

Country-specific civil–military coordination guidelines

Victoria Metcalfe and Michelle Berg

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About the authors

Victoria Metcalfe was a Research Fellow in HPG at the time this paper was written.
Michelle Berg is an independent consultant.

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Humanitarian Policy Group
Overseas Development Institute
111 Westminster Bridge Road
London SE1 7JD
United Kingdom

Tel: +44(0) 20 7922 0300
Fax: +44(0) 20 7922 0399
Website: www.odi.org.uk/hpg
Email: hpgadmin@odi.org.uk

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Country-specific civil–military coordination guidelines

The Interagency Standing Committee (IASC) and the UN Office for the Coordination of Humanitarian Affairs (OCHA) define humanitarian civil–military coordination (UN-CMCoord) as:

the essential dialogue and interaction between civilian and military actors in humanitarian emergencies that is necessary to protect and promote humanitarian principles, avoid competition, minimize inconsistency, and when appropriate pursue common goals (OCHA, 2003).

Effective civil–military coordination is therefore essential in achieving the over-arching humanitarian goal of saving lives and alleviating suffering. However, in practice it is often difficult to strike the correct balance between a necessary and appropriate level of interaction with the military, including the use of military assets to support humanitarian operations, and maintaining the distinction between the civil and the military spheres. The complexity of crisis contexts, the evolving multi-dimensional nature of peacekeeping and other international interventions, heightened security concerns in many contexts and the proliferation of humanitarian actors are compounding this challenge (Metcalf, Haysom and Gordon, 2012).

A range of international humanitarian policies have been developed over the years in order to guide humanitarian and military actors on the parameters of their relationship at strategic and operational levels. However, much of this guidance is, by design, generic; it does not address in detail how to manage some of the specificities of operational engagement, nor does it provide guidance for the full range of highly complex environments in which military and humanitarians operate. A proliferation of guidance from the IASC, OCHA and NGOs has also made it difficult for operational humanitarian actors in the field to understand which guidance is most relevant. Recognising the limitations of existing global guidance, the humanitarian community has developed humanitarian civil–military coordination guidelines in a number of specific country contexts. These country-specific guidelines are intended to contextualise the general principles of humanitarian civil–military coordination, explaining how these apply in a particular setting and with respect to the particular national or international military or peacekeeping forces present.

However, even where these guidelines have been developed, engagement between humanitarians and the military has, in some cases, been inconsistent or ineffective, affecting the humanitarian response and the goals it is seeking to achieve. Building consensus on such a sensitive issue (coordination with the military, especially where they may be perceived as parties to the conflict) amongst the diverse humanitarian

agencies on the ground has often been difficult; where guidelines have been agreed, compliance has not always been consistent; and even actors involved in the development process have subsequently failed to use or refer to them in decision-making processes, in policy debates or in training.

This HPG Working Paper reviews existing country-specific humanitarian civil–military coordination guidelines, considers how they have been used to contextualise global policy and explores how they have been used in practice to support a more effective humanitarian response. It is based on a desk review of existing country- or situation-specific guidelines, a review of literature pertinent to this issue and semi-structured interviews with key informants from the humanitarian community. The draft was peer reviewed by a range of stakeholders.

Objectives and content: contextualising global guidance

Country-specific civil–military guidelines have been developed by the humanitarian community for some of the most complex operating environments, namely Iraq (2004 and 2008), Afghanistan (May 2008), including the International Security Assistance Force (ISAF) Standard Operating Procedures (SOP) for Afghanistan (2011), Sudan (2008), Chad (2009), the Democratic Republic of Congo (2006), Pakistan (2010) and Haiti (2011).¹ These guidelines deal with both the regulation of the use of Military and Civil Defence Assets (MCDA) in support of the humanitarian response and the broader interaction between the humanitarian community and the military. They generally serve two purposes: first, building consensus within the humanitarian community on these issues; and second, in some cases, these guidelines are intended to provide a framework agreed between the military and the humanitarian community for their interaction.

The guidelines reviewed here are largely consistent in their objectives and content with the basic principles of humanitarian civil–military coordination as outlined in global guidance, including the Oslo Guidelines: Guidelines on The Use of Foreign Military and Civil Defence Assets In Disaster Relief (2007 – Oslo Guidelines), the Guidelines on the Use of Military and Civil Defence Assets to Support United Nations Humanitarian Activities in Complex Emergencies (2003 – MCDA Guidelines) and the IASC Reference Paper on Civil–Military Relations in Complex Emergencies (2004 – IASC Reference Paper).

All the guidelines highlight the importance of the civil–military distinction and outline how this distinction should

¹ Guidance for Civil–Military Coordination in Liberia was developed in 2006 by the UN Mission in Liberia (UNMIL) to guide interaction between the military and civilian components of the mission, NGOs, UN agencies, the local population and the government of Liberia. It deals exclusively with interaction on recovery and development activities.

Box 1: Operation Guidance

Situation-specific guidance notes have also been developed in situations where there were no pre-existing country-specific guidelines or where there was limited humanitarian capacity on the ground to develop them. To date, Operation Guidance notes have been developed in for the Haiti and North Africa crises and in the Horn of Africa. This guidance is issued by OCHA's Civil–Military Coordination Section in Geneva and is intended to inform states of the humanitarian community's position regarding the use of military assets in support of humanitarian operations in an evolving situation. For example, guidance for North Africa focused on the evacuation of third-country nationals and the use of MCDA in the broader humanitarian response.

be maintained with respect to humanitarian action. A number of measures and actions are suggested, including restricting co-location of humanitarians with the military, highlighting the importance of the military wearing uniforms at all times, ensuring that vehicles are clearly identified and promoting distinction in communication strategies and public conduct. The Afghanistan guidelines also specify the importance of defining roles and responsibilities:

the overall humanitarian assistance effort ... is best served through a division of responsibilities: government and humanitarian actors have the primary role of providing humanitarian assistance, and the military is primarily responsible for providing security and, if necessary, basic infrastructure and urgent reconstruction assistance limited to gap filling measures until civilian organisations are able to take over.

However, the guidelines primarily seek to maintain the civil–military distinction by limiting the military's engagement in the humanitarian response. The guidelines all discourage the *direct* engagement of the military (where they have direct contact with beneficiaries through distributing assistance or engaging in assessments), and specify that the military's *indirect* engagement (where they are providing logistical support or supporting the rehabilitation of essential infrastructure) should be limited to situations of last resort or 'exceptional' or 'unavoidable' circumstances. The guidelines all explain in detail that MCDA must only be used in situations of last resort, in line with existing global guidance, generally adopting the language of the MCDA guidelines and/or the Oslo guidelines.

The use of military or armed escorts is also restricted in line with existing global guidance, namely the Use of Military or Armed Escorts for Humanitarian Convoys: Discussion Paper and Non-Binding Guidelines (2001).² The Iraq guidelines of

² The Non-Binding Guidelines are currently being updated to reflect the evolution of security risk management procedures within the UN and non-UN organisations, the increased number of military, security and humanitarian actors now commonly present on the ground and the ever-more complex environments in which humanitarian actors are operating.

Box 2: 'Last Resort'

The existing country-specific guidelines all refer to the concept or language of 'last resort' in respect of the use of MCDA. Whilst the guidelines vary slightly in their use of language, they each imply or state that such situations are temporary and characterised by the following:

- 'a specific capability or asset requirement that cannot be met with available civilian assets has been identified; and
- foreign military and civil defence assets would help meet the requirement and provide unique advantages in terms of capability, availability, and timeliness; and
- foreign military and civil defence assets would complement civilian capabilities' (OCHA, 2012).

However, the use of generic language adopted from global guidance belies the difficulties in applying these criteria on the ground. In some cases, such as in Haiti, the creation of mechanisms to determine whether a particular case meets the generic criteria appear to have been useful in this regard.

2004 helpfully contextualise this point, explaining that the Multi-National Forces in Iraq (MNF-I), the national Iraqi forces and private security firms are generally perceived as legitimate targets of attack by other belligerents, and that escorts provided by them should only be used when 'a considerable level of criminal threat necessitates such protection, provided that there is very limited or no political threat and civilian assets or assets of non-belligerent forces are unavailable (e.g., currently at the Iraqi–Kuwaiti border)' (p. 5).

A number of the guidelines suggest alternative security measures such as area security arrangements, using local police or other civilian law enforcement entities, or using local guards from within the community. Joint needs assessments with the military are also largely prohibited except for situations of 'last resort'. The Iraq guidelines stipulate that joint assessments with the foreign military forces are prohibited, although joint assessments with Provincial Reconstruction Teams (PRTs) are permitted where 'unavoidable', and in Sudan joint assessment and monitoring missions are permitted only upon the approval of the Resident/Humanitarian Coordinator (RC/HC) and the respective Force Commander. The guidelines for Sudan, the DRC and Chad also provide guidance for the military on Quick Impact Projects (Sudan and Chad) and 'hearts and minds' activities (DRC), though it was not clear in the course of this review to what extent this guidance was used or adhered to by the relevant forces.

Although consistency with existing global guidance is important, many of the guidelines have simply adopted the generic language used in the Oslo and MCDA guidelines or the IASC Reference Paper. Thus, on many issues, particularly the concept of 'last resort', they only go so far in helping

operational actors on the ground to determine how the broader principles of civil–military coordination are relevant in their particular context. The description of humanitarian principles is another case in point; whilst all the guidelines use generic language to describe and call for respect for humanitarian principles, few of the guidelines reviewed explicitly explain the operational relevance of these principles to the particular context, how they should be applied in practice and to what effect. Thus, the use of these documents as a tool to raise awareness of and promote adherence to or respect for humanitarian principles is limited.

Similarly, although information-sharing is one of the most challenging issues in the relationship between the military and the humanitarian community on the ground, most of the guidelines adopt the generic caution included in the IASC Reference Paper,³ but do not provide further detail on the parameters of information exchange. The guidelines for Sudan and DRC are, to a degree, exceptions. They each provide greater clarity on what information can and cannot be shared, indicating the need for confidentiality on both sides. They may therefore be a useful starting point for more detailed guidance elsewhere. The DRC guidelines, for example, explain that information that should not be shared includes:

information relating to some victims or individuals assisted or protected, when ... transmitting such information might be detrimental to the security of these victims or individuals or to the security of other victims or individuals (for instance for risks of reprisals). Identities of victims or individuals assisted or protected should in principle not be shared unless necessary (p. 12).

The Sudan and DRC guidelines and those for Chad, Afghanistan, Pakistan and Iraq also include some guidance for the military on what information they can be expected to share with humanitarian actors, including their planned humanitarian activities.

The guidelines also generally outline the mechanisms, including the OCHA Country Office and the HC, or processes which should facilitate interaction with the relevant military or peacekeeping forces, including on specific issues. With respect to the use of MCDA, the Haiti guidelines formalised a pre-existing arrangement whereby all requests for use of military assets must be agreed at the cluster level and then processed through the Joint Operation Tasking Centre (JOTC), where a decision is made by the OCHA UN-CMCoord Officer and MINUSTAH; the Sudan and Haiti guidelines outline the procedures for requesting military escorts; and the guidelines variously refer to the role of the national authorities (Iraq), the RC/HC or civilian structures of the UN mission (DRC), cluster

leads (in the case of Pakistan and Haiti), and/or OCHA, in facilitating information exchange.

Several country-specific guidelines have sought to address issues pertaining to humanitarian civil–military coordination which were not dealt with explicitly in global guidance. For example, most global guidance on civil–military coordination was developed prior to the adoption of the cluster approach in 2006, but the more recently developed country-specific guidelines have sought to clarify how the clusters might relate to the military at the operational level; the guidelines for Pakistan and Haiti explain that the military may be invited to participate on an *ad hoc* basis in cluster meetings, and assert that the cluster lead may engage with military actors on behalf of their members.⁴

However, there are still crucial gaps, particularly regarding the protection of civilians, engagement with national militaries and on the multi-dimensional nature of UN peacekeeping and other international missions. The protection of civilians is a major humanitarian issue in each of the contexts for which country-specific guidelines have been developed; it is also an objective that humanitarian and international military actors share in many of these contexts. However, with the exception of the DRC the guidelines do not provide specific guidance on how the humanitarian community may engage with international military or peacekeeping forces on this critical issue. The role of the national authorities and the host state military is often referred to in the guidelines, but it is only in the Pakistan guidelines that this relationship is dealt with in any detail. This omission is problematic because the national military is often a primary responder in humanitarian crises, particularly in disaster responses, but relations with national militaries are often difficult for the humanitarian community to manage.

In most of the contexts for which these guidelines have been developed, UN peacekeeping or international military forces have been deployed as part of a multi-dimensional mission that includes a range of other security, human rights and development actors, operating towards a broad political objective. However, the nature of such missions, their different components and how they may relate to humanitarian action is not generally addressed in detail in the guidelines. In particular, there is limited reference to the role of or interaction with international police where they are deployed as a component of UN peacekeeping (Sudan, DRC, Chad) or international forces (Afghanistan). The Haiti guidelines note the presence of UN police as part of MINUSTAH, but do not distinguish between humanitarian interaction with them and with military forces. As civilians, international police often have an important role to play with respect to the humanitarian response, particularly

³ Guidance on sharing of information can also be found in the Global Protection Cluster's *Handbook for the Protection of Internally Displaced Persons* (2009).

⁴ In February 2011, the Global Health Cluster developed guidance on 'Civil–military coordination during humanitarian health action', which stipulated that the health cluster lead/coordinator in-country should facilitate determination of the appropriate modality of civil–military coordination, and should act as the interface for the cluster with the military as appropriate.

when deployed as part of UN peacekeeping missions. Greater awareness of this role, how it differs from the military forces and guidance on how humanitarians may interact with police would be useful (HPG and ECHO, 2012).

The development process: opportunities and challenges

OCHA is the custodian of guidelines on humanitarian civil–military coordination and, with the exception of Afghanistan, where OCHA did not have a country office at the time of the drafting of the 2008 guidance, the process of developing country-specific guidelines was led by the OCHA Country Office, under the auspices of the HC and the UN Country Team (UNCT) or the Humanitarian Country Team (HCT). Many of the stakeholders involved in this research felt that the process for developing the country-specific guidelines was at least as beneficial as the production of a final document since it facilitated a clearer understanding of humanitarian civil–military coordination, and the use of MCDA in particular, and have, thus, supported more effective operational decision-making on these issues. Although this process was, in many cases, quite time-consuming (often taking between six and nine months to complete), it was considered an opportunity to raise awareness amongst the humanitarian community of the importance of some level of interaction with the various militaries present, of the basic principles underpinning this interaction and the importance of having a broad consensus or a coherent position from the humanitarian community.

Development processes generally involved a range of UN and non-UN humanitarian actors. The process in Pakistan was comprehensive both in terms of scope and participation, aimed at tackling the lack of awareness within the humanitarian community of civil–military coordination principles and how these apply in natural disasters and complex emergencies and reconciling, to some extent, the differing positions humanitarian actors had on this issue generally. OCHA initially conducted a survey of the key actors on civil–military issues and thematic groups addressing issues highlighted in the survey results were created to review the draft guidelines.⁵ Each thematic group comprised a UN representative, a national NGO representative and an international NGO representative, thereby ensuring a more comprehensive and inclusive process.

However, notwithstanding the benefits, the process often faced serious challenges. Gaining agreement on the need for such guidance and then building consensus on its content was problematic, requiring difficult and protracted negotiations. Engaging with the military is an extremely sensitive issue – one that has major implications for the overall effectiveness of the humanitarian response – and some humanitarian actors have been very reluctant to engage with international or foreign

⁵ These included groups on information-sharing and liaison, humanitarian access, use of military assets, distinction between military and humanitarian interventions, joint civil–military interventions, mine action, training and awareness-raising, civil–military coordination in early recovery responses and civil–military coordination in disasters.

military forces for fear of being associated with a belligerent. Many humanitarian organisations were also concerned at the time and resources involved in developing the guidelines, and feared that the final document would be overly theoretical and therefore unhelpful. In the situations where this process was felt to be more productive and consensus was reached, it was often attributed to the existence of dedicated and sustained capacity in the OCHA Country Office (e.g. UN-CMCoord Officer) to lead the process. Given the diversity of views within the humanitarian community, leadership from the HC was also felt to be crucial in the process, particularly in emphasising the need for a minimum level of engagement with the military and the importance of a coherent and consistent position from the humanitarian community.

In many instances, country-specific guidelines were also developed *with* the relevant military actor. UN peacekeeping forces were actively involved in the development process in contexts where they were present – Sudan (UNMIS and UNAMID), DRC and Haiti. Both ISAF and EUFOR were actively consulted on the development of the guidelines for Afghanistan and Chad respectively (and in Afghanistan they developed the 2011 SOP) and in Pakistan, and efforts were made to try to engage the national military in the development process, although in the end the military did not get involved in the drafting. The involvement of the military was aimed at raising their awareness of humanitarian principles and the importance of the civil–military distinction, of the scope and structure of the humanitarian community and the impact that its engagement in humanitarian action may have on humanitarian actors and beneficiaries. It was thought that this process facilitated identification or understanding of the synergies as well as fundamental differences in roles, responsibilities and approaches. In UN peacekeeping missions (Sudan, DRC, Haiti) in particular, the guidance appears also to have been intended to provide a framework for humanitarian civil–military coordination agreed *between* the humanitarian community and the peacekeeping forces, to outline the parameters of their interaction.

Practical implementation and compliance

Perhaps the greatest challenge in relation to country-specific guidelines has been implementation and compliance in practice. Compliance with the concept of last resort has been particularly problematic. In Pakistan, for example, although the guidelines were considered a useful aid to decision-making on some issues both prior to and during the 2010 flood response, there were major disagreements between the HCT and some of its members on the use of a NATO air bridge in August 2010, and whether this fulfilled the agreed criteria for the use of MCDA as a last resort. In DRC too, there have been consistent concerns about over-reliance on or over-use of MONUC/MONUSCO military escorts by UN and non-UN humanitarian actors in eastern parts of the country, in contravention of the agreed guidelines (Metcalf, Giffen and Elhawary, 2011).

More generally, once completed the documents do not appear to have been used with any consistency in training, in operational decision-making, advocacy or policy development. The limited use or poor implementation is, in part, related to lack of engagement in the development process. In Afghanistan, for example, many humanitarian actors were dissatisfied with the process led by UNAMA, which they felt was not sufficiently consultative and thus did not accept or use the final document (drafted in 2008). Effective dissemination is also crucial to ensure implementation and compliance, but few processes have included a dissemination plan and stakeholders interviewed for this study were not aware that any sustained training had been conducted in-country on any of the guidelines after their finalisation.

This lack of use was also considered to be related to the fact that the final documents are often long and the language is quite conceptual or generic. In some cases, short operational annexes were developed or were planned to supplement the longer, more theoretical document and, where developed, these were appreciated. For example, the Sudan guidelines have a series of operational annexes on key issues and a two-page aide memoire summarising the key points. The perennial issue of high staff turnover among both humanitarians and the military, particularly in very difficult operating environments, was also highlighted. In some cases, compliance was undermined by pressure from external actors, including donor countries. In Pakistan, for example, it was felt that consultation with key donor governments in the development process and better communication and advocacy with them on the final document may have been helpful in mitigating the pressure that some national and international actors exerted on the HCT to use the NATO air bridge (Bennett, 2011).

A further challenge with regard to implementation is monitoring and review of the guidelines, both to ensure their continuing relevance and to address non-compliance. Many of the guidelines note that they are ‘living’ documents. However, once completed these documents have rarely been reviewed or updated to reflect changes in the context. The DRC guidelines do not appear to have been revised after changes to the mandate (from MONUC to MONUSCO) and the reduction of troops of the UN peacekeeping mission in 2010.⁶ The guidelines for Chad have not been updated following the transfer of authority between EUFOR TCHAD (deployed in 2007) and a new military component of the pre-existing UN peacekeeping mission, MINURCAT, in 2009, or the gradual withdrawal of MINURCAT at the government’s request in 2010. It is only now that a process is under way to develop new guidelines for the situation in South Sudan, despite the closure of the UN Mission in Sudan (UNMIS), the secession of South Sudan and the subsequent establishment of the UN Mission in South Sudan (UNMISS) and the UN Interim Security

Force in Abyei (UNISFA) in mid-2011. Although some of the guidelines make reference to mechanisms for reporting non-compliance (Afghanistan) or ‘follow-up’ (Pakistan and Haiti), it does not appear that these or other mechanisms have been used to consider or address instances of non-compliance.

Where they were involved in the development process, military and peacekeeping actors appear to have welcomed the final document – the guidelines developed for UN peacekeeping contexts were endorsed by the head of the mission (Special Representative of the Secretary-General) – and some disseminated or translated the main points into their own guidance. In DRC, the Force Commander issued a directive on the use of the guidelines by MONUC forces, and in Afghanistan ISAF first formulated a fragmentation order (FRAGO) on the use of the guidelines and later developed Standard Operating Procedures (HQ-00310) explaining the role of ISAF in humanitarian action in disaster response (2011). In Haiti, the guidelines were also used by the SRSR and DSRSG/RC/HC to advocate with foreign military forces for adherence to the principles of humanitarian civil–military coordination. However, the extent to which the relevant military or peacekeeping forces used or adhered to these guidelines is not clear from this review. In Pakistan, although the national military was consulted in the development of the country-specific guidelines, they did not endorse the final document.

Conclusions

Most stakeholders involved in this review consider the guidelines to be a valuable tool for humanitarian actors in the field. They are considered an opportunity to raise awareness amongst humanitarian actors of the need for an appropriate minimum level of interaction with the military and of the principles underpinning this interaction. The guidelines serve a valuable purpose in building consensus amongst the humanitarian community and facilitating more coherent and consistent practice. In some contexts, the process and the document has also provided a framework agreed between the military peacekeeping forces and the humanitarian community for their interaction. There is much in these guidelines to support more effective engagement with military actors on the ground, but the adoption of generic language on key issues, such as the concept of last resort in the use of MCDA or military escorts and information-sharing, has limited their use as a practical operational tool. In addition, whilst some of the guidelines have addressed issues not included in global guidance, there are also important gaps, particularly with respect to guidance on interaction with the national military and guidance on the multi-dimensional character of today’s UN peacekeeping and international military interventions. The extent to which these guidelines represent a useful tool for the military is unclear from this review, though most humanitarian stakeholders felt that the development process and the final documents were an important opportunity to raise awareness amongst relevant military actors of humanitarian principles and the importance of maintaining the civil–military distinction in relation to humanitarian action.

⁶ UN Security Council Resolution 1925 issued on 1 July 2010 renamed the UN peacekeeping mission in DRC the UN Mission for Stabilisation in the Democratic Republic of Congo (MONUSCO).

There are also a number of challenges in relation to effective implementation by the humanitarian community. Principal among them is the management of the diverse views within the humanitarian community on the ground. Whilst always a challenge, this has been particularly difficult in some instances due to a lack of sustained investment and/or consistent senior or working-level leadership to support a continuing process of dissemination, implementation, monitoring and review of the guidelines. There has been little dedicated training on the guidelines and they do not appear to have been incorporated into other in-country training or inductions. The lack of a clear mechanism for monitoring and review has meant that the guidelines have not kept pace with changes in the wider context, and instances of non-compliance by the humanitarian community have rarely been challenged or addressed.

Finally, what is not explicitly affirmed in any of the guidelines is that more effective humanitarian civil–military coordination is not an aim in itself. Rather, effective interaction between humanitarians and the military is essential to ensuring a more effective humanitarian response that, in turn, is aimed at supporting better humanitarian outcomes for affected

populations. An emphasis on *outcomes* rather than *processes* may encourage greater engagement and adherence from the stakeholders involved.

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Overseas Development Institute
111 Westminster Bridge Road
London SE1 7JD
United Kingdom

Tel: +44(0) 20 7922 0300
Fax: +44(0) 20 7922 0399
Website: www.odi.org.uk/hpg
Email: hpgadmin@odi.org.uk