NATO PARLIAMENTARY ASSEMBLY
ASSEMBLEE PARLEMENTAIRE DE L'OTAN

COMMITTEE ON DEMOCRACY AND SECURITY (CDS)
SUB-COMMITTEE ON RESILIENCE AND CIVIL SECURITY (CDSRCS)

REPORT

ACTING TO PRESERVE THE HUMANITARIAN SPACE: WHAT ROLE FOR THE ALLIES AND FOR NATO?

Report
Rodrigue DEMEUSE (Belgium)
Acting Rapporteur

011 CDSRCS 22 E rev.1 fin – Original: French – 19 November 2022

Founded in 1955, the NATO Parliamentary Assembly acts as a consultative interparliamentary organisation which is institutionally separate from NATO. This report was adopted by the Committee at the 68th Annual Session of the NATO Parliamentary Assembly. It is based on information from publicly available sources or NATO PA meetings, which are all unclassified.

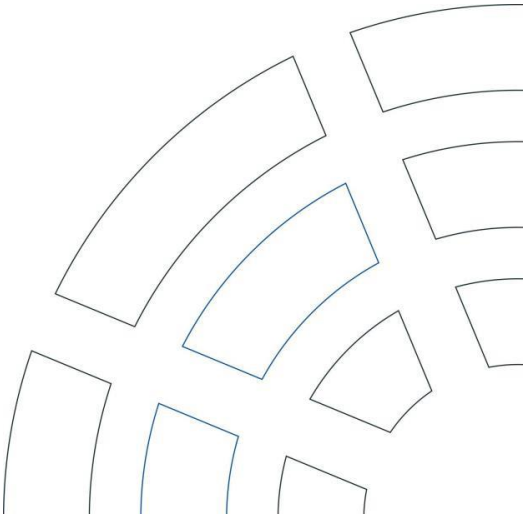


TABLE OF CONTENTS

I- INTRODUCTION 1

II- RESPONDING TO GROWING HUMANITARIAN NEEDS: A CRUCIAL TASK FOR GLOBAL SECURITY 2

A. THE PROLIFERATION, COMPLEXITY AND PROLONGATION OF CONTEMPORARY CONFLICTS 2

B. A WORRYING RISE IN GLOBAL HUMANITARIAN NEEDS 3

C. THE ESSENTIAL CONTRIBUTION OF HUMANITARIAN ACTION TO STABILITY AND PEACE 5

III- THE DANGEROUS NARROWING OF HUMANITARIAN SPACE 6

A. AN ESCALATION IN DELIBERATE ATTACKS AGAINST AID WORKERS 6

B. MULTIPLE OBSTACLES THAT REDUCE THE SCOPE OF HUMANITARIAN SPACE 7

C. THE DIFFICULTY IN ADAPTING HUMANITARIAN ACTION TO THESE CHALLENGES 10

IV- THE ROLE OF CIVIL-MILITARY RELATIONS IN SAFEGUARDING HUMANITARIAN SPACE: A CONCOMITANT NEED FOR COOPERATION AND DIFFERENTIATION 10

A. A NECESSARY COORDINATION BETWEEN MILITARY AND HUMANITARIAN ACTORS IN CRISIS RESPONSE 10

B. THE IMPORTANCE OF MAINTAINING A CLEAR DISTINCTION BETWEEN HUMANITARIAN AND MILITARY ACTORS 11

V- THE ALLIANCE'S RESPONSE TO THE CHALLENGE OF SHRINKING HUMANITARIAN SPACE 12

A. OVERVIEW OF ALLIED EFFORTS 12

B. NATO AND THE PRESERVATION OF HUMANITARIAN SPACE 14

VI- CONCLUSIONS AND PRELIMINARY RECOMMENDATIONS 16

A. TAKE GREATER ACCOUNT OF HUMANITARIAN SPACE IN ALLIED MILITARY DOCTRINES AND PRACTICES 16

B. CONSOLIDATE NATIONAL AND INTERNATIONAL LEGAL FRAMEWORKS TO BUILD COMPLIANCE WITH INTERNATIONAL LAW AND BETTER PROTECT HUMANITARIAN ACTORS 17

C. REMOVE OBSTACLES THAT LIMIT HUMANITARIAN ACTORS' ABILITY TO ACCOMPLISH THEIR MISSIONS 17

D. DEVELOP EXCHANGES AND COOPERATION BETWEEN ALLIES AND WITH PARTNERS ON THE PRESERVATION OF HUMANITARIAN SPACE 18

BIBLIOGRAPHY 19

EXECUTIVE SUMMARY

While the needs of civilian populations trapped in increasingly numerous, protracted and complex conflicts continue to grow, humanitarian organisations have never faced so many obstacles in responding to them. Violent attacks are frequently perpetrated against their personnel, despite the protection that international law provides. In addition, ever more restrictive administrative and legal constraints hinder their missions.

Yet their role is vital, since by assisting the most defenceless people who are affected by violence, humanitarian actors foster conditions for a return to stability and peace in countries at war. In a globalised world, the consequences of a conflict can be felt across borders and far from combat zones. Thus, humanitarian action also contributes indirectly to the security of countries across the world, including Allied nations. Pushing back against the shrinking of humanitarian space is therefore both a moral and security imperative for Allies and the Alliance.

NATO's new Strategic Concept, adopted by the Heads of State and Government at the Madrid Summit in June 2022, recognises the scale, gravity and security impact of the humanitarian challenges posed by the current rise in violence against civilians in conflict situations. The brutality of Russia's latest illegal invasion of Ukraine since 24 February 2022 tragically demonstrates the truth of this statement.

Given the situation, this report initiates a reflection on the role that the Alliance can, and must, play at the national and collective levels to safeguard humanitarian action in the context of conflicts. In particular, it urges Allies and, where appropriate, NATO bodies to continue integrating this issue into their doctrines and military practices; to work towards improving the application of international law worldwide; to remove the constraints weighing on humanitarian actors; and to increasingly share perspectives and best practices between Allied nations and with their partners.

I- INTRODUCTION

1. In 2021, 136 aid workers were killed, and many others were injured, intimidated, harassed, assaulted and detained, according to the AWSD database (AWSD, 2022). These intolerable attacks, combined with increasingly restrictive bureaucratic and legal constraints on humanitarian action, reduce the scope of humanitarian space, in other words, the capacity for those who provide relief to the victims of conflicts to carry out their mission safely and effectively.

2. Yet, at the same time, the proliferation, complexity and prolongation of contemporary conflicts have led to unprecedented growth in humanitarian needs throughout the world. The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) estimates that 274 million people need assistance and protection in 2022; 39 million more than the previous year (OCHA, 2022). Most of them are trapped in violent and protracted conflicts and depend on humanitarian aid to survive.

3. The impact of this suffering is rarely limited to the countries and populations in the throes of violence. Although today's conflicts are increasingly local and intrastate, their consequences are increasingly global. Migration, radicalisation and various trafficking, among other knock-on effects of conflicts, do not respect borders. These phenomena weaken the countries in conflict and spread beyond their territory, in turn impacting the security of Allied societies.

4. Therefore, by coming to the aid of civilian populations in need, and thereby helping stabilise countries in conflict, humanitarian action also contributes to the security of the Alliance. For this reason, Allied governments and NATO must do all they can to push back against the shrinking of humanitarian space by supporting the missions of aid workers, strengthening their security and working to remove any obstacles they face.

5. NATO's new Strategic Concept, adopted by the Heads of State and Government at the Madrid Summit in June 2022, recognises the scale, gravity and security impact of the humanitarian challenges posed by the current rise in violence against civilians in conflict situations. In the text, Allied leaders also declare that “human security, including the protection of civilians and civilian harm mitigation, is central to NATO’s approach to crisis prevention and management”. They commit to working “with other international actors to address the broader conditions fuelling crisis and pervasive instability, and to contribute to stabilisation and reconstruction”.

6. This report aims to encourage and contribute to the discussion on the role of NATO and the Allies in preserving humanitarian space in order to meet these challenges. It describes the growing obstacles that aid workers face in their efforts to respond to record-high humanitarian needs. It then expands upon the role of civil-military relations in allowing humanitarian actors to fulfil their vital mission during operations. Finally, it analyses the response already provided by Allied countries and NATO to the challenge of shrinking humanitarian space, before suggesting courses of action aimed at strengthening the role of Allies and the Alliance in this domain.

7. Humanitarian action involves meeting the needs of civilians in both disaster and conflict scenarios. The military community, with its unique capabilities and skills (including strategic air and sealift, medical support and evacuation, and specialised engineering), plays an important role in providing humanitarian assistance to populations affected by disasters. NATO is engaged in this area. Its versatility and ability to rapidly mobilise resources were once again showcased during the pandemic, as several NATO PA reports highlighted in 2020. This report, meanwhile, deals only with conflict situations, since that is where humanitarian space is most at risk today.

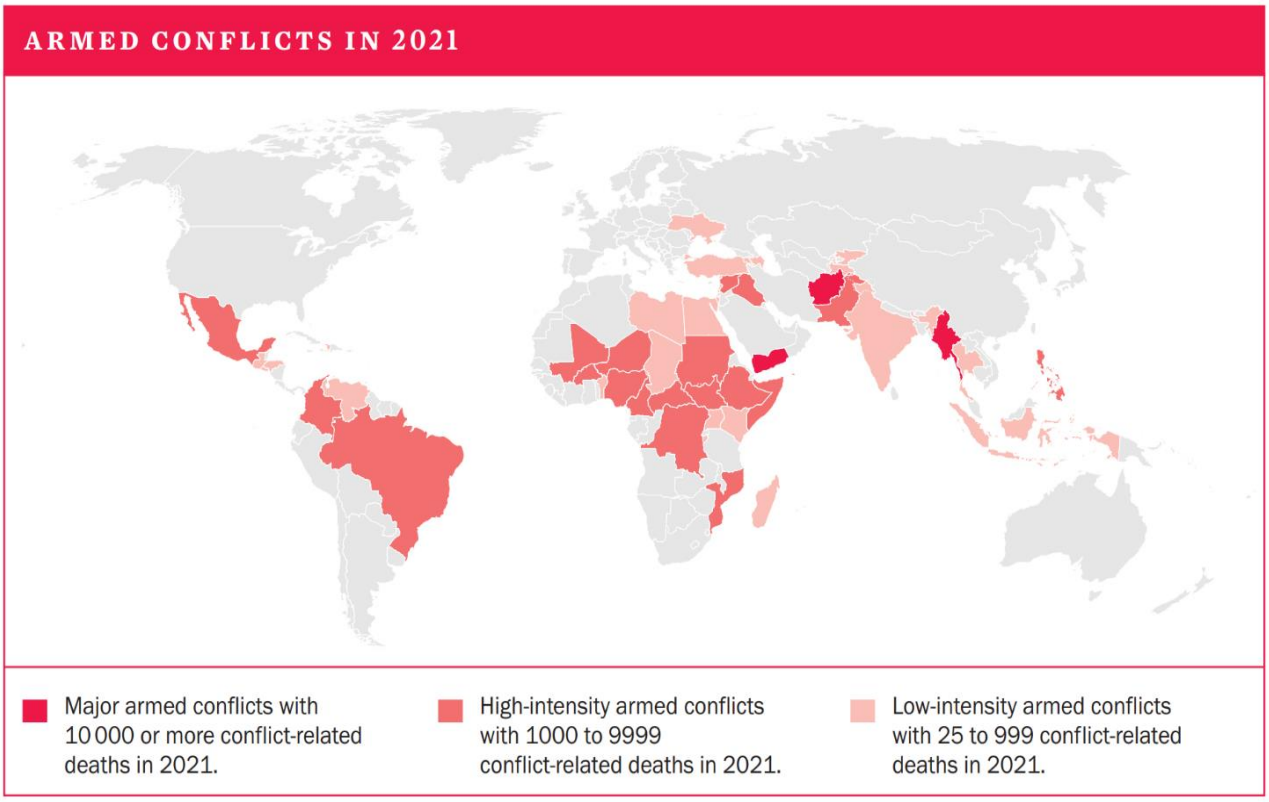
II- RESPONDING TO GROWING HUMANITARIAN NEEDS: A CRUCIAL TASK FOR GLOBAL SECURITY

A. THE PROLIFERATION, COMPLEXITY AND PROLONGATION OF CONTEMPORARY CONFLICTS

8. The nature of warfare has evolved considerably since the end of World War II. There has been a sharp rise in the number of ongoing conflicts. According to the International Committee of the Red Cross (ICRC), there are currently around one hundred armed conflicts throughout the world, involving 60 countries and over a hundred non-state armed groups. In 2016, more countries were affected by armed conflict than in any of the previous 30 years (World Bank, 2017).

9. The growing number of conflicts, in particular intrastate conflicts, is matched by their growing complexity. Today, most armed conflicts occur within state borders and involve one or more non-state actors, such as militias, criminal organisations or terrorist groups. As an example, this fragmentation is illustrated by the number of armed groups engaged in the Syrian civil war, which rose from eight at the start of the conflict to several thousand thereafter (United Nations, 2020).

10. Another aspect of this increasing complexity is the growing urbanisation of conflicts. More and more often, armed violence is taking place in densely populated urban areas, with a greater impact on civilians. The Russian army's siege and bombardment of several Ukrainian cities since February 2022, including with high-impact explosive weapons, is another striking example of this destructive and deadly development. As part of its Security Council Presidency, Norway organised a high-level open debate on "Wars in Cities: Protection of Civilians in Urban Settings" (UN Security Council, 2022a).



SIPRI Yearbook 2022

11. In addition, intrastate conflicts increasingly involve the direct or indirect intervention of neighbouring countries. In particular, the conflicts in Iraq, Libya, Syria and Yemen are largely influenced by external powers (SIPRI, 2022).

12. The growing complexity of contemporary conflicts is in part the reason why they are more prolonged and difficult to resolve (United Nations, 2020). On average, conflicts now last for more than 20 years (United Nations, 2017). Their direct and indirect consequences therefore have a lasting impact on the affected populations. Forced displacement, for instance, is no longer a temporary phenomenon. It lasts on average 20 years for refugees and over 10 years for internally displaced people (European Commission, 2021a).

B. A WORRYING RISE IN GLOBAL HUMANITARIAN NEEDS

13. The proliferation, complexity and prolongation of contemporary conflicts result in increased suffering for the populations concerned. Global humanitarian needs have never been greater. In 2021, roughly 150,000 people were killed in conflicts, an increase of 13% compared to 2020 (SIPRI, 2022). According to the United Nations, civilians account for 87% of casualties in current state conflicts (UN Security Council, 2022b). While the number of victims has nevertheless tended to fall in recent years, several forms of violence against populations in conflict zones have been on the rise since the end of the Cold War. Thus, sexual violence, forced displacement, food insecurity, brutality against children, the use of torture and the destruction of critical infrastructure, including in cyberspace, are on the rise, especially in the context of intrastate conflicts (United Nations University, 2017).

14. As an example, the number of people displaced by violence is higher now than ever before. One in 95 people worldwide is currently forcibly displaced, up from one in 159 in 2010 (UNHCR, 2020). Even before Russia launched its new and unjustified invasion of Ukraine in February 2022, forcing almost 13 million Ukrainians to flee within their country or to neighbouring states (BBC News, 2022), the Danish Refugee Council estimated that more than 35 million people will have been displaced globally between 2014 and 2023. This represents almost a doubling of the number of refugees and IDPs in just one decade. Conflicts and the resulting violence against civilians are the main cause (DRC, 2022).

15. Similarly, in December 2021, roughly 140 million people faced food insecurity in 24 states affected by insecurity and conflict, compared to 99 million in 2020 and 77 million in 2019 (UN Security Council, 2022b; FAO, 2022). The situation is expected to worsen in 2022. The Russia-led war in Ukraine is severely disrupting Ukrainian agricultural production and exacerbating food insecurity, notably in the most vulnerable countries (UN Security Council, 2022c).

16. The grave and intense violence experienced by civilian populations trapped in long and complex conflicts gives rise to significant humanitarian needs. From Ethiopia to Syria, and including Afghanistan, Yemen, Libya, Ukraine and other countries, the need for humanitarian action has never been more evident. In addition, the consequences of climate change and the Covid-19 pandemic are now adding to those of conflicts and amplifying the suffering of civilian populations. Women are disproportionately affected (OCHA, 2021a). Faced with this global humanitarian crisis, which has significant security ramifications for all countries, including Allied nations, humanitarian action has a key role to play.

Russia's failure to respect international law and safeguard humanitarian space in its most recent unwarranted and illegal invasion of Ukraine

After eight years of deadly conflict in eastern Ukraine, Russia launched a new, unjustified and illegal invasion of the country on 24 February 2022. Violent fighting and bombardment by Russian armed forces, particularly in urban centres, have killed or injured several thousand civilians, including children (United Nations, 2022). The human cost of this invasion is compounded by the use of indiscriminate weapons, such as multiple rocket launcher systems, and banned weapons, such as cluster bombs (Amnesty, 2022). Frustrated by the heroic resistance of the Ukrainian population, Russian forces have also massively resorted to targeting critical infrastructure with bombings and missile strikes. As a result, hundreds of thousands of civilians have seen their access to water, electricity, sanitation and other services regularly disrupted (Reed et al., 2022). Due to the violent fighting and brutality of the Russian armed forces, more than six million Ukrainians have been forced to flee their country, while more than seven million are internally displaced (UNHCR, 2022; OHCHR, 2022)

Numerous crimes committed by the Russian armed forces against Ukrainian civilians have also been documented, including cases of rape and summary executions. Hundreds of hospitals and schools have also been destroyed, despite the specific protection accorded to them under international law (Kovtoniuk, 2022; UNICEF, 2022). For instance, people across the world were shocked by images of injured or distressed pregnant women and infants being removed from a maternity ward and children's hospital damaged by a Russian air strike in Mariupol. Several legal proceedings have been initiated against Russia for war crimes and crimes against humanity, including at the International Criminal Court and at the national level by the Prosecutor General's Office of Ukraine (Allegretti, 2022; Reuters, 2022). Several Allied leaders and parliaments have even described the atrocities perpetrated by Russia, particularly in municipalities near Kyiv such as Bucha and Irpin and in Mariupol, as genocide (BBC News, 2022).

The humanitarian situation in the areas affected by the fighting is catastrophic. It is therefore essential for humanitarian organisations to be able to provide vital assistance to civilians and facilitate their evacuation. However, the unpredictable and dangerous nature of the situation makes it difficult, if not impossible, for humanitarian organisations to act. Russian bombardment has resulted in the deaths of several aid workers who had braved the insecurity to carry out their mission (Mandavilli, 2022). Since the start of its offensive, Russia has failed to respect its obligation under international law to maintain a humanitarian space in the areas it occupies so that populations in need can access neutral, impartial and independent assistance.

Yet on several occasions, Ukraine and Russia agreed on the organisation of humanitarian corridors, allowing civilians to be evacuated and medicines and food to be delivered to the areas most affected by fighting. These humanitarian corridors must be accompanied by local and temporary ceasefires, and are facilitated by the International Committee of the Red Cross and other humanitarian organisations. Some have functioned, helping numerous civilians to flee the hostilities. However, in several cases, Russian troops did not respect their commitments and continued to bomb the routes concerned, causing civilian deaths and invalidating the efforts of humanitarian organisations. Moscow has even gone so far as to cynically offer to open humanitarian corridors from Ukrainian cities under its control into Russia, offers that have been rejected by Ukraine (Iati, 2022). In many respects, civilian evacuation corridors are seen by the Russian forces as military tools rather than humanitarian solutions. In spite of reality and international law, they thus regard the cities concerned as legitimate targets, since supposedly no longer home to civilians. The establishment of humanitarian corridors is therefore often followed by massive and devastating bombing raids on these urban areas to destroy and conquer them. Russian forces have already employed this strategy on a large scale in the Syrian conflict (Ricard and Zerrouky, 2022).

The Allies and their partners, notably their main institutional partner, the European Union (EU), have responded quickly and substantively, both at the individual and collective levels, to the Ukrainian authorities' request for humanitarian assistance. They are also assisting refugees who have fled the country (Connolly and Rankin, 2022). The EU has decided to implement "temporary protection" for Ukrainian refugees on its soil. The Allies are also providing considerable financial and human support for humanitarian efforts in Ukraine. In addition to the vast sums spent on financial and military aid, according to Devex, world governments have allocated more than 8.5 billion dollars in humanitarian grants for Ukraine (Ainsworth, 2022). The vast majority of this aid has come from NATO countries. Allied populations have also mobilised to meet the needs of refugees who have fled to NATO countries and civilians who remain in Ukraine. International agencies and humanitarian organisations have also greatly increased their presence and activities in Ukraine and neighbouring countries, and are reallocating some of their resources to these areas.

In the short term, Allies must continue to support humanitarian actors as much as possible in their response to the needs of war-affected civilians in Ukraine. In the longer term, however, the magnitude of the humanitarian crisis in the country, and the Alliance's moral and security obligation to help Ukraine overcome it, should prompt NATO to rethink its role—both on its own and in cooperation with others—in preserving humanitarian space, protecting civilians in conflicts, and responding to their specific needs.

C. THE ESSENTIAL CONTRIBUTION OF HUMANITARIAN ACTION TO STABILITY AND PEACE

17. Humanitarian action helps generate the right conditions for stability and peace. Its contribution is sometimes direct. Humanitarian actors can open up a space for dialogue between clashing parties and with affected communities. This is notably the case when they negotiate access to areas housing populations in need, or when they organise prisoner exchanges between belligerents. The dialogue thus established builds trust between the parties in conflict and among its victims. This trust can be a crucial asset in subsequent peace negotiations. Humanitarian actors' contribution to establishing peace is also, and above all, indirect. By limiting the destruction caused by conflict, alleviating the suffering of civilian populations and protecting the dignity of the latter, humanitarian action plays an important role in generating or consolidating the preconditions for peace (Debarre, 2018).

18. The role of aid workers in peacebuilding is all the more important since contemporary conflicts tend, as mentioned above, to drag out, becoming more urbanised and elaborate. As such, they not only lead to the physical suffering of people but also to the destruction of infrastructures, impacting the social and economic systems of the countries concerned. Faced with the new nature of conflict situations, the role of aid workers is no longer only to provide emergency aid to meet the immediate needs of societies affected by conflict. They must now also help implement sustainable solutions to stabilise these societies in the long term. For example, in Syria, the ICRC facilitates the lasting repair of water, sanitation and electricity infrastructures in areas where the security situation permits (ICRC, 2020). Today, humanitarian action is therefore an essential link in efforts to restore stability and peace and enable economic and social development in countries in conflict.

"By being an essential link in efforts to restore stability and peace in its neighbourhood and to enable economic and social development in countries in conflict, humanitarian action is a fundamental element of Allied security."

19. In an increasingly globalised and connected world, the Alliance's security also depends on that of neighbouring states and populations. Conflicts beyond NATO borders can have a substantial impact on Allied security. This link was highlighted by the role of the Syrian civil war in triggering the migration crisis that affected Europe in 2015. In this respect, by being an essential link in efforts to restore stability and peace in its neighbourhood and to enable economic and social development in countries in conflict, humanitarian action is a fundamental element of Allied security.

III- THE DANGEROUS NARROWING OF HUMANITARIAN SPACE

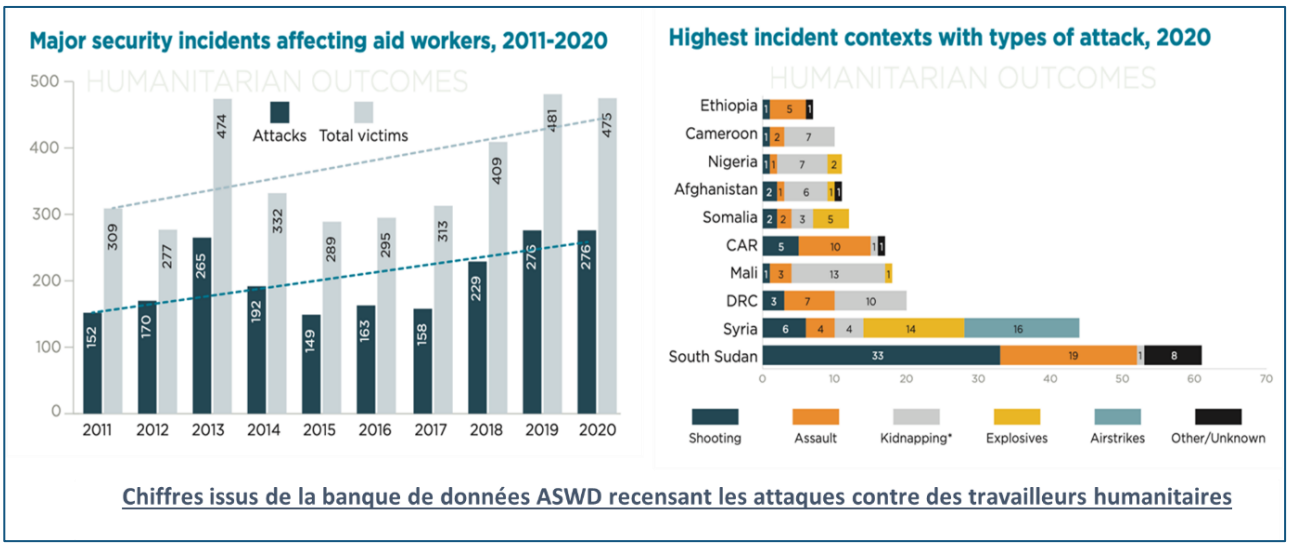
A. AN ESCALATION IN DELIBERATE ATTACKS AGAINST AID WORKERS

20. Despite growing needs and the importance of humanitarian action, humanitarian space is currently shrinking. This is notably reflected by an intolerable escalation in deliberate attacks against aid workers. The figures vary from one organisation to another, but all attest to this increase. According to the World Health Organization (WHO), attacks on humanitarian personnel between 2010 and 2019 rose by 117% compared to the previous decade (WHO, 2020). The Aid Worker Security Database (AWSD) counted 136 aid workers killed worldwide in 2021, almost double what was recorded in 2010 (AWSD, 2021; AWSD, 2011). According to the United Nations, in 2021 the safety of humanitarian personnel was compromised by attacks on 143 occasions in 14 conflict-affected countries and territories, and 93 aid workers lost their lives (UN Security Council, 2022b). The majority of killings, injuries and kidnappings involving aid workers take place in countries affected by protracted conflicts or recurring violence, notably Syria, Libya, Mali, Nigeria, Afghanistan, the Central African Republic, the Democratic Republic of Congo, Somalia and Yemen (UN Security Council, 2022b). National aid workers are especially at risk. In 2021, they represented over 98% of humanitarian actors involved in security incidents (UN Security Council, 2022b).

"Despite growing needs and the importance of humanitarian action, humanitarian space is currently shrinking. This is notably reflected by an intolerable escalation in deliberate attacks against aid workers."

21. This upsurge in violence against humanitarian actors is certainly related to their growing numbers, due to a significant increase in the needs of populations affected by conflicts. Nonetheless, attacks are also becoming more severe. Of particular concern is the rising proportion of deaths and injuries resulting from these attacks (AWSD, 2021). In addition, the inability to punish those who perpetrate violence against aid workers and violate international humanitarian law is worrying and does nothing to stem such abuse.

22. By posing a risk to the physical integrity of aid workers, these attacks force organisations to reduce or even suspend their activities. The UN thus notes that insecurity considerably hampers humanitarian activities in many countries (UN Security Council, 2022b). As a result, the shrinking of humanitarian space can deprive conflict-affected populations of life-saving aid. Even when violence does not prevent aid from being delivered, it nevertheless reduces its effectiveness, since humanitarian actors must allocate additional resources to their protection that could otherwise be used to deliver aid. Therefore, by narrowing the scope of humanitarian space, violence targeting humanitarian actors heightens the suffering of populations in conflicts and, more generally, complicates the stabilisation of the countries concerned.



B. MULTIPLE OBSTACLES THAT REDUCE THE SCOPE OF HUMANITARIAN SPACE

23. In addition to threats to their security, aid workers face a multitude of obstacles that reduce the scope of humanitarian space and prevent them from assisting civilian populations. Thus, despite their perfectly legitimate objectives, counter-terrorism measures and sanctions can sometimes restrict aid workers' access to people in need during armed conflicts. Firstly, in their national legislation, some countries prohibit and criminalise humanitarian activities in areas controlled by groups they consider to be terrorists (UN Security Council, 2022b). This makes it more complicated to bring aid to civilian populations that reside there. The ICRC also notes that such measures make it difficult, if not impossible, to visit individuals detained by groups considered to be terrorist, illegal or criminal, to facilitate exchanges of detainees and to train members of these groups in international humanitarian law (ICRC, 2021). Criminalising the activities they undertake in agreement with these groups poses a legal risk to aid workers themselves.

24. Secondly, the financing of humanitarian operations is affected by international sanctions and national laws that seek to prevent the funding of terrorist organisations without considering the specificity of humanitarian actors and the need for independence, neutrality and impartiality on which their action is based. In some cases, banks are forced to adopt over-compliance practices that de facto deprive humanitarian actors of access to the resources necessary for their actions.

25. Thirdly, certain governments exert pressure on humanitarian actors to influence their selection of aid recipients or hinder their negotiations with non-state armed groups considered to be terrorists or enemies. In July 2022, for example, Russia threatened to veto a UN Security Council resolution to renew the authorisation of essential supplies from Turkey to areas controlled by the opposition to the Syrian regime in the north-west of the country. Such a veto would jeopardise the food security of 4.2 million people (Lederer, 2022).

26. The UN estimates that up to 160 million civilians live in areas under the control of contested or non-state armed groups (UN Security Council, 2022b). Even where governments do not interfere directly in the selection of beneficiaries, some organisations prefer to reduce their engagement with such groups to avoid legal and reputational risks (O'Leary, 2022). These actions call into question the impartiality and neutrality of the humanitarian work (United Nations, 2022b). Yet these principles must be upheld to guarantee the acceptance and safety of aid workers, and therefore preserve humanitarian space.

27. Humanitarian actors also face administrative barriers that restrict their access to populations in need of assistance. In particular, some states impose disproportionate restrictions on the entry and movement of aid workers and the import and circulation of aid supplies within their territory. For example, in 2020 in Yemen, the government applied restrictions that made it difficult for aid workers to access certain areas home to 19 million people, many of whom require emergency aid. Similarly, in Ethiopia, between July and December 2021, the transport of essential supplies to the Tigray region by humanitarian actors was complicated and slowed down by bureaucratic delays in addition to the difficulties posed by fighting and attacks on convoys (UN Security Council, 2022b). The COVID-19 pandemic has exacerbated these difficulties. The measures adopted to tackle the health crisis have considerably hampered the movements and operations of aid workers. This was the case in Iraq in 2020, for instance, where the government limited humanitarian access to prevent the spread of COVID-19 (UN Security Council, 2021a).

28. The proliferation of belligerent actors in contemporary conflicts and their diverse nature also make it logistically complex for aid workers to negotiate with all parties to a conflict. Some small or medium-sized organisations are unable to maintain a constant dialogue with a large number of belligerents. Yet humanitarian organisations need to talk with each party in order to be perceived as impartial, ensure their safety and maintain access to populations.

29. The increased number and diverse nature of belligerents also raise the problem of ensuring respect for international humanitarian law, which requires impartial humanitarian missions to be authorised. However, especially in intrastate armed conflicts, it is common for one or more parties to reject the application of international humanitarian law, either out of ignorance or by choice. States sometimes describe an internal armed conflict as mere tensions to deny aid workers access to civilian populations. In addition, they are often reluctant to authorise any engagement or negotiation between humanitarian actors and non-state armed groups for fear that this will legitimise the latter. Non-state parties also sometimes refuse aid access to populations, arguing that they are not bound by obligations accepted by the government against which they are fighting (ICRC, 2008).

The humanitarian space in Afghanistan since 2001

Between 2001 and 2021, limited humanitarian space was preserved in Afghanistan. In areas under Taliban control, however, humanitarian organisations came up against many obstacles. They could operate there as long as they registered with Taliban leaders, respecting their version of Afghan culture, and sometimes paying taxes. In practice, access to populations in need depended largely on the goodwill of local commanders. Some displayed a deep distrust of humanitarian organisations and suspicion of their funding and objectives. This distrust sometimes turned into hostility towards aid workers when they were seen as being biased (Jackson, 2013; Jackson and Giustozzi, 2012).

However, the real or perceived independence and impartiality of humanitarian actors were partially called into question during this period due to their integration, whether voluntary or not, into military counter-insurgency missions. Humanitarian organisations and international forces shared the objective of restoring stability to the country. The provision of humanitarian aid was therefore incorporated into military strategies aimed at gaining the support of the civilian population. This amalgamation was reinforced by the fact that the humanitarian organisations were reliant on funding from the countries participating in military operations (MacLeod et al., 2016). Nonetheless, although humanitarian missions could be complicated by their entanglement with the military, the presence of international forces and their cooperation with humanitarian actors also improved the security situation and therefore the ability to provide assistance. Despite many obstacles, humanitarian efforts to meet the needs of the Afghan population led to considerable progress in many areas.

These advancements are now severely under threat. The Afghan population is facing a twofold crisis, economic and humanitarian, on an unprecedented scale since the withdrawal of international troops and the country's takeover by the Taliban in August 2021.

The strong earthquake that hit the south-east of the country in June 2022, killing more than 1,000 people and destroying or damaging over 10,000 homes, compounded the emergency (Yawar and Greenfield, 2022). UN agencies estimate that 98% of Afghans lack food and that one million children are at risk of starvation (Parkin and Stubbington, 2022). The sharp increase in the price of natural resources, particularly agricultural produce due to the renewed Russian invasion of Ukraine, is exacerbating the population's food insecurity. More than 24.4 million people require emergency humanitarian assistance (UN, 2022). Women are disproportionately affected, particularly as the Taliban have excluded them from most paid employment. Moreover, the country remains cut off from the international financial system, and foreign funding, which represented almost half of GDP and 70% of the government budget, has been halted (Parkin and Stubbington, 2022). Under these conditions, the economy is crumbling and institutions are breaking down, making humanitarian intervention all the more crucial.

Despite these growing needs, the humanitarian space has nevertheless greatly shrunk since August 2021. Insecurity and the complications caused by the Taliban takeover have heightened the difficulties and risks faced by humanitarian organisations in the country. The collapse of the Afghan banking sector has also made it difficult, even impossible, for humanitarian programmes to operate. Financial actors are also concerned about violating sanctions by handling money transfers to Afghanistan from humanitarian actors. Many organisations have thus been forced to suspend their operations (Kurtzer, 2021; Shah and Trofimov, 2021).

In the face of escalating needs and with the risk of seeing a humanitarian crisis spread throughout the region, the resumption of international aid to Afghanistan is still under debate. Some donor countries provide limited humanitarian assistance through UN agencies (Parkin and Qazizai, 2021). In 2021, this contribution amounted to 1.8 billion dollars and helped 20 million people (UN, 2022). In order to limit the possibility of diversion by the Taliban, donations are distributed directly to humanitarian organisations and UN agencies operating in the country. In December 2021, the United Nations Security Council adopted a resolution (2615) to add a humanitarian exemption to the sanctions imposed on the Taliban. Meanwhile, in the United States, the Treasury decided to issue special licenses facilitating the work of aid organisations in Afghanistan (Department of the Treasury, 2021; The Financial Times, 2021). In February 2022, the Biden administration announced that it would allocate half of the 7 billion dollars in Afghan central bank assets frozen by the United States to fund international humanitarian assistance in Afghanistan (the other half being assigned to compensate victims of the attacks of 11 September 2001) (Savage, 2022). However, the freeze on these assets was renewed the same month. After the severe earthquake in June 2022, discussions were initiated to create a mechanism to use these frozen assets in response to the disaster and the severe food crisis in the country, without the possibility of this aid being diverted by the Taliban (Stein, 2022). The United States has also pledged to send over 500 million dollars in aid to Afghanistan in 2022. In addition, other Allies have announced that they will contribute aid to the country. The UK has notably pledged 374 million dollars, Germany 220 million and France 118 million (UN, 2022; Le Figaro, 2021).

But providing greater support for humanitarian action in the country remains unthinkable as long as the regime does not offer guarantees concerning the preservation of human rights advances from the past 20 years, particularly those of women. The Taliban's unacceptable decision in March 2022 to ban girls from accessing education from secondary school onwards led to the suspension of several World Bank projects in Afghanistan. Since, other obscurantist decisions have been taken, such as banning women from travelling by plane without a male companion, from frequenting Kabul's parks four days a week, and from leaving their homes without being covered from head to toe. The Taliban refuse to ensure the respect of basic rights, yet say they want humanitarian aid to resume (Shah and Trofimov, 2021). But the Afghan population continues to suffer from the shrinking humanitarian space and its disastrous consequences, caused by the Taliban's intransigence and backward policies.

C. THE DIFFICULTY IN ADAPTING HUMANITARIAN ACTION TO THESE CHALLENGES

30. Faced with these protean challenges, humanitarian actors must adapt to continue operating within a reduced humanitarian space. To do this, they use different approaches. When the security situation has greatly deteriorated, they resort to strengthening the protection of their personnel. But this *bunkering* of aid has an impact on their presence and proximity to civilian populations. They are less able to provide effective assistance and be accepted by all parties in a conflict (Collinson and Elhawary, 2012). Sometimes, aid workers prefer to adopt low-visibility strategies by using, for example, unmarked or hired vehicles. Thus, in Iraq, in areas under the control of Daesh, international organisations distributed emergency aid in ordinary black bags, with no markers of their origin (Rohwerder, 2015).

31. Another option chosen by humanitarian actors to circumvent obstacles is to manage their action remotely by transferring the responsibility for setting up aid to local staff or organisations. The latter often have easier access to areas where international personnel would be unable to operate safely. Thus, in Ukraine, between 2014 and the start of Russia's new invasion in February 2022, several non-governmental organisations subcontracted some of their activities to local organisations present in the occupied areas of Ukraine's Donetsk and Luhansk regions (Bennett, 2015). However, delegating responsibility in this way presents risks for humanitarian actors. They have a limited capacity to monitor local organisations' compliance with the humanitarian principles of neutrality, impartiality and independence, with the risk of them being breached. Belligerents may also exert additional pressure on local actors.

32. These different methods used by humanitarian actors to continue assisting civilian populations are precarious, hazardous and often ineffective. It is therefore essential that Allied countries and NATO act to remove the obstacles facing humanitarian actors and thus restore the presently shrinking humanitarian space. A central aspect of these efforts must involve developing harmonious civil-military relations that respect the independence of humanitarian actors and effectively coordinate the actions of each.

IV- THE ROLE OF CIVIL-MILITARY RELATIONS IN SAFEGUARDING HUMANITARIAN SPACE: A CONCOMITANT NEED FOR COOPERATION AND DIFFERENTIATION

A. A NECESSARY COORDINATION BETWEEN MILITARY AND HUMANITARIAN ACTORS IN CRISIS RESPONSE

33. Maintaining relations between military and civilian actors is essential for humanitarian space to be preserved during conflicts. In this respect, the interaction between aid workers and the armed forces of countries affected by a conflict is important. However, this chapter of the report focuses on another crucial relationship: that between aid workers and Allied armed forces deployed in operations to respond to a conflict, whether within a NATO framework or not. Even if the respective missions and methods of these actors are fundamentally different, their interests and objectives often overlap on the ground. Together, they must therefore develop synergies to better understand and more effectively respond to the needs of civilian populations. The majority of humanitarian actors admit that the military has a role to play in creating and maintaining humanitarian space in the context of operations. International humanitarian law, and in particular the Geneva Conventions, requires parties to an armed conflict not only to allow the deployment of impartial humanitarian action, but also to facilitate rapid and unimpeded access to civilian populations in need (ICRC, 2008).

34. It is thus necessary to develop a constructive civil-military relationship to protect humanitarian space in conflict zones. This allows military and humanitarian actors to operate more effectively and accomplish their missions, some of which converge, without calling into question their respective operational independence. Indeed, civil-military relations promote the exchange of information on the humanitarian and security situation in the area of operation. They help to harmonise the activities of the various civil-humanitarian and military actors and thus avoid or minimise involuntary disruptions between them. They can lead to a mutual understanding of the respective objectives, roles, mandates and actions of each actor on the ground, helping to integrate them into the planning and conduct of military and humanitarian operations. They promote strategies that mitigate the negative consequences of military operations on the civilian environment, while better integrating the principles of international humanitarian law and civilian protection.

35. Although the relationship between civilian actors, including aid workers, and the military is crucial to safeguard humanitarian space, it is nevertheless more or less intense depending on the operational context and type of mandate. It can range from simple coexistence, i.e., a dialogue focused on reducing inconsistencies between humanitarian and military actors in the operational theatre, to more in-depth cooperation that harmonises respective efforts (Civil-Military Cooperation Centre of Excellence, 2020). All civilian and military actors recognise that it is always preferable to have civilian actors implement humanitarian action. However, in highly deteriorated security situations, the unique skills of military actors and their ability to rapidly mobilise and deploy specific resources (such as air and sealift, medical support, and specialised engineering capabilities) can be used to protect humanitarian actors and distribute aid (Global Protection Cluster, 2018). Non-binding international standards have been developed to regulate the use of military means to meet humanitarian needs. The 2003 Military and Civilian Defence Assets (MCDA) guidelines regulate this type of assistance in complex emergencies such as conflicts. They recognise that military actors may, as a last resort and only temporarily, provide support for the response to urgent humanitarian needs in circumstances where civilian organisations are unable to operate (Metcalfe et al., 2012). Likewise, they authorise the provision, on an exceptional basis, of military support (such as armed escorts) to create security conditions that allow aid workers to assist conflict-affected populations (European Commission, 2021b).

B. THE IMPORTANCE OF MAINTAINING A CLEAR DISTINCTION BETWEEN HUMANITARIAN AND MILITARY ACTORS

36. A coherent and harmonious relationship between military and civilian actors helps to preserve humanitarian space in the context of operations. However, a clear distinction must be maintained between their respective actions to guarantee compliance with humanitarian principles. These four fundamental principles are:

- Humanity: aid workers must provide assistance where it is needed while respecting the rights and dignity of the recipients;
- Impartiality: humanitarian aid must be provided solely based on need, without discrimination;
- Neutrality: aid workers must not favour any side in hostilities or in political, religious or ideological disputes; and
- Independence: aid must be independent of the political, economic and military objectives of the other actors involved in the areas where it is implemented.

37. These principles differentiate military action, which has political goals, from humanitarian aid, which is exclusively focused on meeting the needs of populations. A perceived or real blurring of the distinction between military and humanitarian actors can harm the security of the latter and their ability to negotiate with different parties in the conflict to gain access to civilians in need.

38. However, since the end of the Cold War, we have seen a growing merger of humanitarian and military actions within the framework of operations. The response to the conflicts of the 1990s,

particularly in the Balkans, thus marked a first step in bolstering the role of military actors in humanitarian action. At this time, peacekeeping and peace enforcement missions began to be deployed with broad and robust mandates. These included obligations regarding civilian protection and the response to the humanitarian needs of affected populations. The counter-insurgency strategies implemented in military operations during the 2000s and 2010s, notably in Afghanistan and Iraq, further integrated humanitarian assistance into the military domain (MacLeod et al., 2016). The armed forces involved in these operations have sometimes been accused of considering humanitarian aid as a part of their effort to rally the population to their cause and achieve military objectives (such as stabilising a specific area and guaranteeing the safety of troops deployed there) (Metcalfe et al., 2012). Similarly, in recent decades, adherence to the principle of last resort regarding the use of military means in the context of humanitarian interventions has sometimes been problematic. The use of armed escorts by aid workers increases the likelihood of attacks against them (MSF, 2017).

39. The growing integration between the humanitarian and military domains since the end of the Cold War has made it possible to strengthen civil-military relations in the context of operations, and thus to provide more effective aid to civilian populations and preserve humanitarian space. However, it carries the risk of assistance responding to political and military rather than humanitarian needs, and therefore partially blurring the distinction between humanitarian aid and military action. Even where military and humanitarian objectives overlap, the politicisation and militarisation of aid can rightly or wrongly compromise its perception as independent and impartial by the population and parties to the conflict (MacLeod et al., 2016). This affects the acceptance of humanitarian actors. Yet this acceptance is a precondition for safeguarding humanitarian space because it is required to guarantee the safety of aid workers and their access to civilians in need.

40. The scope and form of civil-military interaction always depend on the specific context of a crisis. A case-by-case assessment is therefore necessary to preserve humanitarian space and the perception of aid as independent and neutral. A good understanding of the mandates and agendas of all actors in a complex emergency is essential to ensure effective coordination. A key distinction is whether the military group with which humanitarians are interacting is perceived as being a party to the conflict. In such cases, simple coexistence is the most appropriate civil-military approach.

V- THE ALLIANCE'S RESPONSE TO THE CHALLENGE OF SHRINKING HUMANITARIAN SPACE

A. OVERVIEW OF ALLIED EFFORTS

41. Allies have taken action in different areas to address the shrinking of humanitarian space. In particular, they have made efforts to promote better knowledge of international humanitarian law and greater consideration of humanitarian interests within their armed forces and those of partner countries. France, for example, is committed to increasing and improving training in this area for its own troops and those of its allies, notably within the framework of its National Training Programme on International Humanitarian Law (*Plan national de formation au droit international humanitaire*), adopted in 2020 (MEAE, 2020).

42. The Allies are also developing approaches to civil-military relations that respect the mandates of each and are based on an appropriate balance between cooperation and compliance with humanitarian principles. As such, France has developed its own doctrine concerning civil-military cooperation (also called civil-military action) at each level: strategic, operational and tactical (Van Weezel, 2011). The United States has implemented a comprehensive approach to “civil affairs” aimed at reducing inconsistencies and interference between military and civilian actors in the context of operations. Finally, many other Allies, including Germany, Denmark and the Czech Republic have

aligned their doctrine on civil-military relations with that of NATO (Van Weezel, 2011; Daniel and Wittichová, 2020).

43. Furthermore, Allied armed forces attach increasing importance to civilian protection in conflicts and integrate it into the planning of their operations. They recognise that both they and humanitarian actors have an important role to play in mitigating or reducing the risks faced by civilians during conflicts. Within their doctrines, many now include the creation of a safe and secure environment, the preservation of human rights, the defence of freedom of movement, and the protection of humanitarian organisations (Metcalfe, 2012).

44. Allies are also supporting humanitarian organisations to meet the challenge of the shrinking space in which they operate. For instance, many Allies contribute financially to the efforts of the ICRC, including improving knowledge of and compliance with international humanitarian law through training (ICRC, 2019). Some of them, along with partner countries, have also taken initiatives to help humanitarian organisations strengthen their operational capacity in complex security environments. For example, in 2014, the Federal Department of Foreign Affairs of Switzerland, together with OCHA and Conflict Dynamics International, developed a field manual on humanitarian access in armed conflicts (FDFA, 2014).

45. Within multilateral organisations of which they are members, Allied countries are committed to raising awareness of the risk weighing on humanitarian space and bringing about solutions. In 2017, France notably supported the adoption of a political declaration at the UN on the protection of medical care in armed conflicts. In 2019, the French and German Foreign Ministers launched a Call for Humanitarian Action within the United Nations to preserve humanitarian space. This document highlights solutions that can be implemented by member states to better uphold international humanitarian law and support aid workers (CNCDH, 2020). In July 2021, during its presidency of the Security Council, France organised a meeting on the protection of humanitarian space. It aimed to alert member states to the risk posed by the shrinking of humanitarian space and to bring about good practices that can address this challenge and punish those who perpetrate attacks against humanitarian actors (UN Security Council, 2021a). Following these discussions, the UN Secretary-General announced the creation of a post of Special Adviser on the preservation of humanitarian space within OCHA to help advance discussions on this subject (OCHA, 2021b). France also continued to highlight this issue during its presidency of the European Council from January to June 2022. It notably organised the first European Humanitarian Forum in March 2022. During this event, European decision-makers and the international humanitarian community discussed how to respond to the constraints encountered by aid workers in a context of greatly increased needs.

46. Several Allies also support efforts currently under way to limit the impact of international sanctions on humanitarian space. In 2018, Germany, jointly with Mexico and Switzerland, hosted a series of meetings at the UN on safeguarding humanitarian space in the context of counter-terrorism frameworks and sanctions regimes. Belgium, together with the European Union delegation, also organised an event on this topic during the UN General Assembly in 2019 (Debarre, 2019). These efforts have led to concrete, although still too limited, progress. For example, in 2019 the concerns of humanitarian actors were taken into account in Security Council Resolution 2462 on countering the financing of terrorism. When renewing sanctions on the Democratic Republic of the Congo in 2021, the Council stressed that they should not "have adverse humanitarian consequences" (UN Security Council, 2021b). Adopted in December 2021, Resolution 2615 introduces a humanitarian exemption in the sanctions regime applicable to the Taliban regime in Afghanistan, without any time limit, at the initiative of the United States (UN Security Council, 2021c).

B. NATO AND THE PRESERVATION OF HUMANITARIAN SPACE

47. In NATO's new Strategic Concept, adopted in June 2022, Allied leaders declare that "pervasive instability results in violence against civilians, including conflict-related sexual violence, as well as attacks against cultural property and environmental damage. It contributes to forced displacement, fuelling human trafficking and irregular migration. These trends pose serious transnational and humanitarian challenges. They undermine human and state security". Faced with such challenges, in the same document the Allies reaffirm the centrality of human security, including civilian protection, in their approach to crisis prevention and management (NATO, 2022). Indeed, the Alliance has already made significant efforts to integrate these preoccupations into its policies and actions.

48. NATO has adopted structural policies that aim to enhance civil-military interaction and civilian protection during its operations. At the 2008 Bucharest Summit, Allied leaders recognised that resolving crises requires more than military action and must take into account civil, political and humanitarian factors. They thus adopted an action plan for the development and implementation of NATO's contribution to a Comprehensive Approach (NATO, 2009). The goal of this approach is to make the actions of various civilian and military actors more coherent, and improve understanding and interaction between them, both before and during crises. It concerns four areas: the planning and conduct of military operations; training, exercises and the development and exchange of best practices; interaction with non-military actors; and strategic communication. In 2017, NATO updated this action plan and reaffirmed the importance of strengthening civil-military interaction and developing common strategies with civilian actors, including aid workers (NATO, 2021a). Although the relatively theoretical concept of a comprehensive approach to security has not always translated into concrete results on the ground, it has enabled the Alliance to grasp the need to better integrate the principles and actions of civilian actors, including aid workers, in its response to crises. This concept was also a forerunner to the organisation's development of policies related to human security. At the 2016 Warsaw Summit, NATO Heads of State and Government adopted a policy for the protection of civilians. In 2018, a Military Concept on the same subject was endorsed, and in 2020 a manual was published to put this policy into practice. It aims to avoid and mitigate negative effects on civilian populations that could result from NATO military operations. One of its objectives is to support humanitarian action and help civilians access vital services by working to establish a safe and secure environment during operations. It also recognises that in exceptional circumstances, NATO can respond to specific requests for support from humanitarian actors (NATO, 2021d). The Alliance's strategic shift towards defence and deterrence in the wake of the new Russian invasion of Ukraine since February 2022 must be matched by a strengthening of initiatives to protect civilians and maintain humanitarian space in conflict. The brutality of Russian attacks—especially in urban areas and against critical Ukrainian infrastructure—and the suffering they cause demonstrate the importance of continuing efforts in this area.

49. NATO has also adopted practical measures that take into account humanitarian principles and actions, as well as the need to facilitate civilian access to essential aid during operations. NATO invites civilian actors, including humanitarian actors, to some of its exercises and includes the protection of civilians in its scenarios. For example, the scenario for the *Trident Juncture* exercise held in Norway in 2018 included a combination of military and humanitarian challenges, with one objective being to safeguard humanitarian space. This exercise was an opportunity for the forces involved to practice exchanging information with humanitarian actors and integrating their interests and actions into operational planning. The objective was to avoid inconsistencies and to ensure that no humanitarian action was obstructed or aid workers endangered (Capdevila, 2019). Concretely, deconfliction mechanisms often work by informing the parties in the conflict of humanitarian movements and static locations in areas of operation. The aim is to secure premises, personnel, equipment and humanitarian activities in areas of military operations, airstrikes, bombings, etc. The Alliance also integrates civilian protection and international law, including humanitarian and human

rights law, into its training for forces participating in NATO operations, as well as for local security forces in the context of missions whose mandate includes training.

50. NATO has established close links with certain humanitarian actors to promote the reciprocal sharing of information, knowledge and best practices in order to better protect humanitarian space during conflicts. Fruitful cooperation has been developed with the United Nations and its various agencies, the ICRC, and other non-governmental organisations. In 2019, NATO also officially committed to increasing its exchanges with the ICRC to bolster its training in international humanitarian law (NATO, 2019). In the new Strategic Concept, Allied leaders also state their desire to intensify NATO's coordination and cooperation with the United Nations and the EU, as well as with other regional organisations.

51. Thus, NATO has taken major steps to institutionalise and put into practice the Allied commitment to preserve humanitarian space. Yet it is necessary to go further. The reaffirmation in the Strategic Concept of the Allies' commitment to human security, including the protection of civilians, must serve as a catalyst and be translated into concrete actions in this area at the national and collective levels.

The evolution of NATO's approach to humanitarian space in its operations

Since the end of the Cold War, the Alliance has contributed in various ways to preserving humanitarian space during its operations. When NATO intervened in Bosnia and Herzegovina from December 1995, one of its objectives was to ensure a safe and secure environment, in particular to allow for humanitarian activities and the country's reconstruction (Koops and Patz, 2022). NATO's role further intensified during its intervention in Kosovo in 1999. This operation was described as a "humanitarian intervention". Although this description has been challenged, the intervention was indeed intended to establish a stable security environment and support the international humanitarian effort in the region. NATO quickly took charge of the situation and coordinated the international civil presence in the region. In the Republic of North Macedonia and Albania, NATO troops built crisis centres for refugees. They also delivered hundreds of tonnes of humanitarian aid. The Euro-Atlantic Disaster Response Coordination Centre (EADRCC) became the focal point for the Allied humanitarian response and provided logistical support to UNHCR operations in the region (EADRCC, 2001). NATO therefore played an important and decisive role in efforts to mitigate the impact of the crisis in Kosovo on civilian populations, especially at the start of the crisis when civilian humanitarian organisations could not intervene alone.

NATO's role in aid coordination during the Kosovo crisis was criticised by some humanitarian actors for blurring the real or perceived distinction between military intervention and humanitarian action (Collinson and Elhawary, 2012). Subsequently, the Alliance no longer became so centrally and directly involved in humanitarian efforts, but has sometimes provided essential assistance to humanitarian and development actors. Thus, the NATO International Security and Assistance Force (ISAF) in Afghanistan (2001-2014) set up provincial reconstruction teams whose objective was to secure specific areas so that national and international civilian actors could carry out reconstruction work. These teams also worked to build the capacity of local institutions, particularly in the areas of good governance, the rule of law and respect for human rights (NATO, 2015).

Today, NATO contributes indirectly to upholding humanitarian space, notably through its mission in Iraq. At the government's request, NATO deployed a non-combat mission in the country to help security forces and institutions build their capacities in several areas. In this context, civilian and military personnel provide training, particularly on topics essential to preserving humanitarian space, such as the law of armed conflict and the protection of civilians (NATO, 2021c).

VI- CONCLUSIONS AND PRELIMINARY RECOMMENDATIONS

52. The changing nature of contemporary conflicts is accompanied by a worrying increase in humanitarian needs around the world. Civilian populations are confronted with growing violence and hardship in the context of many conflicts. Yet humanitarian actors face unprecedented challenges to deliver lifesaving aid to people in need. Aid workers are confronted with an escalation in deliberate attacks against them and a multiplication of administrative, legal and logistical obstacles that hinder their action. And yet, as this report shows, this action plays a fundamental role in stabilising countries and regions in conflict, and thus by extension in ensuring the security of the Alliance. It is therefore imperative that Allied countries and NATO take additional measures to improve the security of humanitarian actors and remove barriers that prevent them from assisting populations in need and hence acting in favour of peace. This report sets out several recommendations for the governments and parliaments of the Alliance's member states and, where appropriate, NATO bodies:

A. TAKE GREATER ACCOUNT OF HUMANITARIAN SPACE IN ALLIED MILITARY DOCTRINES AND PRACTICES

1) *Place greater emphasis on safeguarding humanitarian space in national and NATO military doctrines:* Allies must better integrate the protection of humanitarian space into their military doctrines and practices at the strategic, operational and tactical levels. At the collective level, the new Strategic Concept has reiterated the Alliance's commitment to human security, including civilian protection in conflict situations. This new impetus must now be translated into increased efforts and concrete actions to preserve humanitarian space and promote international humanitarian law. In particular, it is important that NATO and the Allies not only seek to limit the impact of their own operations on civilian populations, but also strongly commit, where necessary, to helping build a safe and secure space for aid workers responding to the needs of conflict-affected civilians. Moreover, the Alliance's strategic shift towards defence and deterrence must go hand in hand with a strengthening of its efforts to protect civilians and aid provision in conflict situations. The barbaric actions of the Russian armed forces against civilians in Ukraine should be a wake-up call to the Allies and lead them to reflect in depth on NATO's role in preserving humanitarian space.

2) *Successfully put them into practice*: Allies and NATO must strengthen their capacities in the field of civil-military cooperation and coordination, and better integrate humanitarian considerations into their rules of engagement. In the context of operations, the security, interests and objectives of humanitarian actors must be taken into account in military planning. Humanitarian notification systems must also be established to minimise the impact of military activities on aid workers. These efforts could be based on the expertise developed by the Civil-Military Cooperation Centre of Excellence (CIMIC-CoE, which is not part of NATO but is accredited by it). Located in The Hague, in the Netherlands, it offers a wide range of training and internships to civilian and military actors.

3) *Emphasise international law, humanitarian principles and civil-military cooperation in military training:* In their training, manuals and other instructional materials, Allied armed forces must place greater focus on international law, notably humanitarian law, civil-military cooperation, including in the humanitarian field, and civilian protection in conflict situations. NATO should provide similar emphasis in training that involves the armed forces of Allied and partner countries, as well as in operations whose mandate includes training. Non-governmental organisations need to be involved in such training so that their perspectives can be represented.

4) *Better integrate themes of civil-military cooperation, civilian protection and the preservation of humanitarian space into military exercises:* Allies and NATO must include these issues in the scenarios of military exercises that they organise. In addition, the participation of civilians, particularly humanitarian actors, during such exercises should be promoted to build civil-military cooperation. The scenario and implementation of the *Trident Juncture* exercise, organised in Norway in 2018 (see part V.B.), could serve as an example in this regard.

B. CONSOLIDATE NATIONAL AND INTERNATIONAL LEGAL FRAMEWORKS TO BUILD COMPLIANCE WITH INTERNATIONAL LAW AND BETTER PROTECT HUMANITARIAN ACTORS

1) *Fight against impunity for perpetrators of violence against humanitarian actors in order to stem such crimes:* Member states must support national and multilateral initiatives aimed at collecting, analysing and storing accurate information and data on crimes committed against aid workers in the context of conflicts. They must also invest in the capacities of their police and judicial authorities to investigate and sanction violations of international humanitarian law, in particular attacks against aid workers. In addition, Allied countries must develop judicial cooperation between their national organisations responsible for investigating and punishing violations of international humanitarian law and those of their partners. It is, moreover, necessary for Allies to act within the framework of the international organisations of which they are members, in particular the United Nations, to encourage sanctions against individuals or entities that undermine the security of humanitarian actors and, by extension, their ability to assist populations in need.

2) *Give greater consideration to the unique role of humanitarian actors in legislation:* Anti-terrorist legislation and sanctions regimes must be adapted to protect humanitarian actors from criminal consequences linked to their missions. Humanitarian personnel and organisations must never be prosecuted for providing impartial assistance to civilians in areas under the control of non-state actors, including terrorist groups, or for establishing a dialogue with such groups to access populations in need. Exemptions should also be built into national and international anti-terrorism sanctions regimes to ensure that they do not impede the funding of humanitarian assistance.

3) *Keep international humanitarian law enshrined in national legislation and promote its universal adoption:* Allies must regularly review their national legislation relative to the implementation of their obligations under international humanitarian law in order to ensure that it reflects the evolution of international standards and practices. In addition, Allied countries must step up their bilateral and multinational diplomatic efforts to promote the universal adoption of international treaties on international humanitarian law beyond NATO borders.

C. REMOVE OBSTACLES THAT LIMIT HUMANITARIAN ACTORS' ABILITY TO ACCOMPLISH THEIR MISSIONS

1) *Ensure funding complies with humanitarian principles*: The participation of Allied countries in humanitarian funding must be based on the needs of civilian populations and not on national political, diplomatic or security objectives. Indeed, imposing constraints on the recipients of the aid financed results in the independence and impartiality of humanitarian actors being called into question, and therefore negatively affects their security and access to civilian populations.

2) *Promote an understanding of and compliance with international law and humanitarian principles among belligerents:* Allies should bolster efforts to more widely disseminate information on international humanitarian law and the principles governing humanitarian action to parties in conflict, including non-state groups. In particular, Allies should do their utmost to promote norms of international law to limit the impact of the increasing urbanisation of conflicts on civilians and the aid workers who assist them. An important step forward in this regard is the adoption of a political declaration at the United Nations in June 2022 against the use of heavy explosive weapons in populated areas. More broadly, international law does not permit indiscriminate and disproportionate attacks without all feasible precautions being taken to protect civilians, including local populations and humanitarian workers. Allies must promote respect for these norms among all belligerents in conflicts. Strengthening these efforts to promote international humanitarian law requires, inter alia, increased financial support for humanitarian organisations providing training in this area.

3) *Put pressure on belligerents to guarantee humanitarian access to populations in need*: Member states should rely more on the influence they have over parties in conflicts to guarantee that humanitarian space is preserved and that humanitarian organisations are granted access to civilians in need. In particular, Allies must emphasise the responsibility of states to let humanitarian organisations freely select aid recipients on their territory, and to authorise them to intervene in areas under the control of non-state groups that they do not recognise or consider to be terrorists. Allies must also pressure the states concerned to lift any unjustified administrative restriction that limits the movement of humanitarian actors and aid on their territory.

D. DEVELOP EXCHANGES AND COOPERATION BETWEEN ALLIES AND WITH PARTNERS ON THE PRESERVATION OF HUMANITARIAN SPACE

1) *Promote the exchange of best practices among Allies and with partner countries on safeguarding humanitarian space:* Through bilateral formats or within NATO structures, Allies and NATO should enhance the exchange of information, experience and best practices relating to the application of international humanitarian law, the defence of humanitarian action and the protection of civilians, particularly in the context of operations.

2) *Collaborate with other international organisations concerned about shrinking humanitarian space*: NATO should strengthen its relations with these organisations on this topic, notably with the United Nations—which recently announced the appointment of a Special Adviser on the preservation of humanitarian space—and with the European Union. Not only is it the leading humanitarian donor in the world, but the 2019 EU Concept on Effective Civil-Military Coordination in Support of Humanitarian Assistance and Disaster Relief brings together lessons and best practices from years of experience. This provides direct operational guidance to EU Mission and Operation Commanders. It also implements, within the EU, the practices recommended by the UN for effective humanitarian civil-military coordination of foreign military assets in natural or man-made disasters. The lessons learned from the first European Humanitarian Forum in March 2022 should also be shared with the relevant NATO institutions.

3) *Cooperate with and support humanitarian organisations:* Allies must bolster their support for national and international humanitarian organisations, in particular by offering dedicated training. However, it is also essential that they ensure continuous independent monitoring and evaluation of the effectiveness, efficiency and probity of the humanitarian organisations they support financially. As for NATO, it must pursue its dialogue with international humanitarian organisations, notably the ICRC, to better understand and integrate their perspectives in its doctrines and operations. NATO could, for example, strengthen links between the EADRCC and key humanitarian organisations to enable better practical cooperation in operations where it is called upon to support humanitarian action.

BIBLIOGRAPHY

Ainsworth, David, *Funding tracker: Who's sending aid to Ukraine?*, Devex, 4 July 2022.

Allegretti, Aubrey, *ICC launches war crimes investigation over Russian invasion of Ukraine*, The Guardian, 3 March 2022.

Amnesty International, *Ukraine: Cluster munitions kill child and two other civilians taking shelter at a preschool*, 27 February 2022.

AWSD, *Incidents*, Aid Worker Security Report, 2022.

AWSD, *Figures at a glance*, Aid Worker Security Report, 2021.

AWSD, *Aid Worker Security Report*, 2011.

BBC News, *How many Ukrainian refugees are there and where have they gone?*, 24 June 2022.

Bennett, Christina, *Uncommon bedfellows: local response to the crisis in Ukraine*, ODI, 16 July 2015.

Capdevila, Jordi, *Preserving the Humanitarian Space in NATO Article 5 Operations*, The Three Swords Magazine, 2019.

Civil-Military Cooperation Centre of Excellence, *CIMIC Handbook*, 2020.

Collinson, Sarah and Elhawary, Samir, *Humanitarian space: a review of trends and issues*, Humanitarian Policy Group, 2012.

Commission Nationale Consultative des Droits de l'Homme (CNCDH), Avis sur le respect et la protection du personnel humanitaire, 14 December 2020.

Connolly, Kate, Rankin, Jennifer, *More than 360,000 people have fled war in Ukraine so far, says UN*, The Guardian, 27 February 2022. Daniel, Jan and Wittichova, Marketa, *Forging Civil–Military Cooperation: Domestic and International Laboratories of CIMIC Knowledge and Practice*, Journal of Intervention and Statebuilding, 2020.

Danish Refugee Council, *Global Displacement Forecast*, 2022.

Debarre, Alice, *Humanitarian Action and Sustaining Peace*, International Peace Institute, 2018.

Debarre, Alice, *Making Sanctions Smarter: Safeguarding Humanitarian Action*, International Peace Institute, 2019.

Department of the Treasury, *Treasury Issues Additional General Licenses and Guidance in Support of Humanitarian Assistance and Other Support to Afghanistan*, 22 December 2021.

Euro-Atlantic Disaster Response Coordination Centre (EADRCC), *NATO's Role in Disaster Assistance*, 2001.

European Commission, *Forced displacement*, European Civil Protection and Humanitarian Aid Operations, 2021a.

European Commission, *European Civil Protection and Humanitarian Aid Operations*, 2021b.

European Council, *EU imposes restrictive measures against the Wagner Group*, 13 December 2021.

Federal Department of Foreign Affairs of Switzerland, *Humanitarian Access in Situations of Armed Conflict*, 2014.

Financial Times (The), Editorial Board, *Spare a thought for Afghanistan this Christmas*, 23 December 2021.

Global Network Against Food Crises, *Global Report on Food Crises*, 2022.

Global Protection Cluster, *Civil Military Coordination for Protection Outcomes*, 2018.

Iati, Marisa, *Humanitarian corridors are meant to evacuate civilians in war. But they can be dangerous*, The Washington Post, 17 March 2022.ICRC (International Committee of the Red Cross), *The ICRC Donor Support Group*, 2019.

ICRC, *Operational update on Syria: Maintaining vital support to the most vulnerable in times of COVID-19, while bracing for increased needs*, 29 June 2020.

ICRC, *Humanitarian space – or spaces – must be protected, without exception*, 2021.

Jackson, Ashley and Giustozzi, Antonio, *Talking to the other side Taliban perspectives on aid and development work in Afghanistan*, Humanitarian Policy Group, December 2012.

Jackson, Ashley, *Taliban policy and perceptions towards aid agencies in Afghanistan*, Humanitarian Practice Network, 2013.

Journal d'EUTM Mali, *Numéro 13*, 2021.

Koops, Joachim and Patz, Christian, *UN, EU, and NATO Approaches to the Protection of Civilians: Policies, Implementation, and Comparative Advantages*, International Peace Institute, March 2022.

Kovtoniuk, Pavlo, King, Lucy, and Kessel, Jonah, *Russia's Attacks on Ukraine Hospitals Show a Sinister Pattern*, The New York Times, 13 May 2022.
Kurtzer, Jacob, *Taliban Takeover: Humanitarian Implications and Recommendations for the United States*, CSIS, 24 August 2021.
Lederer, Edith, *UN delays vote on aid to Syria's northwest from Turkey*, The Washington Post, 7 July 2022.
Le Figaro, *La France débloque 100 millions d'euros d'aide pour l'Afghanistan*, 13 September 2021.
Levin, Maksym, *Le conflit gagne en intensité en Ukraine, Poutine déterminé, Paris inquiet*, Reuters, 3 March 2022.
Mack, Michelle, *Increasing respect for International Humanitarian law in non-international armed conflicts*, International Committee of the Red Cross, 2008.
MacLeod, Andrew et al., *Humanitarian Engagement with Non-state Armed Groups*, Chatham House, 2016.
Mandavilli, Apoorva, *Aid groups fight to deliver lifesaving supplies despite losing lives to Russian shelling*, The New York Times, 20 April 2022.Metcalfe, Victoria and Haysom, Simone and Gordon, Stuart, *Trends and challenges in humanitarian civil–military coordination*, Humanitarian Policy Group, 2012.
Ministry for Europe and Foreign Affairs (MEAE), *Plan national de formation au droit international humanitaire des acteurs étatiques et non-étatiques*, 2020.
MINUSMA, *Human Rights*, 2021.
MSF (Médecins sans frontières), *MSF warns about the use of humanitarian aid for political and military interests*, 24 March 2017.
NATO, Strategic Concept, 2022.NATO, *A "comprehensive approach" to crises*, 1 June 2021a.
NATO, *Brussels Summit Communiqué*, 14 June 2021b.
NATO, *NATO Mission Iraq*, 2021c.
NATO, *Human Security*, 21 December 2021d.
NATO, *NATO renews pledge to strengthen training on International Humanitarian Law*, 16 December 2019.
NATO, *ISAF's Mission in Afghanistan (2001-2014)*, January 2015.
NATO, *A Comprehensive Approach*, 2009.
OCHA, *Global Humanitarian Overview 2022*, 2022.
OCHA, *Humanitarian Crises Continue to Exacerbate Gender Inequalities*, Global Humanitarian Overview 2022, 2021a.
OCHA, *Remarks at the high-level side event on 'International Humanitarian Law: Enhancing Monitoring, Improving Compliance', at the 76th United Nations General Assembly*, 22 September 2021b.
OHCHR (Office of the United Nations High Commissioner for Human Rights), *Ukraine: Millions of displaced traumatised and urgently need help, say experts*, 5 May 2022.
OHCHR, *Project supporting the G5 Sahel Joint Force with Implementation of the Human Rights and International Humanitarian Law Compliance Framework*, 2018.
O'Leary, Emma, *Politics and principles: The impact of counterterrorism measures and sanctions on principled humanitarian action*, February 2022.Parkin, Benjamin and Qazizai, Fazelminallah, *Afghanistan's looming famine: will the US help the Taliban?*, Financial Times, 22 December 2021.
Parkin, Benjamin and Stubbington, Tommy, *Afghanistan's currency crisis leaves millions at risk of starvation*, Financial Times, 16 January 2022.
Polityuk, Pavel and Balmforth, Tom, *Ukraine begins first war crimes trial of Russian soldier*, Reuters, 13 May 2022.
Reed, John, Olearchyk, Roman, Lockett Hudson, *Missiles rain on Ukrainian cities as Russia steps up bombardment campaign*, Financial Times, 2 March 2022.
Ricard, Philippe and Zerrouky, Madjid, *Guerre en Ukraine : les « couloirs humanitaires », une arme de guerre pour Vladimir Poutine*, Le Monde, 8 March 2022.
Rohwerder, Brigitte, *Restrictions on humanitarian access*, GSDRC, 11 November 2015.
Savage, Charlie, *Spurning Demand by the Taliban, Biden Moves to Split $7 Billion in Frozen Afghan Funds*, The New York Times, 11 February 2022.

Security Council Report, *Preserving Humanitarian Space*, 2021.
Shah, Saeed and Trofimov, Yaroslav, *Aid Agencies in Afghanistan Ponder How to Help Without Abetting the Taliban*, Wall Street Journal, 9 September 2021.
SIPRI, *Global developments in armed conflicts, peace processes and peace operations*, 2021.SIPRI, *Yearbook 2022,* 2022.
SIPRI, *Environment of Peace: Security in a New Era of Risk*, May 2022.
Stein, Jeff, *Biden aides seek to unlock Afghan reserves without enriching Taliban*, The Washington Post, 28 June 2022.
UNICEF, *School year nears tragic end in Ukraine amid child deaths, empty classrooms and destruction of educational facilities*, 4 May 2022.
United Nations, *World can end 'downward humanitarian spiral' of Afghanistan*, 31 March 2022.
United Nations, *Ukraine: UN rights office probe spotlights harrowing plight of civilians*, 10 May 2022.
United Nations, *Au Sahel, 29 millions de personnes ont besoin d'aide humanitaire et de protection (OCHA)*, 28 April 2021a.
United Nations, *UN Deputy Secretary-General's remarks to the Security Council on behalf of the Secretary-General on the protection of civilians and the preservation of humanitarian space*, 16 July 2021b.
United Nations, *A New Era of Conflict and Violence*, 2020.
United Nations, *Secretary-General's remarks at open debate of the Security Council on "Addressing complex contemporary challenges to international peace and security" [as delivered]*, 2017.
United Nations Peacekeeping, *Cérémonie de lancement officiel du MISAD*, 28 January 2021.UNHCR (United Nations High Commissioner for Refugees), *Operational Data Portal*, 21 June 2022.
UNHCR, *Global Trends Forced Displacement in 2020*, 2020.
UNHCR, *Operational Data Portal*, 2022United Nations Security Council, *Protection of Civilians in Urban Warfare: High-level Open Debate*, 24 January 2022a.
United Nations Security Council, *Protection of civilians in armed conflict, 2022b.*
United Nations Security Council, *Conflict and Food Security*, 29 April 2022c.
United Nations Security Council, *Protection of civilians in armed conflict*, 2021a.
United Nations Security Council, *Resolution 2582*, 2021b.
United Nations Security Council, *Security Council Unanimously Adopts Resolution 2615 (2021), Enabling Provision of Humanitarian Aid to Afghanistan as Country Faces Economic Crisis*, 2021c.
United Nations University, *Civil War Trends and the Changing Nature of Armed Conflict*, 2017.
Van Weezel, Stijn, *Research into the CIMIC Operationalisation of Nations,* CIMIC, 2011.
World Bank, *Pathways for Peace: Inclusive Approaches to Preventing Violent Conflict*, 2017.
World Health Organization, *World Humanitarian Day 2020: A tribute to aid workers on the front lines*, 19 August 2020.
Wright, George, *Ukraine war: Is Russia committing genocide?*, BBC News, 13 April 2022.
Yawar, Mohammad Yunus and Greenfield, Charlotte, *Taliban appeal for more aid after deadly Afghanistan earthquake*, Reuters, 25 June 2022.