

# **IASC Non-Binding Guidelines on the Use of Armed Escorts for Humanitarian Convoys**



*Endorsed by the members of the Inter-Agency Standing Committee (IASC), 27 February 2013.*

# Guidelines on the Use of Armed Escorts for Humanitarian Convoys

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# I Background

## 1. Introduction

The Discussion Paper and Non-Binding Guidelines on the “Use of Military or Armed Escorts for Humanitarian Convoys” were originally endorsed by members of the Inter-Agency Standing Committee (IASC) on 14 September 2001. The purpose of the guidelines was to assist a wide range of actors on when and how to use military or other forms of armed escorts to accompany humanitarian convoys. In July 2011, the 79th meeting of the IASC Working Group requested the IASC Task Force on Humanitarian Space and Civil-Military Relations, an IASC subsidiary body, to update the guidelines. The following text is the result of consultations and collaboration between IASC members, in addition to the United Nations Department of Safety and Security (UNDSS), Department of Peacekeeping Operations (DPKO) and field colleagues from a variety of organisations. This updated document reflects the evolution of security risk management procedures within the UN and non-UN organisations, the increase of actors now commonly present in humanitarian operating environments, and the increasing complexities of undertaking principled humanitarian action.

These guidelines do not seek to promote or endorse the use of armed escorts for humanitarian convoys. In fact, the updated guidelines clearly prioritise the need to consider alternative means for establishing and maintaining access to the affected people in the first instance. Thereafter, the guidelines serve to ensure a principled approach is employed when armed escorts are considered by the humanitarian community. The overriding principle articulated in this document is that armed escorts should be used only as a last resort, in exceptional cases, and then only when a set of key criteria is fulfilled. It is acknowledged that there may be occasions when not all of these criteria can be fully met. In such circumstances utmost care must be given to balancing security risks with program criticality.

These updated guidelines remain non-binding and are intended to assist humanitarian actors to fully consider the implications of using armed escorts to facilitate humanitarian operations. They provide humanitarian organisations with a framework for determining **if** and **when** to use armed escorts and, secondly, **how** to do so effectively. The guidelines do not provide prescriptive directions as to whether or not to use such escorts for humanitarian convoys. Instead, they are designed to assist organisations to make principled and pragmatic decisions, with full consideration for humanitarian principles and the security of humanitarian operations.

Note: The decision to use armed escorts is directly influenced by security management system policies and procedures and is closely linked to humanitarian issues such as the use of military and civil defence assets (MCDA) which is extensively addressed in the “Oslo” and “MCDA” Guidelines - applicable in natural disasters and complex emergencies, respectively. A list of relevant and Complementary References is provided at **Annex A**.

**These guidelines were approved for implementation by the IASC Principals as a Non-Binding Reference Document on 18 February 2013.**

### *1.1.1 Rationale*

As the fundamental underpinning of humanitarian action, the principle of humanity is to save lives and alleviate suffering wherever needed. To achieve this, full and unimpeded humanitarian access to those in need is imperative. However, multiple constraints impinge on access, including restrictions imposed by State and non-State actors, attacks on humanitarian personnel and operations, violent crime, and the intensity of hostility in conflict areas. The last decade has been the deadliest on record for humanitarian workers.<sup>1</sup> Consequently, the ability of humanitarian actors to reach those most in need, or the affected people's access to assistance and services is often restricted.

This is particularly relevant in complex emergencies and insecure operating environments where humanitarian actors face significant challenges to obtain, maintain and sustain access. In these situations, the decisions and actions of humanitarian actors significantly impact their actual and perceived neutrality, independence and impartiality, as well as their ability to continuously liaise with all actors, including those that influence or control access.

A systematic and collective decision by UN and non-UN humanitarian organisations on whether to resort to the use of armed escorts to gain access for humanitarian convoys is ideal, but often difficult to achieve. Such decisions are highly dependent on each organisation's operational requirements, specific risk profiles and security risk thresholds. While analysis and considerations of options should be done jointly, accountability lies with line management of individual organisations. Each organisation should be conscious of how its choices impact on the broader operating environment, hence, the emphasis on common mechanisms whenever possible to support organisational decision-making.

### *1.1.2 Parameters*

#### Scope

These non-binding guidelines aim to provide UN and non-UN humanitarian actors in the field and at headquarters level with a framework to facilitate consideration of, and decision-making on, the use of armed escorts for humanitarian convoys in conflict, insecure and non-conflict environments. They are applicable wherever armed escorts are already in use, or under consideration, for humanitarian convoys transporting humanitarian supplies and/or humanitarian personnel (see definitions below).

The transportation of affected people, humanitarian shipping and airlifts<sup>2</sup>, and static armed security for fixed locations, such as warehouses, offices or accommodations are not covered by these guidelines.

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<sup>1</sup> The Aid Worker Security Database ([www.aidworkersecurity.org](http://www.aidworkersecurity.org)).

<sup>2</sup> UNHAS/WFP flights will never carry armed personnel. As a general rule, the transportation of firearms in humanitarian flights is not allowed. As the WFP's Air Transport Manual (ATM) states, it may nevertheless be necessary to transport firearms on some occasions. The ATM describes the corresponding safety procedures to be followed, as well as the limitations regarding firearm visibility and military vehicles approaching the aircraft.

## Definitions

The terms below are defined specifically for the purpose of these guidelines.

- *Armed Escort*: A security measure that serves as a visible deterrent to a potential attack and, if necessary, acts in self-defence against an attack. Armed escorts can be provided by military as well as non-military actors, such as, police, private security companies or non-State actors.
- *Humanitarian Convoy*: The movement of humanitarian supplies, goods and assets, including humanitarian personnel, by land between fixed locations. A convoy consists of at least one vehicle plus an escort resulting in two or more vehicles traveling together.
- *Last Resort*: No other option is available to facilitate access and the timely delivery of humanitarian supplies, protection, and personnel required to meet critical humanitarian needs. All other options to reduce risks and ensure timely aid delivery are exhaustively explored and determined not viable.<sup>3</sup>
- *Non-State Armed Actors*: Have the potential to employ weapons and are not within the formal military structures of States, State-alliances, or intergovernmental organisations; and are not under the control of the State(s) in which they operate.<sup>4</sup> This includes organised ‘armed groups’ that are under responsible command and exercising control over a part of a country’s territory.

### 1.1.3 Application

These non-binding guidelines seek to advise and enable UN and non-UN humanitarian organisations to collectively and/or individually assess the need for, and the impact of using, armed escorts for humanitarian convoys. Through a series of practical steps practitioners shall consider if armed escorts should be used, and if so, how.

The guidelines can also assist the humanitarian community to constructively engage and negotiate with State and non-State actors which seek to impose the use of armed escorts.

## **IF AND WHEN TO USE ARMED ESCORTS**

### **II General rule**

As a general rule, humanitarian convoys will not use armed escorts.

However, there may be exceptional circumstances in which the use of armed escorts is necessary as a “last resort” to enable humanitarian action. Before deciding on such exceptions, the consequences and possible alternatives to the use of armed escorts shall be considered (see Section V for more details regarding exceptions).

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<sup>3</sup> Foreign Military and Civil Defence Assets in Support of Humanitarian Operations: What is Last Resort? (UN OCHA, April 2012).

<sup>4</sup> This working definition of armed actors draws on the definition in the UN OCHA Glossary of Humanitarian Terms (UN OCHA, 2003).



### **III Consequences of using Armed Escorts**

The use of armed escorts for humanitarian convoys can have significant short and long term counter-productive implications for humanitarian actors, their respective organisations and associated operations. These include:

- Cooperation with an armed actor – to include a UN-mandated force – can lead local, national and international actors and the population to associate humanitarian organisations and the beneficiaries of aid with the political and/or military objectives of that armed actor, thereby undermining the actual and perceived neutrality, impartiality and independence of the humanitarian organisation and humanitarian community as a whole.
- The armed actor providing the escort may be a target for attack by opposing forces, thus putting humanitarian personnel, supplies and beneficiary populations at risk.
- Cooperation with providers of armed escorts that do not have the capacity to respond appropriately if attacked can make a convoy more vulnerable and create additional risk for humanitarian workers.
- The use of armed escorts by one humanitarian actor can negatively affect the perceptions and, therefore, the security of others that do not use them. Those that do not use armed escorts may come under pressure to do so, particularly if there are economic benefits involved.
- Dependence on support from an armed actor can make it extremely difficult or impossible to operate without such force in the future, undermining the sustainability of humanitarian operations. The provider of armed escorts may develop a financial interest in maintaining the service. In addition, the sudden cessation of use of armed escorts can expose a humanitarian organisation as a soft target.
- Cooperation with one armed actor can make it impossible or unsafe to operate in territory controlled by another armed actor.

### **IV Alternatives to Armed Escorts**

Before resorting to the use of armed escorts, humanitarian organisations must consider all alternative means for establishing and maintaining access to the affected people and associated management of security risks.

Decision-making in the context of each situation must be informed by a thorough security risk assessment, including the threats, vulnerabilities and risks; an analysis of the relevant stakeholders, including the source and motivation of the threats; the risk profile of individual staff members and programmes in a given situation and the operational requirements of a given activity or movement. Alternatives to be considered should be derived from the analysis.

Full consideration should be given to comprehensive strategies and context-specific options for reducing risk and enhancing operational security, the trade-offs and implications of different approaches and to what extent the use of armed escorts will reduce or increase the security risk to humanitarian operations and the affected population.

It is important to note that each of the following alternatives has advantages and disadvantages, which must be weighed in much the same manner as the use of armed escorts.

Examples of alternatives to using armed escorts include:<sup>5</sup>

- **Cultivate Greater Acceptance:** Actively build and cultivate good relations and consent as part of a risk management strategy with local communities, parties to the conflict, and other relevant stakeholders and obtain their acceptance for the humanitarian organisation's presence and work.
- **Humanitarian Negotiations:** On-going liaison and active negotiation with all relevant actors is fundamental to humanitarian operations, particularly with those who influence or exercise control over humanitarian access to affected people. Further investment in negotiation may be required to achieve humanitarian aims, including obtaining, maintaining and sustaining access, ensuring provision of assistance and measures to enhance protection of vulnerable persons, safeguarding the humanitarian operating environment, and improving respect for international law.<sup>6</sup>

Some specific types of access arrangements which do not rely on armed escorts and which may be brought about through negotiation include:

- **De-confliction arrangements:** This entails liaison between humanitarian actors and parties to the conflict necessary to communicate the time and location of relief activities / humanitarian convoys in order to ensure that military operations / armed action does not jeopardise the lives of humanitarian personnel, impede the passage of relief supplies or implementation of humanitarian activities, or endanger beneficiaries.
- **Humanitarian pause:** A temporary suspension in fighting for exclusively humanitarian purposes, involving the agreement of all relevant parties, for a defined timeframe, and often covering a specific geographic area where the humanitarian activities are to be implemented.
- **Humanitarian corridors:** An exclusively humanitarian means which requires the agreement of all relevant parties to allow the safe passage of goods and/or people between specific points during active fighting.
- **Days of tranquillity:** This mechanism has been used primarily to enable children to have access to health care during conflict, for example to undertake national immunisation campaigns, or other exclusively humanitarian activities. "Days of tranquillity" require the agreement of all relevant parties to refrain from impeding the mobility and work of medical and other personnel during designated days.
- **Remote Management/Programming:** As an adaptation to insecurity, the practice of withdrawing international (or other at-risk staff) while transferring increased programming responsibility to local staff or local partner organisations. Note: Research shows that under many circumstances national staff are commonly at greatest risk and a thorough analysis of national staff risk should precede any consideration of a remote management approach. Additionally, a re-allocation of resources in support of national staff should accompany the remote management decision.

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<sup>5</sup> To Stay and Deliver: Good Practice for Humanitarians in Complex Security Environments (UN OCHA, 2011).

<sup>6</sup> See the UN OCHA/IASC Manual: Humanitarian Negotiations with Armed Groups: A Manual for Practitioners (January 2006). See also Humanitarian Negotiation: A Handbook for Securing Access, Assistance and Protection for Civilians in Armed Conflict, Deborah Mancini-Griffoli and Andre Picot, Centre for Humanitarian Dialogue (October 2004).

- **Low-profile Approach:** Implement a low visibility strategy. For example, rent local vehicles or taxis for transport rather than the white four-wheel-drive vehicles routinely used by humanitarian organisations. Use local traders and merchants to transport humanitarian goods.
- **Area Security:** When and where it is concluded that armed deterrence or protection is recommended, an alternative and good practice is to request area security rather than armed escorts. Such security may involve ‘clearing’ and patrolling roads, maintaining a presence in the area, but not being distinctly visible or accompanying the convoy, and/or providing aerial flyovers.
- **Programme Design:** Consider innovative program designs, such as cash transfers and the provision of vouchers rather than transporting and distributing commodities or materials and seek creative methods of monitoring which reduce the number of field visits required.
- **Suspend or Cease Operations:** Worst case scenario could include taking a decision to suspend or cease operations in the area in which access is not possible due to unacceptable constraints.

Note: As a best practice, organisations should explore additional innovative approaches and add to this non-exhaustive list.

## V Decision Making Authority and Procedures

The process outlined in this section is complemented by the Flow Chart on the Use of Armed Escorts for Humanitarian Convoys at **Annex B**.

### 1. *Criteria for the Exceptional Use of Armed Escorts*

As a general rule, humanitarian convoys will not use armed escorts. An exception to the general rule will be considered, as a last resort, only when all of the following criteria are met:

- Humanitarian Need and Programme Criticality. The level of humanitarian need is such that the lack of humanitarian action would lead to unacceptable human suffering, yet the transport of essential personnel and relief supplies cannot be undertaken without the use of armed escorts.
- Responsible Authorities. State authorities or local non-State actors are unable or unwilling to permit the movement of humanitarian supplies or personnel without the use of armed escorts.
- Safety and Security. The armed escorts utilised are capable of providing a credible deterrent necessary to enhance the safety of humanitarian personnel and capacity to provide assistance to the beneficiaries without compromising their security or that of the affected people.
- Sustainability. The use of an armed escort will not irreversibly compromise the humanitarian operating environment or the longer-term capacity of the organisation(s) to safely and effectively operate in the future. The humanitarian agency in question has conducted a thorough stakeholder analysis to determine the potential consequences of the using an armed escort, and has put in place all possible mitigation measures to reduce the likelihood and negative impact of such consequences.



Note: The humanitarian community should refrain from making a *carte blanche* determination on whether or not to use armed escorts. Instead, the decision should be determined case-by-case and informed by the outcome of a corresponding structured security risk assessment. The use should be geographically limited, time-bound and with specific purpose. There should be no blanket adoption of armed escorts as a modality for humanitarian operations.

## **2. Humanitarian Need and Program Criticality**

It is the responsibility of the humanitarian community to impartially assess the needs and capacities of affected populations, and to take into account the ability of relevant authorities to respond.<sup>7</sup> A needs assessment should describe the severity of humanitarian need and any constraints that might impede access or humanitarian operations. With this information, a humanitarian organisation can assess the criticality and relevance in terms of the proposed assistance.

Program criticality analysis involves determining which programs are the most critical (either in terms of saving lives or contributing to identified strategic results), and hence warrant accepting a greater level of risk or a greater allocation of resources to mitigate the risks.<sup>8</sup> It is one component of a structured security risk assessment.

If the programming is neither life-saving nor seeking to address acute suffering, it is important for the organisation to critically consider the costs-benefits of operating in conditions of extreme insecurity which may require armed escorts. See Guidance Note on Cost and Compensation Considerations at **Annex C**.

Note: The *IASC Operational Guidance for Coordinated Assessments in Humanitarian Crises* recognises that humanitarian assessments are carried out by a variety of partners, and in different contexts. If assessments are carried out with due attention to coordination, this diversity can be of great benefit to the overall humanitarian response.<sup>9</sup> This can and should include appropriate modalities for humanitarian access, including shared analysis and common approaches to operational security.

## **3. Responsible Authorities**

In situations of disaster or civil unrest, it is the primary responsibility of the State to address the humanitarian needs of the affected people and to respect, protect and fulfill the human rights of persons under their jurisdiction, including the security of persons. Humanitarian organisations may offer or be requested to provide their services to assist in this regard. In situations of armed conflict, all parties to the conflict have a responsibility to ensure the well-being of the civilian population and to respect international humanitarian and human rights law. If they are unable or unwilling to do so, they are obliged to allow and facilitate the impartial provision of assistance in accordance with international humanitarian law. This is subject to the consent of the State, but such consent must not be arbitrarily withheld. Access to affected people entails, therefore, a

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<sup>7</sup> Sphere Project: Humanitarian Charter and Minimum Standards in Humanitarian Response. See Core Standard 3: Assessment (2011, p.61-65).

<sup>8</sup> To Stay and Deliver: Good Practice for Humanitarians in Complex Security Environments (UN OCHA, 2011, p.9).

<sup>9</sup> As detailed in the *IASC Operational Guidance for Coordinated Assessments in Humanitarian Crises*, the Humanitarian Dashboard can be used as a tool used to consolidate and present needs assessment and other core humanitarian information in an easily accessible format, to facilitate analysis and evidence-based decision-making.

process of dialogue and negotiation with all relevant parties to obtain consent for impartial humanitarian activities to be carried out.

Within this context, the decision to request or accept the use of armed escorts must be made by humanitarian organisations and based solely on humanitarian criteria. The decision to use armed escorts must not be driven by political or military objectives, nor made by political or military actors.

Host Government or local non-State actors may attempt to insist on the provision of armed escorts in order to monitor or control the activities of humanitarian organisations. Host authorities may also assume that they are responsible for providing military or police forces as escorts as a measure to ensure the safety and security of humanitarian organisations. Host authorities are responsible for enforcing the rule of law and for facilitating humanitarian action – however, this should not be interpreted as necessitating armed accompaniment. Humanitarian organisations must invest considerable effort in enhancing the host authority’s understanding of why armed accompaniment is not part of their *modus operandi* and, in fact, that an ability to operate securely, in accordance with humanitarian principles, heavily depends on not relying on armed escorts.

In some situations, the policies and practices of State authorities or local non-State actors may leave little option but to comply or cease operations. In such a situation, it is recommended that the humanitarian agencies communicate to one another their position to accept or refuse armed escorts, and make clear to all stakeholders the reasoning for this decision.

The security risk assessment (detailed below) should include an analysis of the State authority or local non-State actor’s capacity and role in ensuring an appropriate operating environment.

#### **4. *Safety and Security***

Structured Security Risk Assessments (SRA) are critical to implementing safe and efficient humanitarian action. An accurate SRA will assist an organisation to proactively identify, manage and mitigate operational risk. The information gathered through this type of assessment enables a more confident and rigorous basis for decision-making, planning and incident management.

A common Security Risk Management (SRM) framework contains seven steps: 1) Program Assessment; 2) Threat Assessment including Stakeholder Analysis; 3) Vulnerability Assessment; 4) Risk Analysis; 5) Security Risk Management Recommendations and Decisions; 6) Implementation; and 7) Review and Update. See SRM Model at **Annex D**.

An effective risk assessment will document program goals, identify and assess threats in the environment to the humanitarian entity, assess the risk of these threats based on the organisation’s vulnerability to them, and then recommend whether the risk(s) to the organisation is acceptable or should be minimised.

One of the outcomes of the risk assessment may be the recommendation to utilise armed escorts to mitigate or manage the identified risk.

##### **5.4.1 *United Nations***

In field operations, the United Nations Security Management System (UNSMS) is led by the Designated Official (DO) for Security, who is advised and assisted by the UN Security Management Team (SMT). The SMT, chaired by the DO, comprises the country security advisor, representatives of in-country UN agencies, funds and programmes and other members

of the UNSMS. NGOs may be invited as observers as best practice under the “saving lives together” arrangement.<sup>10</sup>

The DO is accountable for matters concerning the security of UN personnel and property to the Secretary-General, through the Under Secretary General for the Department of Safety and Security (UNDSS). The DO is responsible and accountable for engaging with the authorities of the Host Government to advocate for the full implementation of State security in respect of United Nations personnel, premises and assets, and for applying the Security Risk Management (SRM) approach to all United Nations activities and operations.<sup>11</sup> In this capacity, the DO, in close collaboration with United Nations agencies, funds and programmes which indicate the need for the use of armed escorts, is the decision maker with respect to the necessity of armed escorts for humanitarian convoys based on the threat, vulnerability and risk assessments and whether the options for the provision of this protection are appropriate. The DO, with the support of the SMT, is responsible for ensuring that the use of the armed escort is as a last resort and is capable of ensuring safe delivery of the humanitarian convoy.

Humanitarian community members of the SMT are to ensure that these non-binding guidelines are fully considered in the decision making of the DO.

#### 5.4.2 Non-UN Humanitarian Organisations

For non-UN humanitarian organisations, each entity should decide, document and make known the position within its organisation that has the authority to make decisions regarding the use of armed escorts for humanitarian convoys. The Country Director is typically responsible for overall security management strategies and for making critical decisions, in consultation with headquarters and senior staff, which usually includes a security officer. Context and program-specific security risk assessments should be carried out to assist the organisation in making the best decision in accordance with the aforementioned criteria.

#### 5.4.3 Common Humanitarian Position

Every humanitarian organisation (UN and non-UN) has its own risk profile and, therefore, security management considerations and strategies. Each organisation must consider its own position regarding the use of armed escorts. While it is not possible to operate in an identical manner, common positions on critical matters will increase the security of all. As such, the United Nations Designated Official (DO) should consult widely within the humanitarian community before making a determination on the use of armed escorts by the United Nations. To achieve this, he/she is encouraged to invite representatives of the non-UN humanitarian community to participate, either as members or as observers, in the work of the SMT, as deemed appropriate. In the same manner, non-UN humanitarian organisations that are considering using armed escorts should consult with the DO and other non-UN organisations before making a decision. In addition to the SMT, the Humanitarian Country Team (HCT) provides the primary platform for humanitarian to humanitarian consultations. The HCT, chaired by the Resident Coordinator (RC) or Humanitarian Coordinator (HC), is an operational decision-making forum composed of operationally relevant humanitarian organisations (both UN and non-UN) focusing on common strategic and policy issues related to humanitarian action in country.

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<sup>10</sup> Saving Lives Together: A Framework for Security Collaboration (*Good Practice Review: Operational security management in violent environments*. 8 ed. London: Humanitarian Practice Network, Overseas Development Institute, 2010, p.282-283).

<sup>11</sup> United Nations Security Policy Manual, Chapter II, Section B: Framework of Accountability for the United Nations Security Management System.

Note: The humanitarian community as a whole should adhere to the Guidelines on the Use of Armed Escorts for Humanitarian Convoys and use them to determine whether armed escorts are appropriate and necessary to facilitate the delivery of critical humanitarian assistance and protection to affected people. Relevant NGO focal points, DOs and Field Security Officers should be familiar with this document to ensure consistency in its application.

Where and when the decision to use armed escorts has been made by multiple agencies (UN, non-UN or both), coordination on the terms of use of said escorts is encouraged. In such cases, it is recommended that the HCT, led by the RC/HC should:

- Establish a common humanitarian position on armed escorts and issue humanitarian operational guidance on the use of armed escorts for humanitarian convoys.
- Examine, and when possible come to agreement on, whether or not to enter into a financial arrangement for the provision of armed escorts.<sup>12</sup> Where necessary, costs should also be agreed upon that will cover the operational expenses of the escort (see **Annex C**).
- Establish a complaints mechanism within the HCT or SMT for agencies to share reports of abuse, misbehaviour or extortion by armed escorts.
- In the case where the host authority has insisted on the use of armed escorts by humanitarian agencies, but, multiple agencies have assessed that such escorts would be detrimental to their operations, it is recommended that humanitarian actors coordinate their efforts to negotiate access without such escorts, utilise acceptable alternative arrangements or agree to the terms of such escorts if unescorted access is continued to be denied.
- Develop position paper and/or country-specific guidelines on humanitarian civil-military interaction, to include operational guidance on the use of armed escorts for humanitarian convoys. These guidelines are to be developed through the HCT and owned by representatives of the UN and non-UN humanitarian community.
- Monitor the use and impact of armed escorts and the application of humanitarian operational guidance or country-specific guidelines. Review existing procedures and adjust as necessary.

Note: Through establishing a common humanitarian position, the HCT, through the RC/HC, is better positioned to provide the SMT with information on critical humanitarian needs/programme criticality and the resulting humanitarian position on the use of armed escorts for humanitarian convoys.

## **5. Sustainability**

With respect to the sustainability criterion, the humanitarian community needs to consider whether the use of armed escorts may make humanitarian action more difficult in the future. It is vital that any engagement of armed escorts takes a view beyond the immediate situation. Whereas specific and unique conditions may justify the use of armed escorts, this can erode the overall image of humanitarian action and may therefore lead to increased insecurity or erosion of organisational ability to more effectively manage security risks elsewhere in the future. In addition, resorting too quickly or too frequently to armed escorts can undermine efforts to increase respect for international humanitarian law and independent humanitarian action.<sup>13</sup>

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<sup>12</sup> *Good Practice Review: Operational security management in violent environments*. 8 ed. London: Humanitarian Practice Network, Overseas Development Institute, 2010, pg. 76.

<sup>13</sup> *Good Practice Review: Operational security management in violent environments*. 8 ed. London: Humanitarian Practice Network, Overseas Development Institute, 2010, pg. 75.

When considering whether it is appropriate, practical or ethical to pay for the provision of armed escorts, the sustainability of such action should be considered. Among other implications, payment may undermine the actual and perceived neutrality of humanitarian organisations. It may also undermine the ability of a humanitarian organisation to operate when financial resources to compensate armed escorts are constrained or not available.

## HOW TO USE ARMED ESCORTS

### VI Guiding Principles When Using Armed Escorts for Humanitarian Convoys

- A. **The Primacy of Humanitarian Criteria.** A decision to request or accept the use of armed escorts must be made by humanitarian organisations, not political or military authorities, and based solely on humanitarian criteria.
- B. **Humanitarian Identity.** Humanitarian convoys must retain their civilian nature and character. Other than the vehicles, weapons, and personnel providing the escorts, the convoys must remain exclusively humanitarian and armed personnel should remain in separate vehicles. In order to give visibility to the civilian character of humanitarian convoys, vehicles other than the ones used to transport armed escorts must be clearly labelled with “No Weapons” markings. Additional measures should be sought to achieve clearer separations, such as flags, colours of vehicles, and maintaining clear distance from armed escort (dependent on the nature of the threat).
- C. **The Primacy of the Humanitarian Organisations in Humanitarian Work.** In the first instance, humanitarian work should be performed by humanitarian organisations. Insofar as military organisations have an immediate role to play in supporting humanitarian work, it should be in helping to create a secure environment conducive to humanitarian action and/or in the provision of logistics support when requested by humanitarian organisations (in accordance with extant international guidelines on the use of military and civil defence assets).

### VII Practical Considerations When Selecting Armed Escorts

#### 1. *Provision of the Armed Escort*

The following is a list of factors to be considered when selecting an armed escort:

- **Who will provide the escort?** If armed escorts are deemed necessary, the structured Security Risk Assessment should recommend the most appropriate entity available to provide the escort.

The following is a list of the actors that may be considered as providers of armed escort for humanitarian convoys:

1. Host Government Military Forces and/or Police
2. UN Peacekeeping Military Forces and/or Police
3. Regional Organisation Military Forces and/or Police
4. Other Foreign Military Forces and Police



## 5. Non-State Armed Actors

### 6. Private Security Companies (PSC)<sup>14</sup>

- Is the provider of armed escorts a **party to conflict or regularly engaged in hostile activity with any opposing forces?**
- **What are their capabilities?** Can they provide intelligence on the security situation? Will they represent an effective deterrent to attack? Will they be credible in the event of such an attack? What are the command and control arrangements? Do they have a capacity for extraction? Can they keep a route open and secure for future convoys once force has been used to move one convoy through?
- How high a **priority** is the protection of humanitarian convoys for those providing the escorts? Are the escorts themselves a potential source of insecurity, a threat to civilian populations or a source of pressure on a local population's resources?
- **Is there a choice?** Are those who are providing the escorts insisting –for political, military, economic or criminal reasons – on their use? If so, what are the possible consequences of resisting?
- Would the use of escorts in one area have a harmful **impact on the capacity** of the organisation to fulfil its mission in other areas? If escorts are to be provided by a belligerent, would that affect the ability to operate in areas not controlled by that belligerent? Will it impact others and their ability to fulfil their mission?
- **What is their reputation?** How do the local community and the affected population perceive them? If perceived as predatory, illegitimate or corrupt, what impact will this have on the acceptance of humanitarian actors associated with them?
- Is there information or grounds for believing that the armed actor has **committed, or is at a real risk of committing**, violations or abuses of international humanitarian, human rights or refugee law? Note: Such assessments should be done along the same principles as those referred to in the Human Rights Due Diligence Policy on UN support to non-UN security forces (HRDDP).<sup>15</sup>
- What are the **rules of engagement (ROE)** for the forces providing armed escort services? Are they limited to self-defence and acceptable to the humanitarian organisation? If ROE do not exist, the humanitarian organisation(s) must be prepared to define these with the provider of the armed escort, and brief convoy staff on what actions to take upon attack. Who determines whether the escorts engage or not? What are the possible ramifications of

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<sup>14</sup> UN IASMN adopted in 2012 the United Nations security management system policy on the Use of Private Security Companies (PSC) which was subsequently endorsed by the United Nations High Level Committee on Management (HLCM) and the Chief Executive Board. The use of armed PSCs should only be the last resort and take place where threat conditions and program needs warrant escorts and there is not possible under the provision of armed escorts from the Host Government or other alternate member State, UN or other Military Forces. In addition, PSC use is subject to approval in accordance with the levels of delegated authority whether UN or non-UN organisations in line with the United Nations Security Management System's established policy on the use of armed private companies.

<sup>15</sup> The Human Rights Due Diligence Policy on UN support to non-UN security forces (HRDDP) was adopted by the Policy Committee and issued as a decision of the Secretary-General on 13 July 2011. The HRDDP sets out principles and measures to mainstream human rights in support provided by United Nations entities to non-UN security forces globally in order to ensure that such support is consistent with international humanitarian, human rights and refugee law. According to the policy, UN support to non-UN security forces cannot be provided where there are substantial grounds for believing there is a real risk of those security forces committing grave violations of international humanitarian, human rights or refugee law and where the relevant authorities fail to take the necessary corrective or mitigating measures.

the accidental or intentional use of force, resulting in an armed engagement or casualties, and how will your organisation deal with those ramifications? Who bears liability in case of injury or death of personnel?

## **2. *Negotiating an Armed Escort***

Where multiple organisations are operating in the same area and intend to make use of armed escorts, ideally a single team – representing all humanitarian organisations seeking armed escorts for their convoys – should negotiate escort arrangements. Prior to these negotiations, the team should establish a common approach to the procedural elements to be negotiated. Whether or not it is possible to set up a team, organisations considering the use of armed escorts should work through the following issues.

For example:

- Whether the humanitarian organisations will make a consolidated agreement on behalf of all interested organisations, or whether separate agreements with each organisation will be necessary.
- With which parties the escort agreement will be negotiated.
- Whether the agreement will be formal and in writing, or whether it will be an informal understanding. Given liability issues an informal agreement is not advisable.
- What the political ramifications of the agreement are; what issues of legal liability arise, and whether or not the privileges and immunities of the United Nations can be invoked, and who will be covered by them.
- Whether or not the existence and contents of the agreement will be made generally available beyond those party to the agreement.
- What terms and conditions will be accepted; whether or not and how the costs of the escort provider will be covered, and costs involved (see **Annex C**).

## **3. *Procedures when using Armed Escorts***

As often as possible, the humanitarian community should have common procedures regarding the fundamental elements of using armed escorts.

For example:

- Procedures with respect to the composition of convoys (e.g. whether UN and non-UN (e.g. NGO) vehicles, will be mixed; whether or not a consolidated manifest will be available, and to whom; whether passengers will be allowed and, if so, what categories of passengers).
- Procedures with respect to convoy command and control (e.g. who will have authority over the configuration of the convoy and over whether or not to abort a convoy, or to reroute it; whether or not escorted vehicles will have the authority to leave the convoy unilaterally).
- Procedures with respect to the carriage and use of weapons (e.g. humanitarian convoys must retain their civilian nature and character. Other than the vehicles, weapons and personnel providing the escorts, the convoys must remain exclusively humanitarian. Armed personnel should remain in separate vehicles).
- Procedures with respect to communication and liaison (e.g. how will the escorts communicate with those being escorted, en route and at headquarters).

- Procedures with respect to demands for preapproved movement, checkpoints, stops, searches, payment, etc.
- Procedures with respect to interacting with persons encountered en route.
- Procedures with respect to security incidents or traffic accidents.

## **VIII Establish a Plan for the Discontinuation of Armed Escorts**

When a decision to use armed escorts for humanitarian convoys is made, a specific time frame, geographical location and purpose of the escorts should be determined at the outset, to include an exit strategy. Any additional or continued use of the armed escorts beyond the original time frame and circumstances would require new or additional justification.

However, if a decision is taken to utilize armed escorts within a specific context for an extended time period (exceeding 30 days), it is critical to ensure that a monitoring method is put in place to review the effectiveness and on-going appropriateness of using such escorts to avoid creating a dependency. In such circumstances, the same decision-making process which is recommended for determining if and when to use armed escorts should be employed to determine if and when to stop using armed escorts.

Key Steps to Discontinuation Decision-making Process:

- Review Humanitarian Need and Program Criticality
- Assess the State or Controlling Authorities capabilities
- Review and Revise the Security Risk Assessment as required
- Assess what impact the use of armed escorts is having on the sustainability of the humanitarian action
- Determine whether or not armed escorts are required and continue to be a last resort given the current context. If not, develop an action plan to cease using armed escorts.

Note: Challenges and best practices identified where armed escorts are used should be documented to provide a foundation for reflection, continual learning and adaption of practice within the humanitarian community.

## COMPLEMENTARY REFERENCES

The following are additional guidance papers, policy instructions or manuals that the reader may find useful in the context of these Guidelines. The list is not exhaustive and is provided for ease of reference.

*Good Practice Review: Operational security management in violent environments*. 8 ed. London: Humanitarian Practice Network, Overseas Development Institute, 2010. Print.

McHugh, Gerard, and Manuel Bessler. *Humanitarian Negotiations with Armed Groups: A Manual for Practitioners*. New York: United Nations, 2006.

*Saving Lives Together: A Framework for Improving Security Arrangements among IGOs, NGOs and the UN in the Field*, 2004.

The Sphere Project. *Humanitarian Charter and Minimum Standards in Humanitarian Response*. 3rd ed. Geneva: The Sphere Project, 2011.

UN Office of the Coordination of Humanitarian Affairs (OCHA), “Descriptive Glossary of Key Terms Relations to Negotiations during Hostilities, updated on 19 March 2012.

UN Office for the Coordination of Humanitarian Affairs (OCHA), *Guidelines on the Use of Foreign Military and Civil Defence Assets in Disaster Relief (“Oslo Guidelines”)*, November 2007, available at: <http://www.unocha.org/what-we-do/coordination-tools/UN-CMCoord/publications>

UN Office for the Coordination of Humanitarian Affairs (OCHA), *The Use of Military and Civil Defence Assets to Support United Nations Humanitarian Activities in Complex Emergencies*, March 2003, available at: <http://www.unocha.org/what-we-do/coordination-tools/UN-CMCoord/publications>

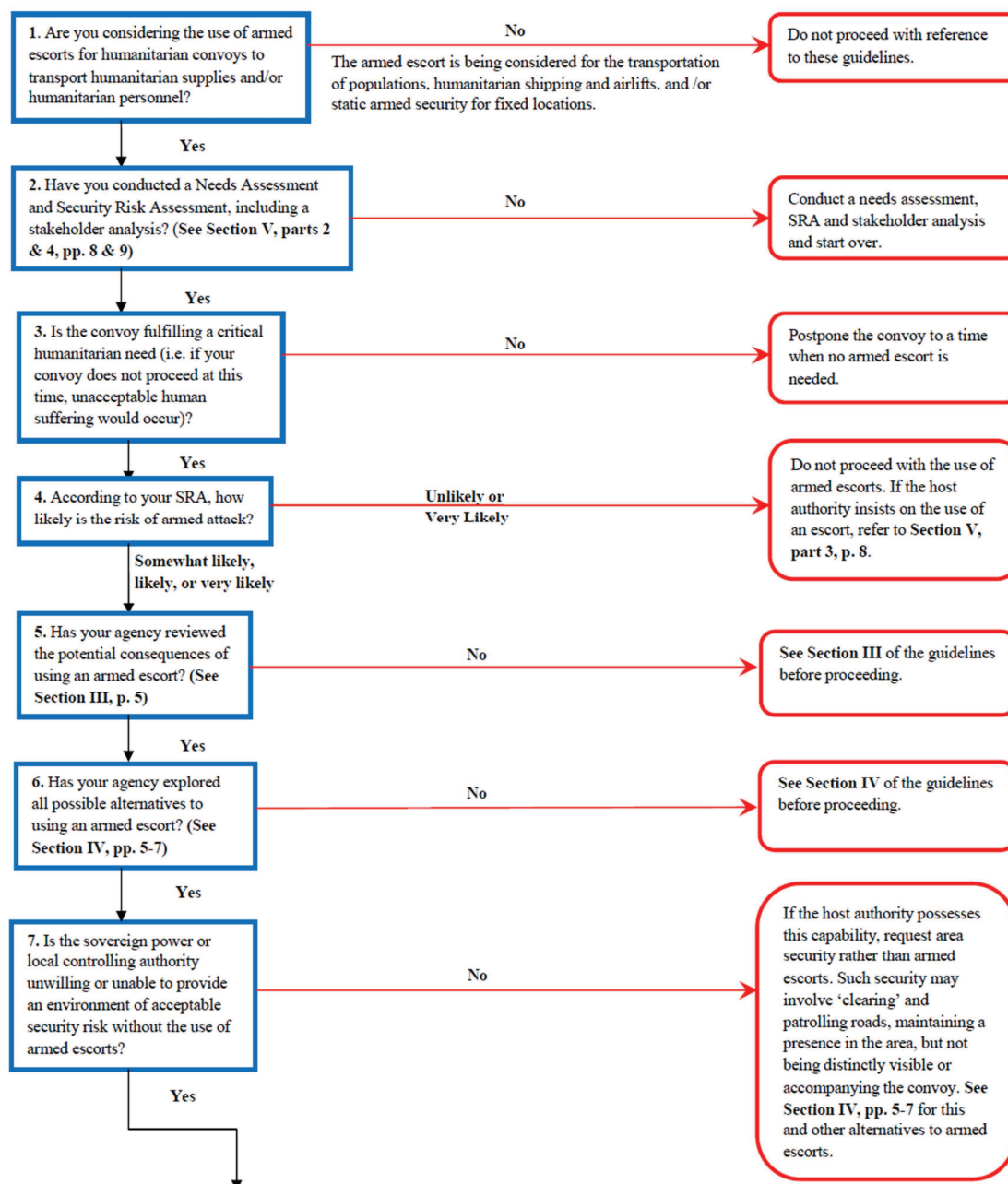
UN Office of the Coordination of Humanitarian Affairs (OCHA), *Foreign Military and Civil Defence Assets in Support of Humanitarian Operations: What is Last Resort?* April 2012, available at: <http://www.unocha.org/what-we-do/coordination-tools/UN-CMCoord/publications>

Inter-Agency Standing Committee, *Civil-Military Relationship in Complex Emergencies- An IASC Reference Paper*, 28 June 2004, available at: <http://www.unocha.org/what-we-do/coordination-tools/UN-CMCoord/publications>

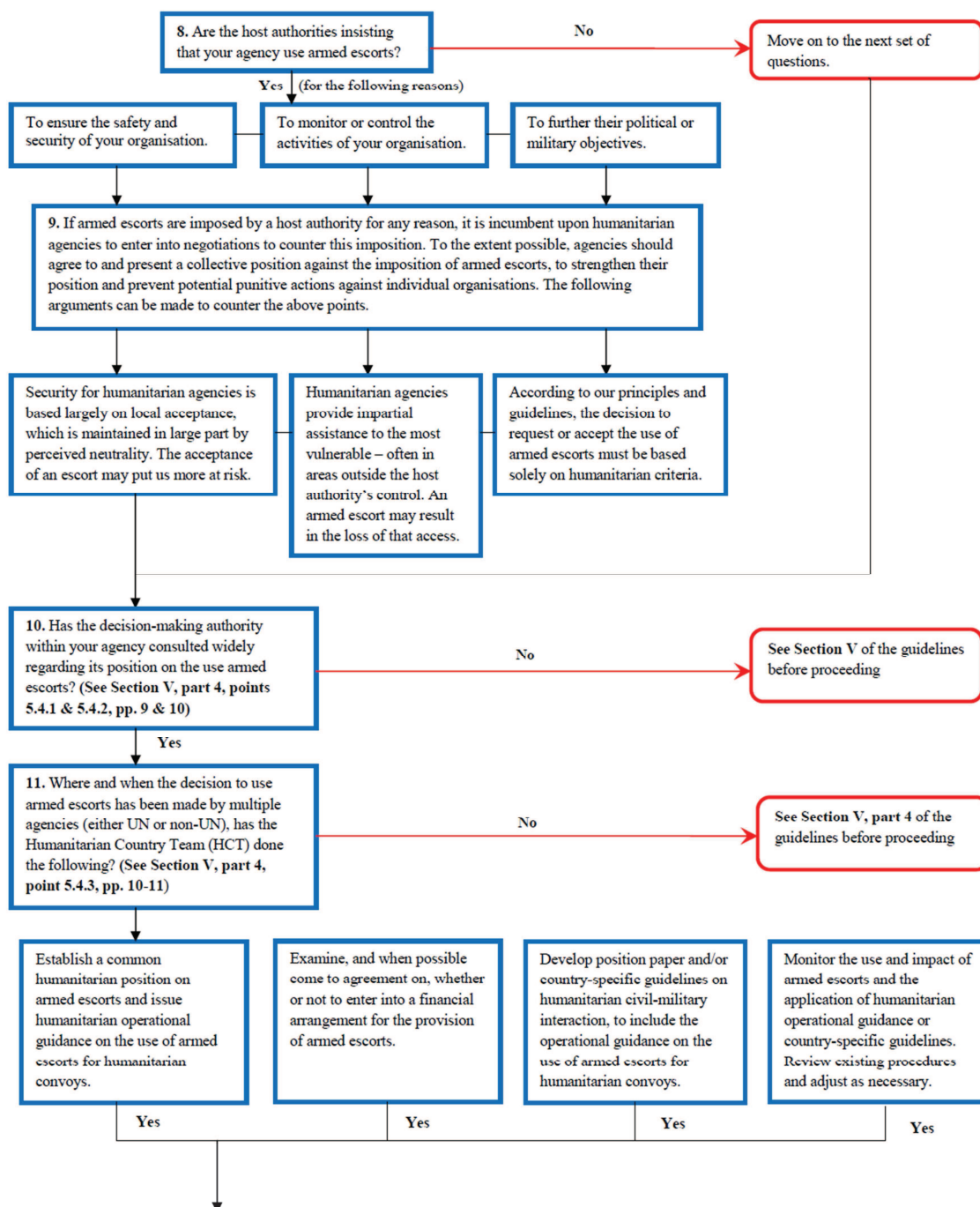
UN Office for the Coordination of Humanitarian Affairs (OCHA), *To Stay and Deliver: Good practice for humanitarian in complex security environments*, February 2011, available at: <http://www.unhcr.org/refworld/docid/4d9039e32.html>

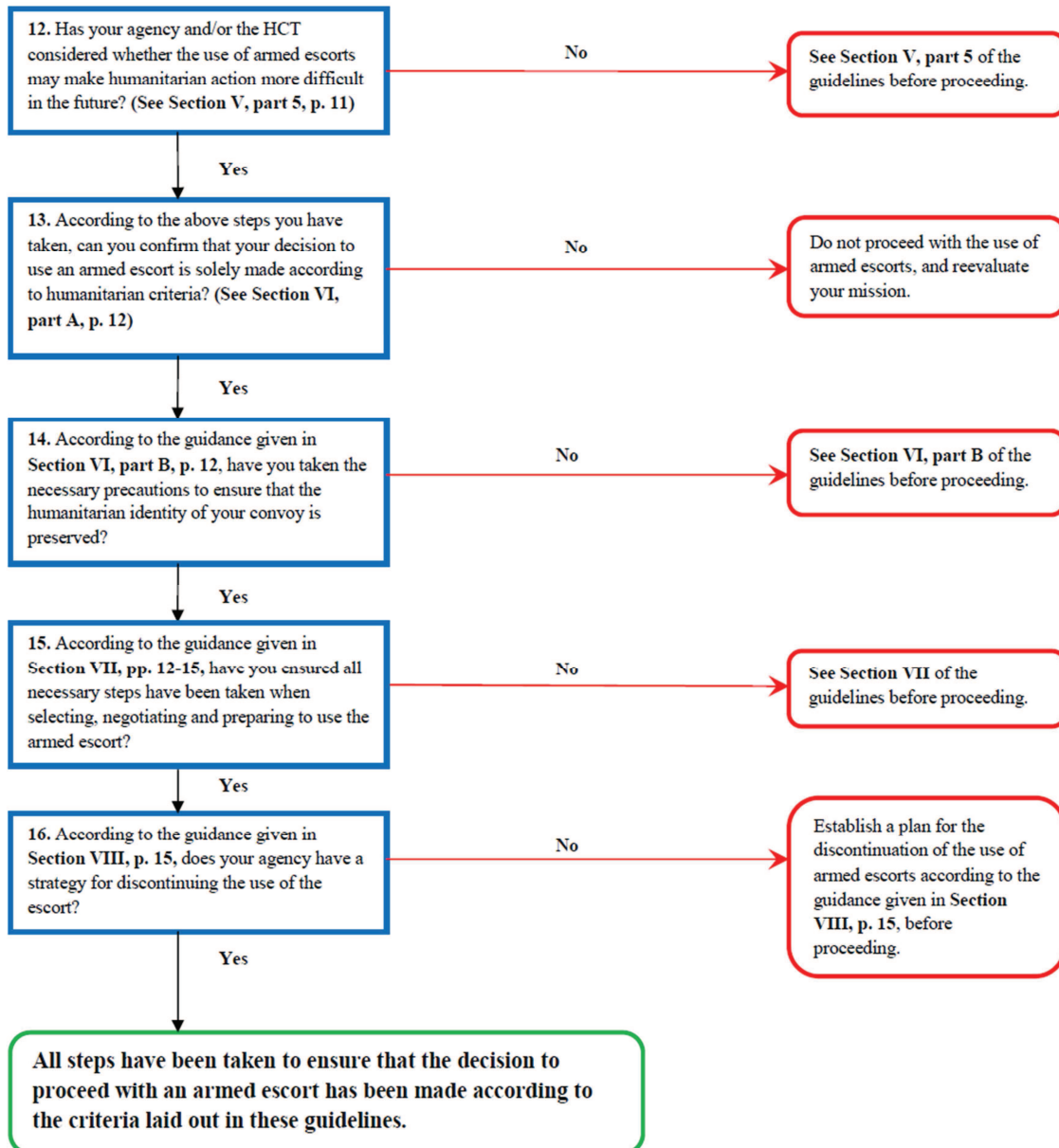
*The Human Rights Due Diligence Policy on UN support to non-UN security forces (HRDDP)*, 13 July 2011, Decision of the Secretary-General nr. 2011/18.

## FLOW CHART ON THE USE OF ARMED ESCORTS FOR HUMANITARIAN CONVOYS









## **GUIDANCE NOTE: COST AND COMPENSATION CONSIDERATIONS FOR THE PROVISION OF ARMED ESCORTS**

Armed escorts for humanitarian convoys should, in principle, be provided free of charge as it is the obligation of the State / Responsible authority to facilitate humanitarian operations for civilians under their control. However, the situational reality may require a negotiated solution when the necessary resources are not readily available for an effective armed escort.

Entering into financial arrangements with an armed escort provider can have positive and negative effects. As part of the decision-making process about whether or not to use armed escorts, it is important to carefully consider the potential implications of financial arrangements and ensure that measures are taken to mitigate any possible negative consequence.

If financial support is deemed essential, it should be limited to covering the costs associated with the service – such as fuel or food for the armed escorts. Where the force has limited resources, the provision of funds to cover the costs through an accountable channel or the provision of direct material support for armed escorts can improve the quality of the service, ultimately improving the security of the humanitarian personnel in the convoy.<sup>16</sup>

As with all aspects of the use of armed escorts by humanitarian organisations, a shared analysis should as far as possible support a common position and approach among humanitarian organisations regarding financial arrangements. When negotiating an arrangement to cover the costs of armed escorts, agreed standards among humanitarian actors will help to avoid a scenario whereby an armed actor is able to exploit differences in what organisations are willing to pay, mitigate economic incentives for continued insecurity, or the perception of insecurity, and perhaps increase incentives for improved ambient security.

It is important to note that an agency or agencies that pay for ‘privatised protection’ may inadvertently put others, who are unable or unwilling to pay, at greater risk – including beneficiaries, host communities and other humanitarian organisations.<sup>17</sup>

If the force providing armed escort services is a party to the conflict where the humanitarian organisation is operating, the organisation may essentially be providing financial resources in support of one side in the conflict. This has significant ramifications for the organisation’s actual and perceived neutrality and, therefore, their credibility and ability to maintain access to the affected people.

It is recognised that if armed escorts are provided by a private sector entity, such as a Private Security Company, the financial arrangements would involve for-profit remuneration for their services and therefore require additional considerations.

In order to mitigate the negative implications, any use of armed escorts should be limited as much as possible to specific timeframes, geographic areas and types of humanitarian activity to be carried out. These parameters should be explicitly defined within the contractual agreement with the escort provider, if dealing with a private security entity, or some form of Memorandum of Understanding (MoU) if dealing with a State or non-State armed actors. For this purpose, short-term, renewable contracts or agreements may be preferable.<sup>18</sup>

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<sup>16</sup> *Good Practice Review: Operational security management in violent environments*. 8 ed. London: Humanitarian Practice Network, Overseas Development Institute, 2010, pg. 76.

<sup>17</sup> *Good Practice Review: Operational security management in violent environments*. 8 ed. London: Humanitarian Practice Network, Overseas Development Institute, 2010, pg. 76.

<sup>18</sup> *Good Practice Review: Operational security management in violent environments*. 8 ed. London: Humanitarian Practice Network, Overseas Development Institute, 2010, pg. 80.

It is also important to consider that your agency may need to prematurely terminate the contract or agreement (on the grounds of poor execution or a change in the security environment). To avoid tension in this situation, the agency should ensure that such stipulations are explicit from the outset. If it is necessary to prematurely end a contract or agreement, it is best to base the termination explicitly on the pre-agreed stipulations, and mutually agree on the conditions and termination with the provider. If it is likely that the termination may lead to tensions, it may be necessary to involve a qualified external mediator or legal representative to settle the dispute.<sup>19</sup> Contractual stipulations should also include explicit rules of engagement, as well as legal liability and compensation in case of injury or death to a guard, assailant, bystander or aid worker of the contracting party.<sup>20</sup>

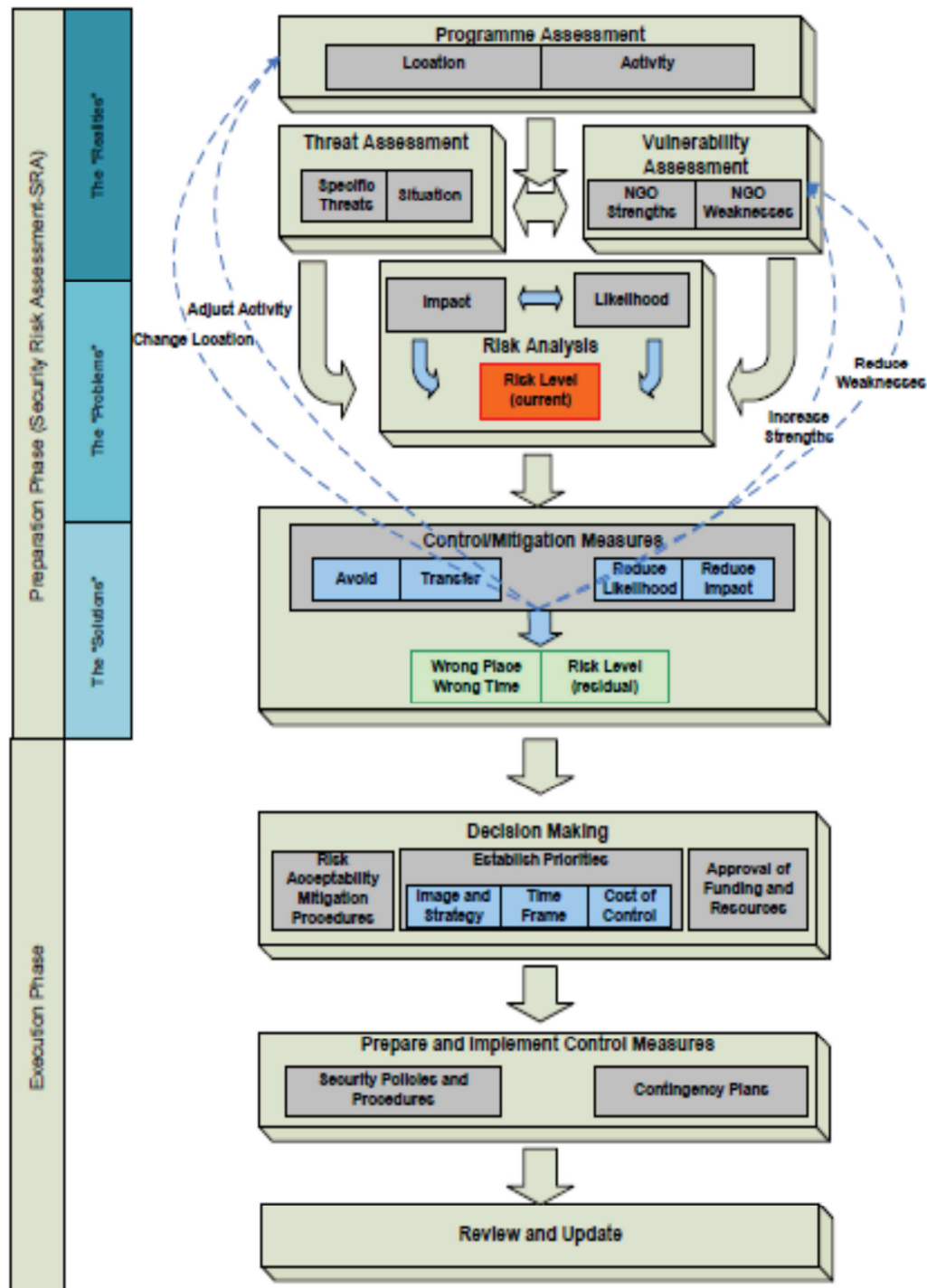
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<sup>19</sup> *Engaging Private Security Providers: A guidelines for Nongovernmental Organisations*. European Interagency Security Forum Briefing Paper. 2011. pg. 14

<sup>20</sup> *Good Practice Review: Operational security management in violent environments*. 8 ed. London: Humanitarian Practice Network, Overseas Development Institute, 2010, pg. 80.

## SECURITY RISK MANAGEMENT MODEL

The Security Risk Management (SRM) Model:



Graph 1 – The Security Risk Management model