recipients in danger.

So, why do humanitarians participate in potentially dysfunctional and time-consuming collective mechanisms? Beyond simply carrying out what is expected of them by their line managers, many participate in collective mechanisms for relationship-building purposes. “One of the main reasons [for participating in collective civil-military mechanisms] is that I have the phone number of someone in the US military that I can call up and ask for help with a medivac when one of my staff members breaks a leg in the field”.⁹⁸

Striking a Balance? Ethics, Power, Funding and Effectiveness

For many humanitarians, protection of the humanitarian principles directly equates to minimizing risks to staff and aid recipients and being able to access populations and deliver humanitarian assistance. Two factors that influence the likelihood of compromises being made to humanitarian principles include the distribution of power and funding in the humanitarian ecosystem.

Power is disproportionately distributed across the humanitarian community and in relation to better-resourced and influential national and international militaries. Within the humanitarian community, national NGOs (and national staff members of international organizations) occupy a unique position vis-à-vis civil-military coordination. This carries over into their ability to preserve the humanitarian principles. While they often carry out front-line work, they are disempowered

⁹⁶ Interview: November 9, 2019.

⁹⁷ Interview: February 3, 2020.

⁹⁸ Interview: November 27, 2019.

when it comes to civil-military coordination in comparison to their international counterparts. The following interview excerpt elaborates:

There doesn't seem to be much recognition of the challenges that national NGOs and national staff face. They are able to speak the language and more easily engage communities. But they face a whole different level of pressure and expectation from those communities, to do things differently and not necessarily in a principled humanitarian way. The UN, international NGOs and donors all rely upon them to get things done on the ground. Yet they are not well supported to manage this pressure... A large international NGO is going to get more attention from the system when they complain about not being able to access communities. For example, CMCoord, frankly, will not give the same level of attention to a national NGO. So, what is the national NGO going to do? Well, they are going to do whatever it takes in order to gain access and deliver aid to their community. It's not because they do not understand humanitarian principles, but their negotiating position is far less powerful. They need backstopping if we are to expect them to adopt a principled humanitarian approach and align themselves with the standards that international organizations, and not even all international organizations, adopt.⁹⁹

Secondly, funding plays a large role in the 'compromise' of humanitarian principles. It was suggested, on a number of occasions, that "organizations are reporting that donors are pushing this [civil-military information sharing] as something to participate in"¹⁰⁰ and "if an organization receives money from USAID they are more likely, if not expected, to share information and coordinate with military actors".¹⁰¹ Another research participant from OCHA had this to add:

All NGOs are vying for funding. And, yes, some do simply ally themselves with the military to gain access to resources... But, national NGOs are often the most squeezed. They don't have the financial pipelines that big international NGOs have. So, they cozy up to the military and share information. Can you blame them?¹⁰²

While many humanitarians assumed that compromising the humanitarian principles was inherently problematic and undermined operational efficiency and staff safety, a number of humanitarians working for civil-military coordinating bodies, such as OCHA and INSO, had more pragmatic perspectives. For example:

NGOs are overly committed to the humanitarian principles. I think this undermines the whole sector. This is one of those things where it's great in theory, but in practice you can see the difference when just one NGO is on board [to engage the military]. I've seen certain elements in the US military

⁹⁹ Interview: February 3, 2020.

¹⁰⁰ Interview: January 30, 2020.

¹⁰¹ Interview: December 2, 2019.

¹⁰² Interview: October 11, 2019.

really make a good faith effort and put some credible information on the table, which has actually made a huge difference. And, also from the [national] military. I've seen quite a bit of this. But NGOs generally won't capitalize on this.¹⁰³

There is clearly importance in maintaining humanitarian principles, but it is unclear what qualifies as an acceptable compromise and, more importantly, what the impacts upon humanitarian outcomes are when a red line is crossed. Not only is this relationship poorly understood, but the qualification of 'preserving' and 'compromising' are highly subjective and therefore hard to identify. Many humanitarians are already sharing information and undertaking coordination with military actors either through collective mechanisms or more informal and bilateral means. Perhaps a more earnest discussion rooted in evidence would clarify these issues and possibly lead to more effective civil-military information sharing in complex emergencies.

V. Notification, Opacity, and Constraint in Civ-Mil Information-Sharing

The UN Board of Inquiry, exploring the targeting of UN-affiliated humanitarian sites that had theoretically been deconflicted using HNS4D in Syria, determined that it was 'highly probable' that the majority of these sites were struck by the Syrian government or their allies. This is a significant finding, one that many of the research participants familiar with the contexts of Syria and Yemen echoed. For instance, one of the research participants stated the following:

The overarching problem, as bad as Syria and Yemen are right now, is that those are the two worst countries where both humanitarians and civilians are being attacked. Let's set aside the attacks on civilians for a minute, and just talk about humanitarians. There is now a complete and total disregard of International Humanitarian Law (IHL), a.k.a. Law of Armed Conflict by some military actors. Russia and Syria definitively disregard IHL on a routine basis in Syria. In Yemen, the Saudi-led Coalition ignores IHL on a weekly basis, sometimes multiple times a week, and attacks aid workers, healthcare facilities, and other protected structures. We now have a complete and utter erosion of respect for IHL.¹⁰⁴

While the targeting of humanitarians and civilians by state militaries in Syria and Yemen is deeply concerning, the primary question from a civil-military information sharing perspective is not whether Syrian or Russian forces attacked humanitarian targets, but if humanitarian sites were struck *as a result* of having been identified thorough HNS4D. In other words, can involvement in HNS4D reduce the ongoing attacks on humanitarians by parties to the conflict?

¹⁰³ Interview: November 7, 2019.

¹⁰⁴ Interview: February 4, 2020.

There's definitely the perception of increased risk... Separate from the HNS4D itself, you can't argue with facts that attacks against aid workers or civilian populations are continuing, if not rising in certain circumstances. Just by observing tactics by Syrian and Russian military forces, deliberate attacks against those who may use HNS4D or any other type of system, or anyone who identifies as a humanitarian are taking place... Conflict characteristics paint a clear picture of what the threats and the risks are. The question is, how does HNS4D either amplify or reduce those risks? I don't believe we have the data to make that assessment.¹⁰⁵

The quote above rightly points out that there is insufficient information with which to assess whether HNS4D results in humanitarians in Syria and Yemen being more or less safe. This is not due to a lack of data collection, but to the opaque manner in which notification data is used by military actors in Syria and Yemen after they have received it. This notification 'black box' is not just a challenge for the UN Board of Inquiry, for example, when determining whether notification data has been used to target its operational sites. The 'black box' conundrum also directly impacts humanitarian information sharing and decision-making on whether to participate in the notification system itself.

The Notification 'Black Box': Information Scarcity and Humanitarian Calculus

One of the main concerns with notification is the problem of the so-called 'black box'. It is very difficult to assess if humanitarian notification is working or not. In order to assess if humanitarian notification is effective, we need to know what is done with the information once it is received by parties to the conflict. How do they process it and factor it into their military operations? This is how we would be able to determine if humanitarian notification 'works.'¹⁰⁶

The quote above clearly points out the difficulties associated with the notification 'black box'. It is not only unclear how notification information is used by military actors who are parties to the conflict, but also whether any targeting errors that may result are accidental or intentional, be that from failing to use the data, from processing errors, or from using it deliberately to target humanitarian sites.

An associated concern raised by research participants is the scale of notification data being managed by military actors and their ability to process it. The interview excerpt below outlines the issue:

¹⁰⁵ Interview: January 30, 2020.

¹⁰⁶ Interview: February 10, 2020.

In Yemen HNS4D now incorporates operating procedures for collecting movements over land, sea, and air, temporary deconfliction of actual warehouses or other venues, and a permanent deconfliction list... You can download all the forms offline and it's all paper based. It's led to a lot of questions of even just the ability to manage such a system with many organizations participating. Within the first year, they had tens of thousands of sites submitted for Yemen. When you think about what that means in reality, it's not only a 'black box' issue, you're really counting on the military to make sense of and incorporate the sheer volume of data that you're passing to them. That's a huge question mark.¹⁰⁷

As the interview excerpt implies, vast amounts of data is being submitted to military actors via HNS4D, especially in Yemen. It has been estimated that 64,000 sites have been entered into HNS4D in Yemen and 778 in Syria.¹⁰⁸ Given the opacity of how this data is managed, legitimate questions pertaining to the ability of military actors to process the vast amounts of information are being asked. Humanitarian concerns relate not only to whether the inability to process this volume of data could lead to unintended errors, but that the data may simply be disregarded.

Research participants working with OCHA on HNS4D believe that the challenges the 'black box' creates are not only problematic when evaluating efficacy, but also lead to predominantly negative conclusions.

There's an ontological question about how you establish the effectiveness of something that's trying to prevent an action in the first place... Fundamental elements of the mechanism are in a 'black box'... We can't measure it on its own functioning, its own coherence. We can only speak to what happens before and after. This is compounded by the fact that the only demonstrable effects are when people suffer, which adds to how egregious it is when it doesn't work. It leads to the conclusion that it's not working.¹⁰⁹

In addition to expected humanitarian reservations on engagement and information sharing with the military, strikes against humanitarians in Syria and Yemen and a lack of transparency regarding the notification 'black box' have led to high levels of caution, and an associated range of perspectives on compliance with HNS4D.

A number of research participants — mainly those facilitating humanitarian civil-military coordination activities — argued that while the notification 'black box' was indeed problematic in determining causality, it did not necessarily lead to questions about the abuse of notification data for targeting purposes. They did not believe that parties to the conflict needed to draw on notification data for targeting purposes, due to other intelligence-gathering capabilities they have

¹⁰⁷ Interview: January 30, 2020.

¹⁰⁸ TNH. *What is Humanitarian Deconfliction? How Aid Agencies Try to Avoid Getting Bombed in Yemen and Syria*. November 13. Geneva: The New Humanitarian. 2018. Accessed on April 29, 2020 at: <http://www.thenewhumanitarian.org/analysis/2018/11/13/what-humanitarian-deconfliction-syria-yemen>.

¹⁰⁹ Interview: February 7, 2020.

at their disposal. Commentary included, “the parties with whom humanitarian notification is done likely already have the means to know what they’re dealing with on the ground, independently of any notification.”¹¹⁰ And, “my opinion is that it’s unlikely that being on a deconfliction list means you’ll be targeted. There are plenty of other ways that they [the Syrian military] can find out where a hospital is”.¹¹¹ While this argument may or may not stand true, it serves as another hypothetical upon which humanitarians must assess their participation in a largely non-transparent humanitarian notification mechanism.

Given the opaque nature of the militaries’ use of humanitarian notification data, and the unconfirmable suspicions that it may be used for targeting purposes, why would any humanitarian actor participate in the mechanism? This concern was echoed by one of the research participants: “There’s very little trust in humanitarian deconfliction systems right now,” they said, “I don’t know why any humanitarian organization is sharing any information at present in Syria or Yemen. It’s either going to be used deliberately to target humanitarians... Or, they [parties to the conflict] simply don’t care and they’re going to just target whoever and whatever they want”.¹¹² While this is a sensible perspective, there are a number of reasons that some humanitarians continue to submit notification information through HNS4D (although it should be noted that not all humanitarian actors do).

First, humanitarians working at the operational level of humanitarian response in Syria and Yemen participate in HNS4D in line with guidance from their superiors. A number of those interviewed stated they were simply following protocol. Yet, as one interviewee explained, they are also ensuring internal accountability: “Even if people are doubtful of the utility of notification itself, they want to be able to refer back if something went wrong; for their headquarters to be able to say, ‘we used the mechanism’”.¹¹³

In turn, the desire to maintain internal accountability relates to a second rationale for participation in HNS4D. A number of research participants referred to donor pressure to participate. This was especially the case for US donors, who would advocate for involvement in the notification system as a means to increase protections for humanitarian actors. Indeed, those donor representatives who were interviewed for this research were largely unaware of HNS4D’s shortcomings – or overlooked them – and took it to be a valuable mechanism bolstering humanitarian safety in complex emergencies.

Third, some humanitarians simply feel that it is better to participate in humanitarian notification, just in case the mechanism does result in their staff and facilities escaping harm. A member of a coordinating body in Syria pointed out the following:

I can understand why so many of our partners feel uncomfortable in sharing notification information. They look around at the overarching trend towards humanitarian operations being impacted and say: ‘Why bother, what’s the point?’... But there remains a sense that, despite the

¹¹⁰ Interview: February 10, 2020.

¹¹¹ Interview: December 12, 2019.

¹¹² Interview: February 4, 2020.

¹¹³ Interview: February 7, 2020.

odds, you still have to try... That you have to have some sort of mechanism in place to even engage in those kinds of discussions to begin with. If you're not trying to deconflict on some level, it makes it even easier for some parties to the conflict to say: 'Well, you did nothing to notify us that this was a humanitarian facility. We couldn't possibly have known.' So, even despite the odds and... even if we are skeptical about its value, it's the only tool we've got.¹¹⁴

Finally, and perhaps most importantly, humanitarians are participating in HNS4D in a bid to promote accountability when humanitarian sites are struck.

Some of those who are in favor of it [participating in HNS4D] say, 'if we accept that the operational value of notification is maybe quite limited, we at least hope for some level of accountability'. So that when a facility is struck, they can demonstrate that it was deconflicted legally, that all parties to the conflict were informed, and therefore that someone should ultimately be held to account.¹¹⁵

Accountability is sought on two fronts. The first is "in-the-moment accountability."¹¹⁶ Here, humanitarian organizations that have been hit by an air strike prepare public reports that outline when notification data was submitted, when confirmation of deconfliction was received, when an airstrike occurred, what damage and loss of life resulted from the strike, and (when known) who was responsible. It places pressure on the perpetrator, limits their ability to deny the site was deconflicted and draws attention to the event. The second front is "long-term accountability".¹¹⁷ In this case, details of a strike upon an ostensibly deconflicted humanitarian site is documented for the purposes of a potential international criminal investigation on the basis of IHL.

Perspectives on the importance of accountability and the likelihood of it being achieved varied greatly. A number of humanitarians (mainly NGO staff) who were interviewed felt strongly that accountability was important and, even if difficult to achieve, should be pursued. Whereas others, normally staff members of OCHA or other coordinating entities, were more pragmatic. They believed that accountability was highly unlikely. The two following interview excerpts illustrate the two main standpoints:

When it comes to accountability, if an NGO facility is hit by an attack then they have the right to seek punishment for the perpetrator. It's important to document the attack, to lobby the International Criminal Court or push for a tribunal so that they will be held to account. It may not happen now, but it could happen in the future. We need to make sure we are documenting and advocating these violations of IHL.¹¹⁷

¹¹⁴ Interview: December 12, 2019.

¹¹⁵ Interview: December 12, 2019.

¹¹⁶ Interview: January 30, 2020.

¹¹⁷ Interview: December 19, 2019.

There are varying expectations [amongst members of the humanitarian community] on HNS4D and accountability. There are some organizations who believe that an investigation should be launched after an attack, and there will be consequences. And, clearly that hasn't been happening and won't happen. So, there's a question of what, if at all, can notification provide in terms of accountability. My own personal view is that it's distinctly unclear on that front too. Even when facilities have been deconflicted and then struck, responsibility and the events leading up to that incident have been contested by all parties involved.¹¹⁸

Reflecting that latter sentiment, a research participant from OCHA pointed out that a number of 'myths' needed to be clarified regarding HNS4D; first, that "notification does not guarantee that the location or movement will not be a target," and second, that "notification does not mean immunity." They went on to explain that "any military actor carrying out an airstrike was *already* legally mandated under IHL to understand the nature of the target it is attacking". The implications of this were summarized in the following manner:

The notification system in operational and legal terms is effectively akin to placing a mark on a roof. The significance of the mechanism for all concerned is simply in identifying these sites... [Providing] this information at the end of the day is inconvenient, but the overall intention is to provide it so that there is the maximum possibility it will be factored into military planning. In effect, whether the site is notified or not, whether it's marked or not, it doesn't matter. It's protected in any case by IHL. The parties are obligated by law. This marking system, this notification system, is simply a means to communicate ahead of time. It's something that's arguably a very ambitious endeavor, even as expectations are built up and projected onto it.¹¹⁹

HNS4D is taking place amidst transgressions in IHL — this is, after all, its *raison d'être*. Due to the notification 'black box', it is not possible for humanitarians to evaluate whether military actors utilize notification data to target them, or, even to determine if military actors utilize the available data and do so efficiently. Some humanitarians argue that military actors do not need notification data for targeting purposes, but whether this is indeed the case (much like what happens in the 'black box') is currently unknowable. Where humanitarians participate in the mechanism, immunity is not forthcoming (as humanitarian targets are already protected under IHL) and a low likelihood of accountability can be expected if a site is struck (not that this should deter humanitarians from documenting such strikes). Nonetheless, participation in HNS4D may lead to humanitarian targets being safer; but again, this is an unknowable but possible outcome. Ultimately, the effectiveness of humanitarian notification depends upon the willingness of the parties to the conflict to adhere to IHL and the HNS4D mechanisms itself, which is challenging given the highly politicized nature of the conflicts in Syria and Yemen. This leaves humanitarians with limited information and constrained decision-making. Some opt out, although many proceed

¹¹⁸ Interview: December 12, 2019.

¹¹⁹ Interview: February 7, 2020.

due to organizational fiat, donor pressure and quite frankly a lack of alternatives. They face significant constraint when determining their position on humanitarian notification and whether to participate or not.

Politics and Power in Information Sharing: Data Accuracy, Validity and Negotiation

While humanitarian actors face a number of constraints in determining whether they should participate in HNS4D, they are not without options. A range of perspectives on humanitarian notification have emerged and have been debated in the contexts of both Syria and Yemen. One key element of these debates relates to elevated levels of caution when sharing data through HNS4D, which is not surprising given the concerns discussed in the previous section. The following excerpt, from an interview with a research participant working for a coordination entity in Syria, explains:

Discussion [amongst members of the humanitarian community participating in HNS4D] has recently centered around the more practical, procedural aspects. Especially around questions like: If I'm a humanitarian agency and I want to deconflict say, the school I support, or the office from where my staff are based, do I have to share the name of my agency? Does that get shared with Turkey, Russia and the Coalition? That's something that makes the humanitarian community and the NGO community quite wary. On the side of parties to the conflict, it seems that very few of them are willing to acknowledge deconfliction requests that are anonymous. Several of them have come back to OCHA and essentially said: "If we don't have a name of an agency, how can we possibly know that this is a legitimate humanitarian entity?". So, you have to at least give us the name of the agency, otherwise we won't acknowledge it.¹²¹

Contrary to the perspective of the research participant above, it could be argued that while being procedural, seeking to remain anonymous to preserve the humanitarian principles and potentially protect oneself from attack is a deeply political act. And, as the quote above indicates, it is not only humanitarians that have entered into politics surrounding information provision, but some parties to the conflict as well.

Some humanitarians also negotiated the submission of their notification data in a number of ways, pushing boundaries, typically to gain greater control over the manner in which it could be used. MSF and ICRC — both of whom, due to their mandates, do not participate in HNS4D but manage their own notification systems directly with military actors — approach information sharing in very innovative ways. In the context of Yemen, for example:

[ICRC and MSF] were more deliberate about what they were doing. My understanding is that ICRC would only notify sites where their staff were physically present, which wasn't the case for UN or NGOs. My understanding is that MSF, on a monthly basis, would send an updated list of all their coordinates to EHOC, and they were also the ones that

seemingly pushed the envelope with EHOc. We are not going to transfer to you a single point, we're going to give you a polygon. Here are the corners of the facilities. The perimeter around which an area would be considered notified, as part of their military calculations, was never resolved. By virtue of their size, their mandate, the volume of work that they are doing, they [ICRC and MSF] had a different scope in the conversation. I know that ICRC in particular used the notification system as one part of their discussion with the Saudi-led Coalition.¹²⁰

Humanitarians are also very selective in which information is submitted for notification purposes. For obvious reasons, humanitarians do not submit movements to HNS4D when they are meeting opposition forces. One interviewee elaborated:

No NGO will tell you: "I'm going to meet the head of the [non-state armed group] on such and such date, so don't strike me". They will do deconfliction if they are setting up distribution points for food, or something like that, no way for movements that are meant to secure access.¹²¹

It is at these times (i.e. when negotiating access with non-state armed groups) that humanitarians are at significant risk of being indirectly targeted in air strikes upon the military actors they are negotiating with. Yet, this is one occasion in which they cannot notify military actors of their movement for fear of defying the humanitarian principles and undermining the relationship with non-state actors that is essential for the delivery of aid.

One of the major ways in which humanitarian notification was contested by military actors, principally EHOc in Yemen, but also RCR in Syria, was the 'rejecting' of notifications. HNS4D is by its nature a *notification* mechanism. Permission for movement or use of humanitarian infrastructure is never sought from military counterparts; they are only *notified* of intent. The following quotes outlines the manner in which this took place.

Some parties might misconstrue or misuse humanitarian notification of movements, for example to deny or impede movement even if there are no legitimate reasons for doing so (i.e. 'imperative military necessity' under IHL). In turn, the UN Department of Safety and Security (UNDSS) might only allow a UN movement to proceed if the notified party 'accepts' the notified movement. This also means that UNDSS might bar the UN from proceeding with the movement even in cases in which safety or security might not be the concern. Some have reported this to be a concern in Yemen with humanitarian notification to the Saudi-led coalition.¹²²

It was clear that it [HNS4D] was a point of leverage that the Saudi-led Coalition could use and exercise both in a soft fashion — saying: "look at the goodwill that we're exercising, we're still doing humanitarian work" —

¹²⁰ Interview: February 7, 2020.

¹²¹ Interview: November 9, 2019.

¹²² Interview: February 10, 2020.

and, in a more heavy-handed fashion, to block and stop things from happening, to prevent movements or to send messages: “We’re paying attention to what you bring in and we have expectations that you have to account for.”¹²³

As indicated in both interview excerpts, the Saudi-led Coalition on occasion operated outside of the agreed operational parameters of HNS4D in an attempt to use the mechanism as a tool to limit humanitarian access. Another key area in which contestation occurred with regard to the humanitarian notification system was military counterparts questioning the validity of submitted data. In the context of Syria, the Russian Federation has repeatedly made claims that notification data is occasionally not only factually incorrect, but has been manipulated to include sites that are actually opposition facilities. Similar, claims have been made by the Saudi-led Coalition in Yemen, as mentioned in the interview excerpt below.

On a number of occasions, the Saudi-led Coalition would respond to notification requests, saying, “these are not humanitarian sites, these are Houthi sites. There are Houthi fighters operating in these locations”. They would push back arguing that they had evidence — which we would never see — saying that some of our operational locations were legitimate targets.¹²⁴

While it is acknowledged by OCHA and other humanitarian actors that there are deficiencies in the collection of notification data, any discrepancies, even genuine errors, typically bolstered accusations of data manipulation on the part of the Saudi-led Coalition or the Russian Federation.

The harsh reality is that the staff who are collecting and submitting this data may not be properly trained and equipped to do so. This is where you can see tensions in local to national to international agencies or NGOs who are participating in this, because of course resourcing, staffing, training can really vary across organizations... This has resulted in incorrect data being submitted, and not for any nefarious or purposeful reasons, but maybe from an accident or technical problem... OCHA has actually said, no, we’re actually going to have a dedicated team for Syria and they will be working on checking and cleaning the data that’s coming in. That way they can ensure that what’s being passed to the military is accurate and correct. Thinking on that, the point that was raised that I hadn’t really considered was: how does the inclusion of incorrect data into the system either support or help give credence to Russia’s claims about manipulation of these systems and misinformation?¹²⁵

Yet, manipulation of data by humanitarians — even where well intentioned — cannot be ruled out. As one research participant pointed out, “If I’m an international humanitarian on the ground... and I’m trying to have a conversation with a belligerent military about what to attack and what not

¹²³ Interview: February 7, 2020.

¹²⁴ Interview: December 12, 2019.

¹²⁵ Interview: January 30, 2020.

to attack... I have no interest in minimizing the number of sites that I submit as needing protection.” They then elaborated, “If there is a structure that I might be in next week or I might be in next month, or I just know the people that live there and they have a telephone that we use sometimes, why not include it? It costs me nothing.”¹²⁶

What is clear from these examples of information sharing in the context of HNS4D is that humanitarian notification is a deeply political process. These examples demonstrate the manner in which humanitarians negotiate the political constraints they face in humanitarian notification and the sharing of information with military actors. It also highlights the manner in which these same belligerents utilize HNS4D as a tool to control humanitarian access and challenge assertions that humanitarian sites are indeed legitimate and are protected by IHL.

More importantly, the negotiation and coercion inherent in humanitarian notification in Yemen and Syria is indicative of a sizeable power differential between humanitarian and military actors. Humanitarians find themselves in a difficult position; unable to verify the effectiveness of the mechanism and often wary of participating for fear of potentially increasing the level of risk they are exposed to, whilst also being in a position where non-participation may also increase risk. One research participant summed up this dynamic, saying:

HNS4D is a system you can opt into or out of that may or may not work. It has no accountability, but if you don't opt in you have less leverage and have taken on some type of risk. Yet, you don't know the particulars. Basically, militaries will do what they want and you are at their mercy as an NGO.¹²⁷

Research participants working with OCHA recognize the challenges the mechanism experiences and the power dynamic it entails. Yet, they also believe that continued investment in the mechanism, and the associated building of relationships with military actors in Syria and Yemen, may result in gains. The following quote outlines the standpoint:

Humanitarian notification is an iterative process. One that builds trust over time. Humanitarian actors hope to be able to leverage this trust to increasingly create space for discussion with those military actors that use the mechanism... We could begin to explore the 'black box' with them. One could be in a position to broker discussions with military actors in Yemen and Syria on how they manage and use data. So, if there is an incident, there is clarity on whether information was used incorrectly. We could see how the process could be improved. Most importantly, we would be able to understand whether this is a robust system, and we would know whether we should advocate for or against its use.

¹²⁶ Interview: January 31, 2020.

¹²⁷ Email correspondence with research participant: June 3, 2020.

VI. Conclusions and Further Research

Information sharing between humanitarian and military actors in complex emergencies is an increasingly common and required component in the delivery of humanitarian assistance. It is assumed to be necessary for the safety of civilians, aid recipients and humanitarians alike, and, yet, often a threat to humanitarian principles that may lead to co-opted assistance and increased risk. Neither is true at all times, or in all contexts. The available literature, while recognizing these perspectives, remains thin on exploration of the issue. Typically, technical solutions and normative policy prescriptions are what is available. In response, this research report set out to uncover the realities, strategies and risks associated with civil-military information sharing in complex emergencies. It approached analysis from an operational perspective that emphasized the practical and socio-political factors that impact information sharing. It also explored HNS4D, as an information sharing mechanism utilized in Syria and Yemen, to better understand the specific challenges this modality entails.

Summary of Key Findings

The research project was structured by a series of sub-research questions. Key findings for sub-research questions 1-3 are outlined below. Sub-research question 4 is addressed under the following heading, 6.2 Implications and Recommendations.

What is the state of the literature on civil-military coordination and information sharing for humanitarian response in complex emergencies?

Section 2 addressed this initial sub-research question.

The literature highlights that civil-military coordination and information sharing have been deeply impacted by the growing scale and nature of military involvement in humanitarian response since the US-led intervention in Afghanistan began in 2001. The utilization of ‘stabilization’ operations and ‘comprehensive’ strategies, which view — and arguably co-opt — humanitarian action as a tool to support political and military goals, have made humanitarians wary of engaging state-sponsored military actors. Yet, as the presence of the military grows in complex emergencies, so does the need for humanitarians to engage with them. This has generated bureaucratic constraints and barriers linked to differing organizational cultures. Yet, beyond these challenges, humanitarians are cautious of interaction with militaries on the grounds that such engagement may compromise humanitarian principles and influence their ability to deliver aid to people in need of assistance. However, there is limited scholarly evidence to suggest that coordinating with militaries actually negatively impacts humanitarian outcomes.

The perceived increase in attacks on aid workers — arguably also grown since 2001 — has also led to the need for further engagement and information sharing with state militaries, whilst simultaneously leading some humanitarians to maintain strict boundaries with these same actors. The latter is undertaken to avoid the perception of collaboration that would not only undermine humanitarian access to aid recipients (often brokered by local non-state armed groups opposing state-sponsored militaries), but could result in humanitarian actors being treated as legitimate targets in ongoing conflicts. As such, civil-military coordination is viewed by most humanitarians

as either a necessary evil or an unquestionable requirement in securing the safety of humanitarians and aid recipients. Some humanitarian actors have worked closely with militaries to either gain access to military resources (including funding) or because they seek to align themselves with the military's objectives.

Beneficial interventions that help facilitate civil-military coordination and information sharing are academic civil-military centers, which can help develop networks and cultivate information sharing outside and in advance of humanitarian emergencies, and the deployment of liaison personnel in complex emergencies. The latter, embodied in OCHA's CMCoord Officers, assist civilian and military actors to share information and coordinate more effectively, while overcoming cultural, linguistic and bureaucratic barriers.

At the same time, with the growing phenomenon of information sharing taking place between humanitarian and military actors, and the increasing role of new technologies that are used in humanitarian response, many organizations have moved to develop data protection guidelines to safeguard against risks potentially experienced by aid recipients. These are largely normative or technical in nature, and will continue to emerge as a central feature in the field.

What are the strategies and practices employed by humanitarian actors in complex emergencies with regard to information sharing?

This sub-research question was broached largely in Section 4 and to a lesser extent, with regard to HNS4D, in Section 5.

Civil-military information sharing is complex. Numerous actors and mechanisms exist, with different mandates and perspectives on civil-military engagement and potentially overlapping functions. In the midst of this complexity, strategies for information sharing include multiple pathways to a variety of actors, including other humanitarians, coordinating entities and multiple militaries (both state-sponsored and non-state armed groups, amongst others).

Strategies include the use of collective mechanisms but also commonly entail bilateral discussions, which are largely ad hoc and informal. Oftentimes, these strategies rely on personal relationships and trust. While they may draw on information from data platforms, particularly for planning purposes, strategies are low-tech on a daily basis, utilizing telephones, email and face-to-face meetings.

In terms of data protection, most humanitarians anonymize names of fellow NGOs and aid recipients as a commonly agreed-upon organizational policy, but will make ad hoc decisions on what and what not to share with others. Notably, none of the research participants interviewed could indicate a set of data protection guidelines that structured their data sharing protocols.

While bilateral (and mainly informal) mechanisms are commonly employed, questionable information sharing — which may compromise humanitarian principles — takes place on an occasional basis. These transgressions in information sharing with military actors are partly a product of shortcomings in collective mechanisms, including a lack of 'space' for dialogue on compromises, acceptable trade-offs and red lines in the protection of humanitarian principles when engaging military actors in humanitarian action.

A contributing factor to the reduced effectiveness of collective mechanisms and of reduced civil-military coordination, more generally, is OCHA's downturn in funding since early 2017. This has resulted in the reduced capability of the organization to field CMCoord Officers. Of the limited number of CMCoord Officers deployed by OCHA (currently 64 globally), less than 50% have passed through OCHA's own 'Humanitarian Civil-Military Coordination Training' program. The challenges faced by OCHA have also, in part, led to hybrid arrangements with INSO, which over the last decade has had a growing role in civil-military coordination and information sharing.

Associated with discussions of civil-military liaison staff are debates on whether ex-military personnel should be given preference in recruitment to civil-military roles in humanitarian organizations. While ex-military staff could leverage familiarity with military actors and their past networks, critics believe that recruits with broader understandings of civil-military coordination and with the ability to effectively build relationships and communicate with all stakeholders should be prioritized.

With regard to strategies and practices employed by humanitarians in relation to HNS4D, we see that intentional choices are made regarding *what* and *how* information is shared with military counterparts in humanitarian notification. Humanitarian actors continue to anonymize shared data, and certain locations and movements are not communicated in order to preserve humanitarian access in areas under opposition or non-state control. Moreover, some humanitarian organizations, such as MSF and ICRC, have developed their own methods for presenting notification information; for instance, the use of polygons for identifying humanitarian sites and the regular submission of full and updated lists of sites. This was undertaken as a way to increase control over the use and misuse of notification data by military counterparts.

What opportunities and constraints exist in humanitarian civil-military information sharing spaces in complex emergencies, particularly in relation to HNS4D?

Section 4 and Section 5 responded to this sub-research question, with the latter exploring the issue in the context of HNS4D.

HNS4D is being utilized in both Syria and Yemen, where humanitarian targets are being struck by state-backed military actors. IHL is disregarded on a regular basis in both contexts. This makes it important to understand if humanitarian sites are being struck as a result of inclusion in the humanitarian notification mechanism or not. Yet, it is extremely challenging to assess what effects participation in the mechanism has, partly due to the notification 'black box'. Consequently, there is no way for humanitarian actors to know how their notification data is being used by military actors, or if it is accidental or intentional when a humanitarian target is hit. Indeed, the sheer volume of notifications taking place, particularly in Yemen, leads research participants to question if the military actors in question can manage and process the volume of data they receive.

This has led some humanitarians to question HNS4D, with others suspecting that notification data may be used for targeting purposes. Others are less critical, arguing that the military actors involved do not require notification data to be able to locate and target sites, should they choose to do so. While debates over the value of HNS4D continue, most humanitarians continue to identify their sites and movements using the mechanism. They do so for a number of reasons. First,

some research participants stated that, even where they question the mechanism, they are simply following protocol by submitting notification data. They emphasize the importance of being able to demonstrate to their head office that they carried out due diligence, should one of their sites be struck. Second, a number of those interviewed pointed to donor expectations and pressure to participate. Those donors that were questioned were largely unaware of or overlooked the mechanism's shortcomings. Third, many research participants expressed that while it is not possible to judge the effectiveness of the mechanism, it may simply be safer to participate, in case their sites or convoys were struck. Fourth, humanitarians are choosing to participate in HNS4D as they feel it may be utilized as an accountability mechanism when a site is targeted. Yet, other humanitarians countered this rationale, arguing that use of the mechanism will not guarantee accountability. IHL already mandates military actors to be aware of the nature of the targets they strike. This leaves many humanitarians in a constrained position, unable to determine whether to participate in the mechanism or not, while in some cases facing pressure to do so.

Given the mistrust in HNS4D held by some humanitarian actors, there is significant political negotiation that takes place in its implementation. On the one hand, some humanitarians (including MSF and ICRC) are selective with what and how information is shared through the mechanism. On the other hand, military actors often seek to control humanitarian access by rejecting notifications (although it should be noted approval is not required in HNS4D) and by questioning the validity of submitted data. There is also a likelihood that humanitarians may be manipulating data by incorporating sites that may potentially be utilized for programming in the future. This has been exacerbated by challenges arising from untrained humanitarian staff preparing notification data, which can lead to mistakes that, in turn, can bolster accusations of data manipulation from military actors.

The political negotiation surrounding implementation of HNS4D taken alongside the challenges arising from the notification 'black box' phenomenon indicate a distinct power imbalance between military and humanitarian actors, with humanitarians in the weaker position. Currently, humanitarians can choose to participate in a mechanism that may or may not work in their favor, and that will probably not deliver accountability. Yet, opting out may expose them to increased risk. Typically, humanitarian organization opt in to demonstrate due diligence and to try to ensure safety.

OCHA sees an opportunity, however. Through continued use of the mechanism and the relationship-building it entails with military actors, OCHA staff believe that it may be possible, in the near future, to open up discussion on what happens in the notification 'black box'. This could lead to discussion with military actors on how data is managed, and what to do should a humanitarian target be struck. Ultimately, this may also provide humanitarians the chance to assess whether HNS4D makes them more or less safe.

Implications and Recommendations

The final sub-research guiding this report was: How can civil-military information sharing be improved with regard to enabling humanitarian operations and protecting civilians in complex emergency settings? And, what further research is required to support this? These questions are addressed below.

Acknowledgment of the highly complex and context-dependent nature of civil-military coordination and information sharing implies that academics, policymakers and senior humanitarian managers could benefit from recognizing that normative policy prescriptions and data protection standards alone are insufficient. Likewise, technical solutions that fail to incorporate socio-political analysis of information sharing may fall short. Policy documents and data protection frameworks that solely promote guidelines and principles that articulate normative assumptions about unfailingly protecting humanitarian principles, without incorporating debates regarding the challenges inherent in complex emergencies and the trade-offs made in delivering humanitarian assistance, will be of limited use to humanitarians in the field. It will continue to limit space for dialogue and undermine innovative and socio-politically informed research that will contribute to improved coordination and practice in humanitarian response.

It is therefore essential that ‘spaces’ for frank dialogue between humanitarians be facilitated. While the right of humanitarians to opt out of civil-military information sharing should be respected, many humanitarians are regularly interacting with the military. This engagement creates challenges but also opportunities. Further recognition, discussion and exploration of the real-world benefits, compromises and problems that result from sharing information with military actors in complex emergencies could better inform humanitarian action moving forward.

There also needs to be recognition that collective and more formal mechanisms do not necessarily deliver civil-military coordination and information sharing as envisaged. In some cases, formal mechanisms are dysfunctional and drive alternative information sharing arrangements. They are, however, important for the development of relationships between civilian and military actors, which may be drawn upon in ad hoc interactions to deal with emergencies or exchange of information. In this sense, they are valuable in enabling information sharing. It is therefore important that those engaged in civil-military information sharing not only focus on the delivery of collective mechanisms, but also recognize and seek to support bilateral information sharing, where appropriate.

To make this a reality, it is important that greater funding be directed to those actors engaged in civil-military coordination and information sharing. OCHA requires further financial support to deploy adequate numbers of CMCoord Officers globally. They are currently being asked to undertake potentially life-saving coordination with insufficient resources. It would also be beneficial if those officers, old and new, were required to undertake OCHA’s own ‘Humanitarian Civil-Military Coordination Training’ program, to better prepare them for their role in facilitating civil-military coordination and information sharing. Training courses of this type should also be expanded to accommodate the reality that a large part of civil-military information sharing happens bilaterally; which carries with it a particular set of opportunities, risks and constraints. Correspondingly, the recruitment of these officers — and of other personnel in civil-military liaison roles — would benefit from recruitment targeting bespoke skill sets and broad understandings of civil-military coordination, rather than simply prioritizing ex-military personnel. This is not to say ex-service women and men should be excluded from recruitment; where they have the required skills, they should be viewed as desirable candidates.

In terms of data protection, few protocols are routinely followed by humanitarian organizations beyond anonymization of aid recipients and partners. There is a need for internal discussions and further guidance in such organizations on information sharing practices. This is already underway in some larger agencies. However, it is important to note that any new protocols need to be driven by on-the-ground realities and experience, not lofty normative goals. Humanitarian actors operating in complex emergencies also have a limited ability to introduce new guidelines and mechanisms, given the often overwhelming circumstances in which they operate. As such, internal consultations and any new guidelines and protocols they generate should be ‘light touch’ and should focus on risks, redlines and real-world trade-offs. They should also incorporate bilateral and informal information sharing alongside participation in more formal and collective mechanisms.

A final implication for civil-military information sharing pertains to the importance of balancing high-level information sharing mechanisms (such as HNS4D), alongside more local level and bilateral engagement (to negotiate access) with local military gatekeepers. The direction of finite resources and indeed civil-military coordination must target both levels of information sharing to effectively enable principled and adequate humanitarian response in an environment of increasing complex humanitarian crises. Decisions for investment of global resources, such as those in HNS4D have a significant impact on resources available for CMCoord functions, NGO actors and training and engagement of military actors at all levels. Even when working according to design, high-level mechanisms do not replace the need for relationship building and bilateral engagement at the local level with military ‘gatekeepers’.

Implications and Recommendations for the Humanitarian Notification System for Deconfliction

This report does not indicate whether participating in HNS4D makes humanitarians more or less safe. Indeed, it is not possible to assess this due to the notification ‘black box’, or the inability to know how, if at all, information is used by military counterparts. This same problem places humanitarian actors at a distinct disadvantage. While HNS4D may indeed be stopping strikes upon humanitarians in Syria and Yemen, there is no way of evaluating the efficacy of the mechanism. At the same time, there is also no indication of whether notification information is used for the targeting of humanitarian sites.

Despite the inability to understand and evaluate the functioning of the mechanism, it continues to be advocated as the best measure to ensure safety for humanitarians in two of the world’s largest humanitarian emergencies. The UN Board of Inquiry’s recommendations did nothing to change this. While the measures set out by the Board (see Annex One for details) respond to some of the challenges discussed in this report, they fail to adequately portray the nature of the problem HNS4D faces. Raising awareness of IHL, providing clearer guidance, more robust implementation of the mechanism, and more careful record keeping — all recommendations from the Board of Inquiry — will not alone resolve HNS4D’s shortcomings. Major systemic constraints are being experienced that undermine the functioning of the mechanism. This is partially driven by wider political relations. More efficient implementation of HNS4D, as prescribed by the Board will not overcome the problems generated by the notification ‘black box’, for example.

Remedying this state of affairs may come about through OCHA's ability to leverage growing relationships with military actors. However, given the power dynamic at work, achieving systemic change in the functioning of the mechanism seems overly optimistic, albeit not impossible. In this regard, it would be pertinent for OCHA to be more transparent about the challenges that constrain HNS4D and more communicative of what, in their eyes, the mechanism is and is not.

Building on this, and given the mechanism's limitations (particularly that it may not deliver long-term accountability), it would be germane for the wider humanitarian community — including UN agencies, coordinating bodies, ICRC, MSF and those NGOs participating in the mechanism — to collectively explore what the mechanism can deliver and the trade-offs participation demands. There is currently no consensus on what the mechanism does. Arguably, a better-informed and clearly-reasoned rationale for involvement or withdrawal from the mechanism is preferential to the constrained and information-poor choices currently being made by many humanitarian organizations in Syria and Yemen.

While it is without doubt that OCHA are trying to deliver a mechanism that protects humanitarians to the greatest extent possible, they may not be best placed to facilitate such discussions on HNS4D amongst humanitarian actors. This mantle might be best taken up by an international NGO coordinating body or by academic centers specializing in humanitarian affairs and civil-military coordination and information sharing.

It would also be wise for donors and others investing in and promoting HNS4D — as a means to attain humanitarian safety and security in Syria and Yemen — to think more carefully about the mechanism's use, acknowledging the challenges and power differential it embodies. Promoting HNS4D is not only problematic because we are unable to assess if and how effective the mechanism is. It may also serve, on the one hand, as a costly exercise to maintain the appearance of humanitarian safety; while, on the other, detract from military violations of IHL and create opportunities for military actors to monitor and regulate humanitarian action.

At the current time, acknowledging that humanitarian notification may be saving lives but being unable to prove it, we can only conclude that HNS4D serves to provide humanitarians with an opportunity to conform to acceptable norms of information sharing and safety, whilst providing military actors the guise of due diligence. All the while, state-sponsored militaries and their allies in Syria and Yemen escape punitive measures, while repeatedly striking humanitarian targets.

Further Research

The maintenance of humanitarian principles in relation to coordination and information sharing with military actors underpins many of the issues that emerged in this research. Humanitarian and military perspectives shape to a large degree the nature and effectiveness of coordination and information sharing in complex emergencies. There are well-founded concerns held by humanitarians relating to both the potential co-option of humanitarian assistance and increased threats to aid workers and aid recipients, which emerge from engagement with the military. Yet, there are also many unfounded assumptions and some potential benefits.

A more earnest assessment of the manner in which humanitarian principles are 'preserved' and 'compromised' (both highly subjective claims) when engaging with military actors, and crucially

the impacts this has on humanitarian assistance *outcomes*, would be of value. As part of their 2014 evaluation of the humanitarian response to Typhoon Haiyan in the Philippines, MSF concluded that “the military are here to stay in disasters, and doing a good job”.¹²⁸ They went on to recommend that, “it may be worthwhile for MSF response in Asia to look more closely at the planning and deployment of militaries in natural disasters and be able *to take a more proactive, thoughtful approach*” (emphasis added).¹²⁹ While it is acknowledged that complex emergencies pose more politicized and potentially challenging contexts than those of natural disasters, MSF’s recommendation is supported by the current research. It also stands as a significant gap in the literature. Further critical and evidence-based research could contribute to a clearer understanding of the trade-offs between principles and outcomes when engaging military actors in humanitarian action.

With regard to information sharing, more specifically, a more detailed investigation of specific complex emergencies and the evolution of civil-military coordination and information sharing — at the local, national and (where appropriate) regional level — is advised. Detailed inquiry of this type was beyond the scope of the current research project, but on numerous occasions it was recognized that deeper contextual analysis would strengthen the current findings. Further research would track shifts in contextual factors, including the evolution of the conflict, emergency and civil-military coordination and information sharing space (e.g. actors, mechanisms, challenges and opportunities). This would allow for a more nuanced and contingent understanding of civil-military coordination and information sharing, deeply rooted in time and place, which in turn could contribute to suggested improvements in their management and delivery.

¹²⁸ MSF. ‘*The New Humanitarian Aid Landscape*’. *Case Study: Philippines Typhoon Haiyan Response*. Geneva: Médecins Sans Frontières. 2014.

¹²⁹ MSF. 2014.

ANNEX ONE: UN BOARD OF INQUIRY RECOMMENDATIONS

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

The Board made the following recommendations:

1. In order to further strengthen the implementation of international humanitarian law, the United Nations should enhance its awareness raising and capacity building efforts with all parties to the conflict in the northwest of Syria, including armed opposition groups.
2. Based on the regular assessment of staff security risks, mitigating measures and programme criticality, the United Nations should seize on any opportunity that may arise to secure United Nations access to or presence in the northwest of Syria.
3. Building upon lessons learned from past experience, including the “Declaration of Commitment on Compliance with IHL and Humanitarian Assistance” signed by a number of armed opposition groups in the northwest of Syria, the United Nations should issue clear guidance on United Nations engagement with non-State actors in the northwest of Syria and monitor its implementation.
4. In any situation where an entity has access to resources under the Syria Cross-border Humanitarian Fund (SCHF) and transmits such resources to an implementing partner, both entities — that is, the entity receiving the SCHF funds and its implementing partner — should be explicitly identified and acknowledged in project agreements signed with the United Nations.
5. In any situation where a project is conducted by an implementing partner using SCHF funds in a number of facilities, all such facilities should be specifically and individually identified in the project agreements and in any subsequent amendments or revisions to them.
6. Upon receipt of an incident report concerning a facility which benefits from United Nations support, thematic clusters should engage and share any relevant information about the incident with other concerned thematic clusters and assess in a coordinated manner the incident’s impact on the implementation of the Humanitarian Response Plan (HRP) and the need for any follow-up action.

7. With regard to the “deconfliction mechanism” managed by OCHA:

- a. OCHA should consider renaming it as “Humanitarian Notification Mechanism” to highlight its distinct nature, in the overall framework of international humanitarian law;
- b. OCHA should develop a comprehensive and publicly available guidance document to clarify its role and responsibilities in relation to the humanitarian notification mechanism and to provide clear and detailed guidance on its implementation process;
- c. OCHA should directly notify all parties to the conflict, including the Government of Syria, of the deconfliction information, unless for security reasons an implementing partner formally requests that such information is not brought to the attention of one or more parties;
- d. Armed opposition groups relevant in the northwest of the Syria should be involved in the deconfliction mechanism;
- e. OCHA should consistently request all parties involved with the deconfliction mechanism to acknowledge receipt of the deconfliction information;
- f. Implementing partners should be required to inform OCHA of any incident against any of its deconflicted facilities;
- g. OCHA should consistently notify the parties involved with the deconfliction mechanism of any incident affecting a facility on the deconfliction list and request that the incident be duly investigated;
- h. OCHA should keep implementing partners informed of any follow-up actions taken upon receipt of an incident report;
- i. OCHA should keep comprehensive, accurate and reliable records of all sites included in the deconfliction mechanism, as well as of the communications with those involved in the deconfliction mechanism;
- j. Only specifically identified sites or installations inside a refugee camp should be submitted for deconfliction, rather than the camp in its entirety.

8. Given the complexity and multifaceted nature of OCHA’s responsibilities in the northwest of Syria and the very high demands on its important work, OCHA should further strengthen its capacity for record keeping and tracking all aspects of its operations. That includes the need for detailed records of all the projects funded through the SCHF and of the facilities where the projects are implemented.

ANNEX TWO: INTERVIEW GUIDE

Name of Interviewer(s):

Time/Date:

Location(s):

Medium:

Check interviewee has signed the Consent Form

A. Research Participant Key Information

1. Can you tell me about your experience in civ-mil coordination and complex emergencies?
 - a. What is/was your current post?
 - b. Do/did you focus on particular sectors or areas of work?
 - c. Who are/were your partners, if any?
 - d. Who are/were your beneficiaries?
 - e. How long have/had you been in the post?
 - f. Tell me about your relevant experience.

B. Information Sharing and Civilian-Military Coordination

2. What types of information and data do you share with other organizations in complex emergencies?
3. How do you collect this data? Are ethical protocols followed during data collection? Is all of the collected data shared?
4. In what format(s) do you share information and data? Do you use specific software or a data platform?
5. When do you share this information and data? Is it systematic or ad hoc?
6. With whom do you share this information and data? Do you have preferred partners or an intermediary that you share information and data with? Do you share information and data through a pre-established mechanism (e.g. cluster approach, UN-CMCoord)?
7. Are there specific organizations or groups in the humanitarian community with which your organization does not exchange any information? If so, why?
8. In your personal opinion, are there specific organizations or groups in the humanitarian community which your organization does, but should not exchange information or data with?

9. In your personal opinion, are there specific organizations or groups in the humanitarian community which your organization should, but does not exchange information or data with?
10. How do you determine information and data sharing protocols?
11. How do you determine sensitivity in information and data sharing?
12. How do you and/or your organization manage information exchanges with different partners?
13. What are your priorities related to those practices? Are they based on personal or organizational experience?
14. Does your organization have a framework or guidelines that outline the manner in which you share information and data in complex emergencies?
15. Do you think actual field practice aligns with these frameworks/guidelines? Please explain.
16. How, if at all, has information sharing in your organization - either on paper or in practice - changed over time? What has driven these changes?
17. Do you think any of the information sharing practices or engagements your organization employs significantly lowers the level of risk faced by you or others during a response? If so, who and how?
18. Do you think any of the information sharing practices or engagements your organization employs significantly raises the level of risk faced by you or others during a response? If so, who and how?
19. In your experience, what mechanisms, if any, have been most effective in facilitating civ-civ or civ-mil information sharing in complex emergencies?
20. Based on your experience, what do you think are the main risks to *humanitarians* (international and national) that result from civ-mil information and data sharing practices in complex emergencies? What steps need to be taken to address these risks?
21. Based on your experience, what do you think are the main risks to *civilians/aid recipients* that result from civ-mil information and data sharing practices in complex emergencies? What steps need to be taken to address these risks?

ANNEX THREE: CONSENT FORM

Principal Investigator: Dr. Naysan Adlparvar, Postdoctoral Fellow, Yale University

Contact Information: naysan.adlparvar@yale.edu, +1(XXX) XXX-XXXX

We are asking you to join the ‘Civilian-Military Coordination in Humanitarian Response: Expanding the Evidence Base’ research study. The study is funded by the Carnegie Foundation of New York. It is co-implemented by the Center for Human Rights and Humanitarian Studies (CHRHS) based at Brown University’s Watson Institute and the Humanitarian Response Program (HRP) based at the U.S. Naval War College.

One stream of research under this research project, for which we are requesting your participation, focusses on information sharing in civilian-military cooperation in complex humanitarian emergencies. The goal of this research stream is to better understand information sharing in such circumstances, including risks posed to civilians. The Principal Investigator for this research study is Dr. Naysan Adlparvar, a Postdoctoral Fellow at Yale University.

We are asking you to take part in this research study because you have expert knowledge and experience of information sharing in complex emergency settings. You will not have to pay for taking part in this study. And, you will not be paid for taking part in this study. We are looking for approximately fifty research participants across a variety of countries to take part in this research. If you agree to take part, your participation in this study will involve undergoing one, or possibly two, interviews. We estimate that an interview will take approximately one hour of your time.

If you decide to take part in this study, you may experience a possible risk of loss of confidentiality. You may benefit from taking part in this study. We hope that our results will add to the knowledge about information sharing in civilian-military coordination in complex emergency settings, which in turn could be reflected in academic debate and relevant policies and programs.

All information collected during this interview will be stored anonymously and securely. Furthermore, information will not be shared with third parties. Only the researchers involved in this study and those responsible for research oversight (such as representatives of the Yale

University Institutional Review Boards, and others) will have access to any information that could identify you which you provide. We will share it with others if you agree to it or when we have to do it because U.S. or State law requires it. For example, we will tell somebody if we learn that you are hurting a child or an older person.

Any information that you share could be used in a number of ways, including in research reports, academic articles and policy briefings, among other uses. In all cases you and your contributions will be anonymized. Please note quotes from your interview may be used (anonymously). We will not share information about you with other researchers for future research.

Taking part in this study is your choice. You can choose to take part, or you can choose not to take part in this study. You also can change your mind at any time. Whatever choice you make will not have any effect on your relationship with Yale University, Brown University or the U.S. Naval War College.

Please feel free to ask about anything you don't understand. If you have questions later or if you have a research-related problem, you can call the Principal Investigator at +1 (XXX) XXX-XXXX or email naysan.adlparvar@yale.edu. If you have questions about your rights as a research participant, or you have complaints about this research, you should call the Yale Institutional Review Boards at (203) 785-4688 or email hrpp@yale.edu.

Documentation of Informed Consent

Your signature below indicates that you read and understand this consent form and the information presented and that you agree to be in this study. We will give you a copy of this consent form.

_____	_____	_____
Participant Name	Participant Signature	Date
_____	_____	_____
Person Obtaining Consent Name	Person Obtaining Consent Signature	Date