

JOINT INGO POSITION ON HUMANITARIAN USE OF UAVS

The humanitarian situation for communities in eastern DRC remains precarious, with widespread displacement and many unable to access basic services. With needs so great, the urgency to provide assistance is clear. However, it must be delivered in accordance with humanitarian principles, in particular neutrality, impartiality and operational independence. The below-listed INGOs operational in DRC (representing the North Kivu Chef de Mission forum) **do not believe that use of MONUSCO's Unmanned Aerial Vehicles (UAVs) for humanitarian purposes in DRC ensures the most appropriate and strict application of humanitarian principles, and as such they are not an appropriate or suitable channel for enabling humanitarian assistance.** Specifically, **use of the UAVs by INGOs operational in DRC risks losing humanitarian access and acceptance, and jeopardizes the core principles of neutrality and operational independence.**

MONUSCO is setting a significant precedent as the first DPKO mission in the world to use UAVs formally integrated into the mission's civilian structure. Whilst it is acknowledged that UAV technology represents a valuable step forward in capacity for information gathering, data collection and imagery, we have strong concerns over MONUSCO's stated intention to use the UAVs for both military and humanitarian purposes. Whilst it is anticipated that debate concerning the use of UAVs in DPKO missions globally will be on-going and evolve, caution and rigor must be applied at this early stage to ensure the correct precedent is set. As a result of reflection and debate, we have produced this position paper in response to MONUSCO's offer of UAV usage to the humanitarian community.

Neither the military nor the civil defense assets belonging to belligerent forces or armed actors actively engaged in combat operations in DRC should be used to support humanitarian activities. This is relevant in the case of MONUSCO, who are currently engaging in active bilateral operations with the FARDC against armed groups. As MONUSCO is thus a party to the conflict, INGOs must carefully manage their risk of association with MONUSCO, and in particular the military components of the mission, in order to preserve humanitarian access and acceptance.

Due in part to MONUSCO not sensitizing the population on the role of the UAVs within their broader mission, communities are unaware or unclear as to the nuance of their dual-use capacity as both a military and civilian asset. Anecdotal evidence gathered by INGOs indicates that communities are more likely to associate the UAVs with the military components of the mission. This means that **the transparency, acceptance and community engagement**

surrounding UAV usage in DRC is questionable. Regardless of whether a UAV flight is being undertaken for the purpose of information gathering for military intelligence or the humanitarian response, neither communities nor armed groups are able to distinguish when its use is related to a military objective and INGOs will risk impeding humanitarian access and losing acceptance due to the perception of being associated with the military components of MONUSCO.

Although MONUSCO is keen to portray the UAVs as a mission-wide asset, they are in fact (as communities believe) used primarily at this stage for information gathering by MONUSCO for military intelligence. Therefore whilst the UAVs are made available equally to civilian and military tasks, privately contracted and under the control of the office of the SRSG rather than the Force Commander, the reality of current usage is that they are more heavily tasked by military components of the mission. This dual-use capacity is problematic as it directly threatens the humanitarian principles of neutrality, impartiality and operational independence.

If data gathered during a flight with a humanitarian objective informs combat operations or is used for military intelligence, there is a clear compromise of neutrality. Furthermore, as UAV flights are currently scheduled according to strategic priorities of MONUSCO military components, data or information gathered by the UAVs is not necessarily focused on areas with the greatest humanitarian need and the principle of impartiality. This risks skewing analysis of needs. **The humanitarian response in DRC must be needs-driven, independent and not related to military or political strategic objectives.** Flights should not be undertaken which simultaneously gather information to inform both humanitarian and military activities. Further, humanitarian UN agencies should not “piggy-back” onto previously scheduled UAV flights gathering military intelligence.

In light of the above, **the below-listed INGOs operational in DRC (representing the North Kivu Chef de Mission forum) define the UAVs as a MONUSCO military asset and will therefore follow the applicable procedures** as advised by the new 2014 “National Guidelines for the Coordination Between Humanitarian Actors And the United Nations Organization Stabilization Mission in the Democratic Republic of Congo” (currently being prepared for approval by the HCT). These will allow the use of MONUSCO military assets by humanitarian actors **only as a last resort under exceptional circumstances.** It is strongly recommended that UN humanitarian agencies adopt the same position regarding their use of UAVs, to ensure that no confusion remains on the use of the asset amongst humanitarian actors.



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