

Civil-Military Relations in Armed Conflicts: A Humanitarian Perspective¹

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A UN Peacekeeper of UNTAET's Portuguese contingent is accompanied by a group of local children as he conducts a security patrol in the Becora district of Dili, East Timor. March 2000. UN Photo.

Introduction

In today's changing security environment, the military are increasingly involved in the direct delivery of relief aid, while humanitarian organisations often find themselves having no other choice but to rely on the military to ensure the safety and security of their staff and operations, and to enable access to populations in need. Whether or not this is a temporary phenomenon in a few specific cases or a wider trend that is here to stay, the situation begs for a re-examination of civil-military relations in humanitarian crises, in order to facilitate mutual understanding and search for an optimum relationship between both actors as they operate in physical proximity in dangerous situations.

One such attempt has been undertaken in 2003-2004 by the humanitarian community through the Inter-Agency Standing Committee (IASC). Although little known to the military community and despite having no authority to direct or bind its members or anyone else, the IASC is an international humanitarian coordination body that enjoys a degree of legitimacy that derives from its broad-based

¹ This article was written and submitted in November 2004.

² The views expressed herein are those of the authors and do not necessarily reflect the views of the United Nations. Both currently serve at the United Nations Office for the Coordination of Humanitarian Affairs and co-authored the IASC Reference Paper on "Civil-Military Relationship in Complex Emergencies". See footnote 4 for a copy of the paper.

membership as well as the universal character of its founding body, the United Nations (UN) General Assembly (GA).³ (See Box 1 for information on IASC membership.) Thus, for military personnel interacting with humanitarian actors, taking a look at IASC-endorsed guidance provides a short-cut to understanding some common positions that are shared across a diverse range of humanitarian actors.

The purpose of this article is to introduce the readers to one of the latest IASC instruments on civil-military relations in humanitarian action: the IASC Reference Paper on "Civil-Military Relationship in Complex Emergencies"⁴. This generic reference is worth highlighting, as it is devised as a practical tool to be used by humanitarian personnel when formulating country-specific guidelines for civil-military relations tailored to particular complex emergencies.⁵ Although written primarily for humanitarian practitioners, military personnel would probably find it a useful tool in understanding a widely shared humanitarian view.

This article will first examine the background that led to its conception. Secondly, some key features will be highlighted. Lastly, its practical application will be considered. It is hoped that this article would lead to an enhanced awareness of an existing tool that could help facilitate both the military and humanitarian communities to carry out their respective missions more effectively as well as to better understand each other.

'Militarisation' of aid, 'civilianisation' of UN peace operations, post-cold war emergencies, and fears over diminishing humanitarian space

Nothing is strikingly new about humanitarian actors working side-by-side with the military; a

³ The United Nations General Assembly, with a membership of 191 States, is the most broadly representative principle organ of the United Nations. This level of representation gives it a unique place in an international system composed of sovereign States that are not subject to any higher authority.

⁴ The paper was endorsed by the IASC in June 2004 and is available on the Internet at:
<http://ochaonline.un.org/cmcs/guidelines>.

⁵ A complex emergency is defined by the IASC as: "a humanitarian crisis in a country, region, or society where there is total or considerable breakdown of authority resulting from internal or external conflict and which requires an international response that goes beyond the mandate or capacity of any single agency and/or the ongoing United Nations country programme."

relationship that has traditionally been based on a distinction between the military and the non-military domains, built upon the principles of international humanitarian law that distinguishes between combatants and non-combatants, protecting the latter from armed attacks. Maintaining distinction has long been understood as a vital factor that enables the preservation of ‘humanitarian space’ – an operating environment in which humanitarian actors can discharge their responsibilities both effectively and safely, based on the key humanitarian principles of humanity, neutrality, and impartiality.

Box 1

What is the IASC?
 The Inter-Agency Standing Committee (IASC) was created to strengthen coordination and effectiveness of humanitarian assistance, called for by UN General Assembly (UNGA) resolution 46/182 of 1991. Through resolution 48/57, the UNGA affirmed the IASC's role as the ‘primary’ mechanism for inter-agency humanitarian coordination. It is a key vehicle to formulate common policy and guidelines amongst a broad range of humanitarian actors. The following organisations form the IASC:

Full Members:

- Food and Agriculture Organisation (FAO)
- United Nations Office for the Coordination of Humanitarian Affairs (OCHA)
- United Nations Development Programme (UNDP)
- United Nations Population Fund (UNFPA)
- Office of the United Nations High Commissioner for Refugees (UNHCR)
- United Nations Children's Fund (UNICEF)
- World Food Programme (WFP)
- World Health Organisation (WHO)

Standing Invitees:

- International Committee of the Red Cross (ICRC)
- International Council of Voluntary Agencies (ICVA) *
- International Federation of Red Cross and Red Crescent Societies (IFRC)
- InterAction *
- International Organization for Migration (IOM)
- Office of the United Nations High Commissioner for Human Rights (OHCHR)
- Office of the Special Representative of the Secretary General on the Human Rights of the IDPs
- Steering Committee for Humanitarian Response (SCHR) *
- The World Bank

** These are umbrella organisations of three different consortia of major humanitarian NGOs.*

Today, however, as varying practices of civil-military interaction take place in a wide spectrum of complex emergencies and as certain changes appear evident in the humanitarian security environment,⁶ many humanitarian actors are concerned over the erosion of the traditional separation. From the civil-military relations viewpoint, at least three factors can be seen to be contributing to this anxiety over diminishing humanitarian space: ‘militarisation’ of humanitarian aid; ‘civilianisation’ of UN peace operations which now range from having no military forces at all within its command to having civilians

⁶ For a detailed discussion on humanitarian security, see “Discussion Paper: Addressing the Challenges to Humanitarian Security” prepared by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) for the High-Level Humanitarian Forum held in Geneva on 31 March 2004.

working under the same overall structure with a military component that is increasingly authorised to undertake ‘robust’ tasks; and ad-hoc operational concerns arising in the context of post-cold war emergencies.

First of all, recent expansions of military action into ‘operations other than war’ have led to what some humanitarian actors see as ‘militarisation’ of aid. Be it as part of a counter-insurgency tactic, psychological operation to win ‘hearts and minds’ of the local population, or for enhanced ‘force protection,’ military troops have been sent to perform what contributing governments call ‘humanitarian and reconstruction’ tasks in places such as Iraq and Afghanistan.⁷ In addition, some humanitarians are seen to be utilised by certain governments or military as their ‘field agents’ or ‘force multipliers’ to implement their political or military mission, as relief aid is increasingly employed as part of military campaigns.⁸ Surely, the military have performed relief tasks in the past, including in post-WWII Asia and Europe. Military critics of recent military undertakings of civilian tasks, however, argue that such actions in which the military have little or no expertise divert resources from waging war and thus diminish combat effectiveness. Humanitarian critics say that they harm the image and perception of humanitarian operations, which could hamper the delivery of aid and protection activities and may even lead to attacks against humanitarian staff. Others argue that a more holistic approach to military engagement is an essential part of evolution in military doctrine that needs to focus more on winning the ‘peace’ rather than solely the ‘war’ and that some degree of military involvement in civilian tasks is here to stay. The debate is far from any conclusion, while operational challenges on the ground call for appropriate guidance.

Secondly, in the context of UN peace operations, a somewhat opposite trend has been seen: the 1990s

⁷ For a recent comprehensive study on military involvement in relief, see Gerald McHugh and Lola Gestelow, 2004, “Provincial Reconstruction Teams and Humanitarian-Military Relations in Afghanistan”, Save the Children, available at: http://www.savethechildren.org.uk/temp/scuk/cache/cmsattach/1879_PRT.pdf.

⁸ For more, see Gil Loescher, 20 August 2004, “An Idea Lost in the Rubble”, *New York Times*; Poul Neilson, 17 June, 2004, “Give Relief Agencies the Space to do Their Job”, *Financial Times*; and Conor Foley, 22 June 2004, “Humanitarian Aid Workers Getting Caught in the Crossfire”, *Guardian Weekly*.

were marked with an exponential rise in the 'civilian' dimensions of these operations.⁹ UNMIK in Kosovo, UNAMA in Afghanistan, as well as UNAMI in Iraq as of October 2004 are exclusively civilian, although operating alongside UN-mandated military.¹⁰ The impetus to contribute to the consolidation of peace in the critical period of post-conflict peace-building, most notably since UNTAG in Namibia, has resulted in an increasing number of UN peace operations mandated with a wide range of non-military tasks, including humanitarian assistance, election monitoring, judicial support, and in some cases, even to perform the full functions of a governing authority as in UNTAET in East Timor.

The requirements of such multi-dimensional peace operations have led to the concept of UN 'integrated missions'¹¹ that should enable a more coherent approach to realising the full range of UN objectives, building upon the competencies of each part of the UN system. However, some humanitarian actors see an inherent dilemma between the need for a coherent approach of all UN entities and the need for humanitarian operations to maintain neutrality and impartiality, which in certain circumstances might require some level of distance from the political and



A UN Peacekeeper comforts a child in Bunia, Democratic Republic of the Congo, after thousands of civilians have fled their homes while militia groups fight for control of the town and have engaged in extensive looting. UN Photo 2003.

military dimensions of an integrated mission.¹² To be sure, UN civilian involvement in the wide range of activities that promotes peace and good governance by itself is not the problem. A key aspect of the debate, however, surrounds the relationship between humanitarian and military actors within an integrated UN mission as well as the consequences such missions might have on their relationship with humanitarian organisations that are not part of the UN system. Concerns are intensified when a UN peace operation is carried out under a 'robust' mandate where its military component could potentially be faced with having no other choice but to engage in the use of force either for self-defence or for other authorised purposes, thereby becoming or be seen to have become a party to the conflict, and in certain circumstances, be perceived as 'enemy' combatants in the eyes of certain populations.

Lastly, pressing operational concerns continue to arise in the context of conflicts within fragile States where challenges that are characteristic of the post-cold war period continue. In Liberia, humanitarian assets, including transportation and communication equipment, had to be provided to the Economic Community of West African States Monitoring Group (ECOMOG) in late 2003 to enable it to rapidly provide security, thus reversing the conventional relationship in which military assets were used as a last resort to support humanitarian operations. In Uganda, UN agencies have been left with no other choice but to rely on Government forces – a party to the conflict – for armed escorts when accessing certain areas in the North, at the risk of losing impartiality. Pressures to engage in such controversial ad-hoc arrangements beg for some general guidance on which such decisions should be based.



UN peacekeeping soldiers in Port-au-Prince, Haiti. June 2004. UN Photo/Evan Schneider.

⁹ The term 'UN peace operations' will be used to include UN peacekeeping operations, as well as UN political and peace-building missions. See <http://www.un.org/Depts/dpko/dpko/bnote.htm> for a summary of current UN peacekeeping operations. See <http://www.un.org/peace/ppbm.pdf> for an overview of current UN political and peace-building missions.

¹⁰ For more on the changing nature of peace operations, see Bruce Jones and Feryal Cherif, September 2003, "Evolving Models of Peacekeeping: Policy Implications & Responses", Center on International Cooperation, NYU, available at: <http://www.peacekeepingbestpractices.unlb.org/>.

¹¹ See the "Report on the Panel on United Nations Peace Operations (A/55/305 – S/2000/809)" – the so-called 'Brahimi Report', released in August 2000 – on some basic ideas on the concept of UN integrated missions. It is available at: <http://pbpu.unlb.org/pbpu/>. See also an independent study commissioned by the UN Executive Committee on Humanitarian Affairs (ECHA) entitled "Report on Integrated Missions: Practical Perspectives and Recommendations", released in May 2005. The report is available at: <http://ochaonline.un.org/GetBin.asp?DocID=3352>.

¹² On the relationship between neutrality and impartiality in the context of the work of the UN Secretariat that probably still stands the test of time, see for example, former Secretary-General Dag Hammarskjöld's address at Oxford University of 30 May 1961.

All these factors raise a number of common questions: How can a clear distinction between combatants and non-combatants be maintained and humanitarian operating space be preserved? How can humanitarianism be shielded from being abused as a justification for military action? What information should/should not be shared between the military and the humanitarians? How do civil-military relations affect the safety and security of humanitarian staff? These and other questions were debated over the course of years at various forums of the UN and in the IASC, resulting in the formulation of a series of guidelines and references. (See Box 2.)

Box 2

UN-related Guidelines/Guidance on Civil-Military Relations for Humanitarian Action in Complex Emergencies

Generic

- Civil-Military Relationship in Complex Emergencies – An IASC Reference Paper (June 2004)

Issue-specific

- Guidelines on the Use of Military and Civil Defence Assets to Support United Nations Humanitarian Activities in Complex Emergencies (March 2003)
- Use of Military or Armed Escorts for Humanitarian Convoys - Discussion Paper and Non-Binding Guidelines (September 2001)
- Civil-Military Coordination Policy by Department of Peacekeeping Operation (September 2002)

Country-specific

- Guidelines for Humanitarian Organisations on Interacting with Military and Other Security Actors in Iraq (October 2004)
- General Guidance for Interaction between United Nations Personnel and Military and Civilian Representatives of the Occupying Power in Iraq (May 2003)
- Relationships with Military Forces in Afghanistan – Guidelines for UNAMA Area Coordinators and other UN Personnel (2002)
- Guidance On Use of Military Aircraft for UN Humanitarian Operations During the Current Conflict in Afghanistan IMTF (November 2001)

All documents are available at <http://ochaonline.un.org/cmcs/guidelines>

Reference on civil-military relations in humanitarian action – some key ideas

Military doctrine by itself usually does not provide concrete steps to solve a particular military problem or direct a commander to take specific action: it provides a shared way of thinking about military issues, and commanders are expected to interpret military doctrine and exercise their judgment in carrying out their mission. Similarly, though in a much looser sense and not elaborated in the form of a doctrine per se, there are humanitarian values and approaches that are shared amongst humanitarian actors, along which they are expected to act.

The IASC Reference Paper on “Civil-Military Relationship in Complex Emergencies”¹³ (hereafter “IASC Reference Paper of 2004”) is one of the latest and probably the first comprehensive tool on the subject to be endorsed by this body. It complements earlier papers formulated on specific aspects of civil-military relations, such as the “Guidelines on the Use of Military and Civil Defence Assets to Support United Nations Humanitarian Activities in Complex Emergencies” (hereafter “MCDA Guidelines”) of March 2003.¹⁴ Most importantly, in a generic manner, the “IASC Reference Paper of 2004” spells out a common understanding on when and how as well as how not to coordinate with the military in fulfilling humanitarian objectives. It does so by identifying fundamental principles and concepts that must be upheld when coordinating with the military and by elaborating on key practical considerations for humanitarian workers engaged in civil-military coordination.

Of particular interest in today’s operating context may be the emphasis the IASC members place on a fundamental preference for the military to first and foremost focus on *security* and the humanitarians to carry out *humanitarian* tasks, thus maintaining not only a clear distinction, but also performing tasks where each group of actors has its own expertise, experience and knowledge. The “IASC Reference Paper of 2004” strongly discourages military forces from playing the role of humanitarian aid providers, while recognising the military’s role in creating a secure operating environment that enables civilian humanitarian action.¹⁵

In any hostile environment, humanitarians have an important role to play just as the military... both organizations must find a common ground to operate otherwise there will be more chaos.

*Major Tevita Gockamoli,
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¹³ See footnote 4.

¹⁴ See Box 2 for a compilation of guidelines formulated through a UN or IASC related mechanism.

¹⁵ This is not to say that the military should never have a role in providing relief. Under the 1949 Geneva Convention Relative to the Protection of Civilian Persons in Time of War (GC IV), in cases of occupation, the Occupying Power (OP), to the fullest extent of the means available to it, is legally obliged to provide for and ensure provision of adequate food and medical supplies and health services. When supply is inadequate, the OP shall agree to relief schemes on behalf of the population of the occupied territory. GC IV also clearly recognises the role of

Here follows a selection of some other important ideas expressed in the “IASC Reference Paper of 2004”: First, the paper states and reaffirms the definition of civil-military coordination as spelled out in the “MCDA Guidelines”: “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. Basic strategies range from coexistence to cooperation. Coordination is a shared responsibility facilitated by liaison and common training.” Although military and humanitarian organisations usually have *different* goals and priorities, this does not exclude the possibility of both organisations undertaking similar activities in the same area. This is exactly why dialogue is so essential to avoid conflicts, competition, and/or confusion.

Secondly, the importance of the cardinal principles of humanitarian assistance – i.e. *humanity*, *neutrality*, and *impartiality* – is reconfirmed and emphasised. Although there is a recognition that the key humanitarian objective of providing protection and assistance to populations in *need* may at times necessitate a pragmatic approach, it is nevertheless stressed that ample consideration must be given to finding the right balance between a pragmatic and principled response, so that coordination with the military would not compromise humanitarian objectives.

Thirdly, there is a clear understanding that *any* perception that humanitarian actors may have

States and impartial humanitarian organisations in undertaking such relief schemes and obliges the OP to facilitate them. (See Articles 55, 56, 59 and 60 of GC IV). In conjunction with these provisions and bearing in mind that the OP is not only composed of military forces, humanitarian organisations have argued that even in cases of occupation, relief schemes should be under civilian control and direction, and to the extent possible in the given circumstances, be carried out by the civilian components of the OP, impartial humanitarian organisations and/or other civilian actors. Hence, the military's primary role in relief, if any, should be one of facilitation, even though at certain times it will have a role in directly providing relief and a duty to do so, especially when requested, authorised and undertaken as an essential last resort in meeting critical needs when civilian means are unavailable.



UN Military Observers and Peacekeepers from the Western Sector team sites brief UNMEE Force Commander Major-General Patrick Cammaert (seated) in June 2001. UN Photo.

become affiliated with the military within a specific situation could impact negatively on the *security of humanitarian staff* and their ability to *access* vulnerable populations. Thus, the paper reflects that the need to identify the most expeditious, effective, and secure approach to ensure the delivery of vital assistance to vulnerable target populations must be balanced against the concern for ensuring staff safety. This approach is particularly stressed in the latest “Guidelines for Humanitarian Organisations on Interacting with Military and Other Security Actors in Iraq” (hereafter “Iraq Guidelines”)¹⁶ issued by the Office of the UN Humanitarian and Resident Coordinator and Deputy Special Representative of the Secretary-General in UNAMI.

Fourthly, the importance of maintaining a clear *distinction between combatants and non-combatants* is strongly reaffirmed, with a reminder that humanitarian workers must *never* present themselves or their work as part of a military operation, and military personnel must refrain from presenting themselves as civilian humanitarian workers. The paper also stresses that *operational independence* of humanitarian actors must be preserved, retaining their lead role in undertaking and directing humanitarian activities. This principle is also emphasised in the “Iraq Guidelines”, which stipulates that “the overall humanitarian assistance and reconstruction effort in Iraq is best served through a *clear division of labour*: humanitarian agencies to provide humanitarian assistance and the military to provide security, and if necessary, basic infrastructure and urgent reconstruction assistance limited to gap-filling measures until civilian organisations are able to take-over.”

Fifthly, the paper reflects an aversion of the IASC members to labelling any activity undertaken by the military in support of a military mission as ‘*humanitarian*’ assistance. Although it is recognised that the military may well help in certain settings as in Iraq where humanitarian organisations faced

¹⁶ This set of guidelines was issued on 20 October 2004. It is the first field guidelines to be drafted based on the IASC Reference Paper on “Civil-Military Relationship in Complex Emergencies” of 28 June 2004. The paper is available at: <http://ochaonline.un.org/cmcs/guidelines>.

enormous security constraints, IASC members also felt that any activity – including relief – that was undertaken for ‘political’ or ‘military’ purposes are by their nature and definition *not* ‘humanitarian’. Thus, the paper carefully makes a distinction by ensuring that every wording associated with military provision of assistance is termed ‘*relief*’ instead of ‘*humanitarian*’. Only a few years back, heated debates surrounded the notion of ‘humanitarian intervention’ or ‘military humanism,’ which were about military engagement in forceful armed action for assumed or proclaimed humanitarian purposes. Today, many humanitarian actors are of the view that what is now taking place for instance in Iraq or Afghanistan are military engagements in relief action for military and political purposes. Critics may argue that this kind of adjustment in ‘terminology’ would probably make no difference to the recipients of aid on the ground. The IASC members, however, realise that calling an act *relief* or *humanitarian* does have practical consequences that go beyond mere wording. For example, as military relief activities conducted in support of a military mission are not civilian humanitarian acts, these must be carried out wearing military uniforms (not in civilian clothing as was seen in parts of Afghanistan in 2003 and early 2004) in order to maintain a distinction between civilians and the military.

Sixthly, despite recent tactical encroachment by the military into the humanitarian sphere, the paper reflects the firm agreement amongst IASC members that the use of military assets, armed escorts, joint humanitarian-military operations, and any other visible interaction with the military should remain an *option of last resort*, and that it is important for humanitarians to *avoid reliance* on the military.



MINURSO briefing after Mahbas patrol on 22 June 2003. UN Photo/Evan Schneider

Practical application and the way forward – towards enhanced dialogue

Each complex emergency is different and requires guidelines that are tailored to the specific circumstances of the situation on the ground. As noted in the beginning, the “IASC Reference Paper of 2004” is a generic tool designed precisely to facilitate the formulation of such country-specific guidelines. Since its adoption, it has been used as a basis for drafting the “Iraq Guidelines”¹⁷ and a similar process is underway in the Democratic Republic of Congo and Sudan. Some humanitarian and military organisations as well as the United Nations Department of Peacekeeping Operations have used the paper to brief and/or train their staff, and a consortium of humanitarian NGOs has incorporated much of its concepts into their own civil-military guidelines.¹⁸ Recently, the humanitarian module of a civil-military coordination course for African peacekeeping instructors was developed based on the “IASC Reference Paper of 2004”¹⁹. Of course, it is not proclaimed to be a perfect tool for every kind of situation. The paper has its weaknesses including its exclusion of non-state armed groups and private security companies.²⁰ Its key strength, however, is that it reflects the ideas of a broad range of humanitarian actors.

Just as military doctrine changes or should at least be reviewed as the nature of warfare and threats change, so will the instruments of the IASC, including the “IASC Reference Paper of 2004”, need to be reviewed and adapted. But first, it must be tested and tried in order to ask questions such as: How useful are the principles, concepts, and practical considerations in the paper? What would facilitate the implementation of these ideas? Where are the gaps and what needs to be improved? How has the paper contributed to improving the effectiveness of civil-military relations? What is its relevance in an era in which some warring parties apparently assume that they cannot ‘win’ by

¹⁷ See footnote 16.

¹⁸ CARITAS International.

¹⁹ The African Civil-Military Coordination Instructor’s Course has been developed by the African Centre for the Constructive Resolution of Disputes (ACCORD).

²⁰ A separate paper entitled “Humanitarian Negotiations with Armed Groups: A Manual for Practitioners” is currently being drafted by OCHA. The Manual is expected to be published in early 2006.

respecting international humanitarian law and principles?

To answer these and other important questions, the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), which is responsible for advising the IASC of necessary updates of the “IASC Reference Paper of 2004”, is eager to hear from military and humanitarian personnel with their comments and suggestions. We are also keen on enhancing dialogue with military actors to discuss and debate the issues in order to improve mutual awareness and understanding, in a common quest for a better working relationship between humanitarian and military communities in the new environment in which we both operate.



Combined Coordination Center (CCC) Director, Col. Frank Gunter (USMCR) discusses the situation with Sharon McHale (COE-DMHA). February 2005, U-Tapao, Thailand. Photo/Kaoruko Seki

Author Profiles

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Kaoruko Seki works on civil-military relations at the United Nations in New York, with the Policy Branch of the Office for the Coordination of Humanitarian Affairs (OCHA). Prior to this, she served as OCHA’s Desk Officer for 12 countries in Africa, Asia, and Europe. She also worked with UNHCR in the Balkans; with UNICEF as a Project Coordinator for Afghanistan; and served in three UN peacekeeping missions: ONUMOZ (Mozambique), UNOMIL (Liberia), and UNMIK (Kosovo). In the wake of the Indian Ocean Tsunami disaster, she served as a UN Civil-Military Coordination Officer in Thailand, liaising with the Combined Support Force 536. She has lectured and researched on international law and security, including as a Fulbright Scholar and as a New Century Scholar in Japan, Netherlands, UK, and USA.

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