Responding to Humanitarian Challenges in a Long-Term Perspective in the Central Sahel

Summary Document

Track 3: Humanitarian principles, humanitarian space and civil-military coordination

The parties to the conflict must allow and facilitate rapid and unimpeded passage of humanitarian relief for civilians in need, which is impartial in character and conducted without any adverse distinction, subject to their right of control.

IVth Geneva Convention (1949), art. 23
Rule 55, International Humanitarian Law ICRC

The below summary is the product of the consultation of humanitarian actors in Dakar and does not necessarily reflects the position of the co-organizers of the Central Sahel conference

Regional context and brief analysis:

Counterterrorism measures have made it more difficult to carry out humanitarian activities in areas where non-state armed groups (NSAGs) labeled as terrorists are active. However, these are often the areas where impartial and independent humanitarian action is most needed.

The context of insecurity in the Sahel continues to be marked by violent inter- and intra-community tensions, the proliferation of cross-border armed groups, and an upsurge in abuses against the civilian population, including by the National Defense and Security Forces. Workers themselves remain the target of kidnappings and abuses that make their activity an increasingly risky one in the region. There is a great risk of seeing a regionalization of the conflict beyond the Central Sahel, with already some warning signs of the conflict spreading to the coastal countries in the West or the South. The deterioration of the humanitarian situation in northwestern Nigeria and the influx of Nigerian refugees in Maradi could change the nature and magnitude of the conflict for the worst, with northwestern Nigeria becoming a "bridge" between the Lake Chad Basin crisis and the Central Sahel crisis.

All of these conflict factors have an impact on humanitarian access, i.e. the ability of humanitarian actors in the region to directly access affected populations or the ability of affected populations to access basic social services to meet their needs. The access challenges is reinforced by a counter-terrorism narrative by States and international partners focused legislation penalizing any contact with NSAGs, including the conditions and practices established by certain donors. This further contributes to exposing civilian populations, including affected populations, as well as hindering actors engaged in negotiating humanitarian access.
Humanitarian access is also put at risk by actions that run counter to humanitarian principles and blur the distinction between humanitarians and armed actors. Humanitarian access is based on the acceptance of communities and the perception of humanitarians as neutral and impartial actors: who do not take sides and respond only on the basis of need and vulnerability. Violation of these principles, such as confusing humanitarian and military mandates, can lead communities and parties to conflict to associate humanitarians with one of the parties to the conflict. Humanitarians then become targets for armed actors and risk losing the trust of certain communities, further reducing access to certain vulnerable populations.

The relatively weak operational dialogue within the civil-military humanitarian coordination mechanisms (humanitarian CMCoord) in the countries of the zone has prevented the establishment of the necessary relations between civil and military authorities and humanitarian actors, an essential condition for guaranteeing humanitarian principles. This weakness is due in part to a fairly limited level of engagement of national civilian and armed actors in the process and the absence of a civil-military humanitarian coordination dialogue at the regional level, while the operations themselves have taken on an increasingly cross-border dimension (G5 Sahel, Operation Barkhane).

To maintain the distinction between humanitarian and military actors, it is crucial for humanitarians not to be associated with the military. This requires, in particular, not using the infrastructure, equipment or escorts of security or military actors. The use of armed escorts can only be used as a "last resort". Situations of last resort are defined according to precise criteria defined by humanitarian actors and in agreement within the humanitarian country team. Escorts of independent suppliers or contractors transporting humanitarian aid or materials also pose a risk to humanitarian actors and should be subject to similar rules and alternatives should be found.

The confusion of mandates between humanitarians and the military is also maintained by the Quick Impact Projects (QIPs) implemented by national and international armed forces to increase their acceptance among local communities. These projects often seek to "win the hearts and minds" of populations, particularly by meeting the essential needs of populations in the short term in terms of food, water or health. This trend was reinforced in the region with the COVID-19 response and was reaffirmed in the G5 Sahel Development and Security Strategy and its Integrated Priority Action Framework (IPAF). IPAF identifies rapid actions to be carried out in priority fragile areas in the fields of security and development as well as governance, reconciliation and humanitarian issues.

Interventions aimed at meeting humanitarian needs but implemented by the military may meet some needs in the short term but also involve significant risks for communities and humanitarians. By allowing the delivery of assistance by the same ones conducting military campaigns, they put the populations receiving aid at risk of reprisals by armed groups, they blur the distinction between humanitarian and military mandates, deteriorate the perception of neutrality of humanitarian aid and are not subject to humanitarian standards and principles, which can pose problems of quality, sustainability but also impartiality of responses. Alternative approaches could be favored that would allow military actors to respond to community needs while maintaining the distinction with humanitarian actors. The rehabilitation of roads, airports or other important transportation infrastructure are examples of alternative solutions.
The Humanitarian, Development and Peace Nexus, or Triple Nexus, also represents a potential risk to maintaining a response that respects humanitarian principles. While there is apparent agreement on the need to better link the different aspects of responses to conflict, there is no joint fixed definition of the form the Triple Nexus should take. More effective coordination of the different components and actors of conflict responses is essential to ensure more tailored and complementary responses, avoid duplication, and address the structural and systemic causes of vulnerabilities and conflicts. However, this coordination must not lead to a questioning of humanitarian principles and must allow a better response to the vulnerabilities of populations rather than be guided by political or security agendas.

The main concern of humanitarian NGOs regarding the triple nexus remains the risk of instrumentalizing humanitarian interventions for political purposes or to serve military/security agendas, to the detriment of responses to needs in accordance with humanitarian principles. The peace pillar in particular remains divisive and open to interpretation, particularly because some peace-building tools and interventions are not compatible with humanitarian principles. Military action against armed groups, for example, is a legitimate prerogative of states but must be kept separate from humanitarian responses. In Mali, for example, growing pressure from governments and the military to link humanitarian aid to political and/or security objectives poses the risk of a loss of neutrality and independence for humanitarian actors and worries the humanitarian community.

The budgetary choices that have been and will be made by donors around the Triple Nexus present an opportunity to better respond to vulnerabilities but also a risk if these choices remain guided by security or political agendas rather than needs. Mixed projects linking emergency and medium- to long-term interventions are essential if we hope to respond adequately to a crisis that has already lasted for several years and continues to deteriorate. Similarly, the more systematic inclusion of social cohesion responses and conflict-sensitive approaches would make it possible to respond more adequately to needs while ensuring that no harm is done, all in accordance with humanitarian principles.

For projects linking humanitarian, development and peace, however, it is crucial that funding decisions and project success indicators focus on vulnerability and respond to needs. Some of the main mixed funding tools remain donor-funded and are guided by donors' political and security priorities rather than needs and vulnerability. In a context of largely insufficient humanitarian funding, this leads to significant disparities between areas that do and do not receive funding which can lead to projects and indicators of success that are ill-suited to needs. This is particularly the case for responses whose primary indicator of success is to limit population movements in a conflict context where these movements are the primary survival strategies of the population.¹

The OECD DAC recommendations on the Triple Nexus² propose important initial guidelines that could be adapted and developed for the specific context of the Sahel. The DAC reaffirms the importance of complying with humanitarian principles and that humanitarian action remains impartial, neutral and independent of political, military and economic objectives. The O ECD DAC Triple Nexus definition also reinforces prioritizing needs-based approaches and ensuring that humanitarian access to populations in need is safe, unimpeded and uncompromised.
1 Oxfam, *The EU Trust Fund for Africa. Trapped between aid policy and migration politics, January 30, 2020* - Link

2 DAC Recommendation on the OECD Legal Instruments Humanitarian-Development-Peace Nexus: OECD Legal Instruments, OECD 2020 - Link
Messages and recommendations

Activities of an exclusively humanitarian and impartial nature should be excluded from the scope of national counter-terrorism legislation and measures so as not to undermine or impede humanitarian action aimed at providing an essential response to the needs of victims of armed conflict or other situations of violence. This exclusion, also called "humanitarian exemption", is in accordance with the letter and spirit of International Humanitarian Law and is compatible with the international obligations of Sahelian states.

This exemption is necessary in order not to put the personnel of neutral, independent and impartial humanitarian organizations at risk of being exposed to legal proceedings and thus not to jeopardize activities of an exclusively humanitarian and impartial nature for the benefit of populations affected by armed conflicts. It is essential to reaffirm the notion of neutral, independent and impartial humanitarian action.

Access and humanitarian principles

To Civil (local, regional, international) and military authorities

- Make a formal commitment to respect and uphold international humanitarian law and humanitarian principles aimed at protecting and sanctifying humanitarian assistance to those in need. Any humanitarian intervention must be based on its principles of humanity, neutrality, impartiality and independence.
- Enable humanitarian actors to exercise, as much as possible, their right to negotiate humanitarian access with all parties to the conflict, including non-state armed groups.
- In accordance with IHL and the international obligations of Sahelian states, authorize humanitarian exemptions in the application of counter-terrorism measures and legislation that impede a humanitarian, neutral and impartial response to the needs of victims of armed conflict or other situations of violence.
- Facilitate access of affected populations to essential services by making concrete commitments to:
  - Alleviate administrative constraints on the movement of affected populations and humanitarian operators to facilitate access to essential services, in particular by speeding up and facilitating the registration and issuance of identity documents.
  - Taking clear and effective measures to minimize as much as possible the negative impacts of military operations on populations and their access to livelihoods and essential services.
  - Facilitating safe access to essential services for all affected communities without discrimination, in particular through efforts to de-escalate inter-community tensions between displaced and host communities and by ensuring effective protection and justice for all civilian populations without discrimination.
  - Prioritize the rehabilitation or development of road and transport infrastructure in certain regions particularly affected by humanitarian needs in order to open up and facilitate access to and by the population.

To Donors
In consultation with humanitarian actors, strengthen ongoing joint advocacy and take strong and clear joint positions to prevent the implementation of national or local measures restricting humanitarian access and space.

Fund training and refresher courses on IHL and humanitarian principles for military and civilian actors in the capital and in the field, as well as awareness-raising campaigns on humanitarian principles for national and regional civilian and military authorities and humanitarian actors.

Increase and strengthen financial and logistical support for UN Humanitarian Air Service flights to facilitate access for humanitarian workers and the delivery of humanitarian supplies to difficult areas.

To humanitarian and development actors

Ensuring more systematic and widespread integration of conflict sensitivity in all programming in conflict-affected areas. This starts with developing good analyses of the areas of interventions and ensuring systematically that interventions have responsible exit strategies and will do no harm in the immediate nor longer term.

Civil-Military Humanitarian Coordination

Strengthening civil-military humanitarian coordination in the countries of the region would require the creation of a regional CMCoord platform to enable certain civil and military actors (such as ECOWAS, the G5 Sahel or the Barkhane force) to better engage in operational dialogue with humanitarian actors at the regional and cross-border levels.

To the civil and military authorities of the Sahelian countries and partner countries

Ensure a significant participation of civil and military authorities and defense and security forces (DSF) around humanitarian workers within the bodies of civil-military coordination (CMCoord Humanitarian) set up by OCHA and the Humanitarian Coordinator.

Explicitly commit to not forcing humanitarians to use armed escorts and to respect the principle of “last resort” as defined within the Humanitarian CMCoord bodies in accordance with humanitarian principles and in particular neutrality and independence. The use of military escorts and infrastructure must be limited by a very strict framework established by guidelines or standard operating procedures (SOPs) jointly established within CMCoord's national platform.

Ensure that the distinction between humanitarian and military mandates is respected by ensuring that interventions implemented by security/military actors [such as Quick Impact Projects (QIPs)] are directed more towards public infrastructure projects, such as building bridges, rehabilitating roads... etc. The provision of essential services such as health, education or access to water or food should remain the responsibility of the State with the support of humanitarian actors whenever needs arise or in areas not under the State’s control. Standard operating procedures (SOPs) or joint agreements (MoU) could be put in place with the different actors involved (see Oslo guidelines).
Participate in or monitor the work of the regional civil-military coordination platform set up to facilitate coordination between regional actors

To Donors

- Support financially and politically the effectiveness and sustainability of civil-military coordination mechanisms.
- In consultation with humanitarian actors, find solutions to ensure that financial rules against funding or support to so-called "terrorist" groups do not prevent humanitarian access negotiations with armed groups in the region or support to local populations and actors in areas outside of state control. Exemptions or relief from anti-terrorist financial rules could be granted to humanitarians to facilitate the timely delivery of essential humanitarian assistance to hard-to-reach areas, including those outside of state control.
- Contribute to and support the establishment of a regional platform for civil-military humanitarian coordination and promote the participation at the right level of the regional forces of the G5 Sahel, Barkhane and the international coalition.

To the humanitarian community

- Ensure that civil-military humanitarian coordination is accompanied by CMCoord and humanitarian principles training for Defense and Security Forces and humanitarian organizations to create a common understanding of the clear distinction of mandates and roles between DSF and humanitarian actors in accordance with international humanitarian law and humanitarian principles. National guidelines or CMCoord SOPs should be developed within each national platform to lay the foundation for agreement on the principles.
- Ensure within national clusters a widespread knowledge of and commitment to humanitarian principles, as well as the conformity of responses to the principles and the harmonization of good cluster practices (particularly in terms of targeting, accountability, access and transport of materials, food, cash or other) that allow for the effective compliance with the principles in humanitarian interventions. Ensure that effective inter-cluster accountability mechanisms are put in place that allow for feedback and response to the complaints of affected populations.
- Undertake at the level of the coordination bodies to comply with the principle of impartiality, in particular by clearly identifying the needs and sectoral and geographical gaps in the response, including areas beyond the control of States.
- Establish notification systems within humanitarian CMCoord platforms to prevent and rapidly resolve possible incidents or tensions between humanitarian actors and security forces, and find compromises and rapid exit routes in accordance with humanitarian principles.
Triple Nexus

The Triple Nexus may jeopardize humanitarian principles if there is no clear distinction between humanitarian and security stakeholders’ mandates and if aid is instrumentalised for political ends. The use of a coordinated triple nexus approach requires a risk analysis to ensure that such an approach does not affect the perception of humanitarian actors and their ability to stay and does not harm affected populations.

To the civil and military authorities of the Sahelian countries and partner countries:

❖ Military actors in the region should anticipate and mitigate the medium to long-term consequences of the conduct of hostilities on future recovery and reconstruction needs, on the social fabric of the country, and on future trust between the civilian population, in all its diversity, and the State, including by respecting and ensuring respect for IHL.

To Donors

❖ Ensure a clear distinction throughout the sub region between humanitarian aid or for double or triple NEXUS projects and funding to support political, security and military agendas. It is crucial to ensure those NEXUS funding streams are principled and need-based allowing indiscriminate access to all populations in need.
❖ Donor governments should leverage their political influence to support humanitarian access and outcomes, in accordance with the DAC Recommendation on the humanitarian-development-peace nexus.
❖ Humanitarian actors and programs should not be required to measure the outcomes or impact of their action against political indicators (e.g. national security, migration control, national peace priorities, adherence to peace processes) but should be based on vulnerability and needs.
❖ Leave no one behind including vulnerable populations in remote, unstable areas or even areas outside government control. More efforts should be deployed to decentralize and localize responses especially in hard to reach areas while preventing risk transfer. To do so it is crucial to develop dual way dialogue with communities to better understand needs, propose more adequate and accountable responses and when possible develop local principled and conflict sensitive community-led responses.
❖ It is important to create complementarities through humanitarian response, crisis prevention and building resilience approaches in order to respond in a more effective and adequate way to vulnerability and allow access for populations to essential services. The peace pillar of the nexus should be incorporated as peace building, and de-linked from military efforts in the region. In particular, it could be based on community-based conflict mitigation and social cohesion strategies.
❖ In terms of reporting requirements, humanitarian actors should be allowed to outline the impact of their response to needs, without exposing the identity, ethnic, political or religious make-up of their beneficiaries.
❖ In terms of communications and visibility requirements, humanitarian actors should be allowed not to use donors logos or government flags on their equipment. Communication and visibility policies of donors or government could affect the perception of by local
communities and arms bearers of the neutrality and independence of humanitarian actors.

**For the humanitarian community**

- In consultation with communities and local actors integrate more systematically principled social cohesion responses within humanitarian and longer-term responses in conflict affected areas.