

THEMATIC  
ROUNDTABLE

NOVEMBER  
2014



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# HUMANITARIAN EVACUATIONS IN ARMED CONFLICT

# 1. Forward

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On 24 November 2014 in Geneva, the Global Protection Cluster convened a thematic roundtable on humanitarian evacuations of civilians in armed conflict.<sup>1</sup> Bringing together practitioners and independent experts, the roundtable sought to distill learning from past and present examples of humanitarian evacuations, exploring in depth the particular dilemmas confronted by humanitarian actors when having to consider, plan and implement such extreme protection measures. As a complement to this discussion, participants were invited to take stock of available policy and operational guidance on humanitarian evacuations, and to recommend a way forward to address any emerging gaps. Particular focus was placed on decision-making processes for humanitarian evacuations, alongside a review of the roles, mandates and expertise of different actors in such interventions.

The overall aim of the roundtable was to develop a set operational considerations that could eventually contribute to an update of current guidance and the issuance of fresh policy and tools, not least in the realm of decision-making. It was also hoped that this discussion would trigger interest in taking forward a multi-stakeholder dialogue aimed at reaching understanding and consensus on the intent and relevance of humanitarian evacuations, and the roles to be played by different actors within and outside of the humanitarian community.

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<sup>1</sup> For the purpose of the roundtable, the term “humanitarian evacuation” refers to the relocation of civilian populations from endangered areas to another part of the country as well as the humanitarian evacuation of the wounded, sick and other civilians, including internally displaced persons, trapped in armed violence and conflict. The former can be linked to public security, health or safety and other risks to life. The latter is traditionally carried out by the ICRC and their national societies. Ref: Global Protection Cluster, *Handbook for the Protection of Internally Displaced Persons*, March 2010, p. 434. <http://www.unhcr.org/4c2355229.html>

# 2. Context

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## 2.1 General overview

Today's brutal armed conflicts in the Central African Republic (CAR) and Syria have had the effect of triggering widespread and multiple displacement while, on the other hand, severely restricting the freedom of movement of civilians. This in turn has presented humanitarian actors with dilemmas in determining how best to respond to the assistance and protection needs of populations at extreme risk, stranded in enclaves and besieged areas. In 2014, humanitarian actors in CAR organized the relocation of civilians under imminent physical threat to safer locations inside the country as well as across borders. In Syria, the humanitarian evacuation from the besieged Old City of Homs occurred during a ceasefire negotiated by the parties to the conflict. In each instance, humanitarian actors in these operations sought guidance and advice, as well as institutional backing and support, as they assessed and determined a strategy and operational procedures for evacuations. This in turn indicated possible gaps in practical operational guidance and, more importantly, in decision-making processes for such life-saving and urgent interventions that demand close coordination between humanitarian actors and others, including national and local authorities, armed groups, international peacekeepers and political actors.

## 2.2 Historical perspective

Throughout contemporary history, humanitarian evacuations have been pursued through private, semi-private and official means to save the lives of civilians caught in conflict. Particularly compelling examples can be cited from the Second World War and the Bosnian War. As these examples reveal, humanitarian evacuations often times arise when parties to a conflict are unable or unwilling to protect civilians, or deliberately target civilians; in this sense, humanitarian evacuations are a product of a larger "protection failure." Similarly, humanitarian evacuations tend to be met with political resistance. In Bosnia-Herzegovina, for example, evacuations were seen by some critics as abetting ethnic cleansing. Failure to evacuate, however, as witnessed in Europe during the Second World War as well as in the Rwanda Genocide, can consign entire populations to a massacre. It thus transpires, through the historical examples analyzed, that certain individuals and/or organizations have had to demonstrate considerable moral courage and resolve in fulfilling their responsibilities (including those enshrined in international law) in the face of political pressures and other obstacles. At the same time, humanitarian evacuations are an extreme measure that oftentimes expose a deeper failure to respond earlier to "warning signs," before a crisis escalates.

## 2.3 Recent examples

It is possible to distill learning from the more recent humanitarian evacuations undertaken in the spring of 2014: the relocation of communities-at-risk in CAR and the evacuation of civilians from the besieged Old City of Homs in Syria. In both examples, humanitarian actors cooperated with others to facilitate the evacuation of civilians from life-threatening situations. The causes leading up to the evacuations, however, differed significantly and thus merit a deeper analysis to determine the lessons learned.

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### → RELOCATION OF COMMUNITIES-AT-EXTREME-RISK IN THE CENTRAL AFRICAN REPUBLIC

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Violent attacks orchestrated in 2013 in CAR by Séléka fighters originating mainly from the north of the country (where Muslims make up the majority of the population) gave rise to a lethal vigilante group known as the “anti Balaka.” With the resignation of former CAR President Michel Djotodia (who had officially dissolved the Séléka) and the retreat of ex-Séléka fighters in January 2014, CAR’s minority communities, especially Muslims, began to flee the country en masse; several thousand self-evacuated with assistance from governments from the region (including with special flights operated from the capital Bangui) and the Chadian military deployed under auspices of the African Union. Anti Balaka groups launched a campaign of terror, targeting mostly Muslim communities and Fulani pastoralists accused of collaborating with the ex-Séléka. In a climate of almost virtual impunity, fear spread across the country, which rapidly descended into sectarian violence. In western CAR and Bangui, individuals unable to make it to safer locations were denied freedom of movement by angry mobs and anti Balaka fighters. Entire neighbours in Bangui, such as PK5 and PK12, became enclaved while, in other parts of the country, communities under threat sought refuge in mosques, churches, schools and community centers.

With the humanitarian situation in CAR eroding dramatically, protection actors set up a system to monitor “hot spots” and map locations where communities were faced with an imminent threat of physical attack. A strategy backed by the Humanitarian Country Team (HCT) was implemented, and included mediation to reduce violence and advocacy at different levels, which many felt was ineffective at this point in the conflict when fear, mistrust and violence between communities was so high. Maps of communities-at-risk developed by the protection cluster were used by the HCT to advocate with international peacekeepers on the locations for the inter-positioning of international military forces deployed under the auspices of the Africa Union (MISCA) and the Government of France (Sangaris). At one point in early 2014, protection actors estimated that as many as 52,000 persons were confined to 21 enclaves, unable to depart to safer locations on their own without the risk of deadly assault. As such, relocation was proposed by the HCT as a life-saving measure of last resort for CAR’s communities-at-risk.

From February to May 2014, humanitarian actors organized the evacuation of 1,800 persons, predominantly Muslim, to safer locations in CAR and across borders. These humanitarian evacuations – small in comparison to the thousands who self-evacuated – were accompanied by international military escorts. Prior to any movements being organized, several assessment missions were undertaken to the communities-at-risk as well as to relocation sites, including with joint participation from the transition government and the UN integrated peace building mission in CAR, BINUCA (which was subsumed by MINUSCA in September 2014). A task force was established under the leadership of the Senior Humanitarian Coordinator to prepare and oversee the implementation of an HCT action plan, which was complemented by standard operating procedures developed by the protection cluster.

Notwithstanding considerable assessment and coordination, not least between humanitarian actors, the transitional authorities, BINUCA and international military forces, there were delays in the UN-led humanitarian evacuations in CAR. Benefiting from hindsight, humanitarian actors identified the need for a stronger, more decisive engagement by other actors, such as the UN mission, international military forces and donors as well as clearer lines of authorities for the HC and HCT. Implementation, in particular for the relocations from the capital, was by and large successful yet encountered complications, some linked to ensuring all measures were in place to minimize risks during the actual movement. Although MISCA troops did their utmost to provide physical protection during the extremely difficult journey across CAR, three lives were lost when anti Balaka elements ambushed the convoy, thus prompting introspection by some humanitarian actors over preparedness. A particularly complicating factor was the sudden opposition to the relocation expressed by the Government of CAR.

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→ **HUMANITARIAN EVACUATION OF CIVILIANS FROM THE BESIEGED OLD CITY OF HOMS, SYRIA**

In Syria, humanitarian evacuations were conducted under a completely different set of circumstances compared to CAR. Subjected to an 18-month siege, civilians in the Old City of Homs had been denied access to food, adequate medical supplies and other basic necessities. In February 2014, warring parties negotiated a “humanitarian pause” to enable the delivery of aid and the evacuation of civilians from the besieged city. The UN was requested to lead a humanitarian operation, even though it had not been party to the negotiations; the humanitarian imperative to act was overwhelming in the face of the 18-months suffering of civilians.

Humanitarian actors under the leadership of the UN facilitated the evacuation of more than 1,300 civilians from the Old City of Homs in February 2014. Despite this being a critical life-saving exercise by the UN, the terms negotiated by the parties to the conflict for the humanitarian evacuation were not in conformity with international standards or practice. Humanitarian actors, for example, had not been granted access to civilians prior to the evacuation for the purpose of assessing needs, communicating with the population and distributing aid. This gave rise to general concerns that the population was not properly informed of the conditions of the humanitarian evacuation, and may have mistook the presence of humanitarian actors, including the UN, as a guarantee for their physical protection – which was far from being the case. As it turned out, the UN itself was the target of shelling on the first day of the evacuations. Without prior access to and clear communication with the civilian population, it was also difficult to determine if all vulnerable persons were aware of the evacuation, aware of the terms of the agreement between the concerned parties and able to reach departure points on the days of the evacuation.

Equally worrying was the initial agreement negotiated by the parties to exclude all males between the ages of 15 and 55, irrespective of civilian status, from the evacuation. While this measure was eventually relaxed, some 300 men, including youths, were detained and underwent screening. Even after making it through the screening, some men were reportedly arrested later at check-points.

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## → LESSONS LEARNED

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In CAR, relocation was a component of a more comprehensive strategy for communities facing an extreme risk of violent attack. The demand for relocation came from the communities themselves, and was pursued after efforts at mediation had failed (e.g. a bottom up demand for evacuation). The main critique is that relocations simply came too late or that more could have been done to prevent the violence that led humanitarian actors to pursue such last-resort efforts. Nevertheless, and despite some of the difficulties and shortcomings (particularly in relation to the need for more measures to minimize risks during the actual movements), most humanitarian actors and others are resolute that the HCT-led relocations in CAR had prevented more massacres.

In Syria, the evacuation from the besieged Old City of Homs had been negotiated by the parties to the conflict, with little or no prior input or consultations with humanitarian actors (e.g. externally driven demand for evacuation). As a result, the criteria and conditions for the evacuations fell below acceptable standards. Humanitarian actors were nevertheless compelled to act to save lives and to respond to the humanitarian needs of a community that had undergone an 18-month siege. Of great risk to the operation, however, was the absence of direct guarantees by the parties to the conflict that humanitarian actors would be granted safe and unhindered access to civilians in the Old City of Homs – as a result, the delivery of aid occurred under extremely volatile and dangerous circumstances, for humanitarian actors as well as for civilians.

Both operations thus provide an important example of why the humanitarian community needs to be prepared, in all situations of armed violence and conflict, to undertake humanitarian evacuations. If, in the case of Syria, humanitarian actors had anticipated cease fire arrangements in advance, and had identified their respective capacities and articulated minimum standards, they may have been able to influence the criteria and conditions ultimately negotiated by the parties. The same anticipation on the part of humanitarian actors was necessary in CAR, where critics argue relocations were organized too late – after thousands of lives had been lost and a significant portion of the Muslim population had self-evacuated at great risk. While the Chadian military played a critical life-saving role with its organized and spontaneous evacuations of Chadian and CAR citizens, it has also been criticized for its approach and the standards it applied particularly with regard to family unity. At the same time, preparedness by the humanitarian community, not least in identifying risks, capacity, pre-positioning resources and setting out clear criteria and operating procedures may have resulted in more effective, timely and appropriate implementation of relocation.

In terms of best practices, CAR does provide a few. Humanitarian actors, for example, were proactive in assessing and analyzing the needs of communities-at-risk and maintaining an updated map of hot spots. Accordingly, humanitarian actors were able to draw from facts, evidence and concrete analysis when they advocated for relocation at different levels, including with the local and national authorities, parties to the conflict, MISCA, Sangaris, the UN mission, and key donors. At the same time, the Kampala Convention and the IDP Guiding Principles were used to remind the government of CAR of its legal obligations. In the end, evidence-based advocacy accompanied by an insistence on State responsibility proved critical in mobilizing the necessary support and engagement by all key actors.

Delays in the implementation of the humanitarian evacuations in CAR, however, point to some critical gaps in decision-making. On the one hand, humanitarian actors themselves encountered difficulties in determining when relocation was indeed the only remaining measure of last resort that needed to be pursued; international military forces were able to prevent attacks but not remove completely the threat of attack. As a result, freedom of movement for the majority of communities-at-risk was seriously impeded, and remains so today. It was furthermore clear that, had the international military forces withdrawn from some locations, massacres would

have immediately ensued. Under such circumstances, it was imminently necessary to evacuate communities to safer locations. On the other hand, humanitarian actors were not capable of evacuating communities-at-risk all on their own. Some donor governments with vested political interests sought to block humanitarian evacuations, including by seeking to turn the Government of CAR against relocation and putting pressure on the senior UN leadership. The experience in CAR thus demonstrates the need to clarify decision-making authorities in a manner that does not risk undermining or politicizing humanitarian action. Equally important is advocacy, including that which builds on evidence and which is grounded on international law and the applicable legal framework (recalling that the UN Mission for CAR, BINUCA, had a protection of civilians mandate).

## 2.4 Existing Operational and policy guidance

To determine whether there are gaps in the guidance and tools available for humanitarian actors, it is necessary to do a quick inventory of what is already available. At the global level, the GPC has included a section on humanitarian evacuations in the Handbook for the Protection of Internally Displaced Persons.<sup>2</sup> Here, humanitarian evacuations are emphasized as a measure of last resort, and accordingly, some of the protection risks associated with their implementation are briefly highlighted. The primary focus of this guidance is to set out clearly common standards and protection considerations for planning and implementing humanitarian evacuations. Also at the global level, the Global CCCM Cluster has developed a comprehensive guide for planning mass evacuations in natural disasters (e.g. the MEND Guide).<sup>3</sup> These build on the relevant sections of the IASC operational guidelines on the protection of persons in situations of natural disasters.<sup>4</sup> Meanwhile, several organizations like the International Committee for the Red Cross (ICRC) have their own stand-alone internal tools for humanitarian evacuations, which also define criteria and standards to plan and implement humanitarian evacuations. Finally, the IASC's 2013 non-binding guidelines on the use of armed escorts for humanitarian convoys, although not explicitly covering humanitarian evacuations, provide a relevant methodology for analysis and decision-making.<sup>5</sup>

Valuable and relevant guidance has also emerged from the operations in CAR and Syria. In CAR, the protection cluster developed standard operating procedures for the relocation of communities-at-risk, drawing from initial guidance provided by UNHCR's headquarters. In Syria, learning from the experience in the Old City of Homs, the UNCT adopted minimum standards for the humanitarian evacuation of civilians; these were originally prepared by UNHCR and adapted to the ground realities in Syria. While all operations need the flexibility to agree on criteria and standards, and to develop procedures for themselves, the examples from CAR and Syria provide a helpful model to support any update of global guidance or the issuance of new policy or tools.

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<sup>2</sup> Global Protection Cluster, *Handbook for the Protection of Internally Displaced Persons*, 2010. <http://www.unhcr.org/4c2355229.html>

<sup>3</sup> Global CCCM Cluster, *Comprehensive Guide for Planning Mass Evacuations in Natural Disasters*, 2014. <http://www.globalcccmcluster.org/tools-and-guidance/publications/mend-guide>

<sup>4</sup> IASC, Brookings, University of Bern, *IASC Operational Guidelines on the Protection of Persons in Situations of Natural Disasters*, January 2011. <http://www.ohchr.org/Documents/Issues/IDPersons/OperationalGuidelines.pdf>

<sup>5</sup> IASC, *IASC Non-Binding Guidelines on the Use of Armed Escorts for Humanitarian Convoys*, 27 February 2013. <http://www.refworld.org/pdfid/523189ab4.pdf>

Gaps nevertheless exist in the overall policy at inter-agency level as well as when it comes to decision-making. Who is empowered at country-level to plan and implement humanitarian evacuations? None of the existing guidance speaks to this. Meanwhile, a clear gap emerging from the examples in CAR and Syria is that HC's need the capacity and authority to provide decisive leadership on humanitarian evacuations. Finally, the existing guidance emphasizes the planning and implementation phase of evacuations, and much less the preparedness (risk assessment) and evaluation (post-evacuation) phases.

While a formal policy to empower HC's in leading humanitarian evacuations can help to foster more timely and coordinated country-level action, it may still be necessary for organizations to develop their own internal policies and guidance on humanitarian evacuations, particularly in view of their sensitivity, complexity and security risks. Such internal guidance may serve to empower country-level leadership to proactively engage with the HCT in decision-making as well as in preparedness, planning and implementing humanitarian evacuations. With the exception of refugee movements that need to be overseen by UNHCR, no single organization would be encouraged to act unilaterally with the humanitarian evacuation of civilians in armed violence and conflict; rather final decision-making still needs to rest with the HC, who would have the additional responsibility of ensuring agreement on and compliance with a clear set of criteria, protection principles and standards for humanitarian evacuations. At the same time, building on the experiences of CAR and Syria it would be equally valuable to explore the roles and responsibilities of the protection cluster.



# 3. Operational considerations

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The UN-led evacuations in CAR and Syria, while distinctly different, raised similar questions with regard to criteria, protection principles and standards that need to be applied consistently whenever humanitarian evacuations are being considered, planned and implemented. An analysis of these examples furthermore reveals gaps in the above-mentioned global guidance, which in any case may need to be addressed at the inter-agency level since humanitarian evacuations are multi-sectoral and require decisive leadership.

## 3.1 Overarching themes

In anticipation of any updates of global guidance or the issuance of a new policy or tools, the following common themes emerge from the recent lessons learned in CAR and Syria.

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### → LIFE-SAVING FOR CIVILIANS

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Humanitarian evacuations are a life-saving measure for civilians facing an immediate threat of physical harm who are unable to depart on their own and/or in instances where parties to the conflict lack the means or refuse to organize or facilitate civilian evacuations as well as in extreme cases where parties to the conflict target specific groups.

In view of their serious security, ethical, political and logistical implications, humanitarian evacuations are generally promoted as a measure of last resort. If poorly organized and implemented, humanitarian evacuations can pose significant protection risks and even loss of life. At the same time, promoting humanitarian evacuations as a measure of last resort is also a source of controversy, especially as the freedom of movement of civilians must always be defended. In some situations, individuals can remain stranded in enclaves or besieged areas for prolonged period of times. Even if physical protection can be provided inside the enclave or besieged area, as was the case in CAR, these individuals can suffer psychologically from the ever-present threat that surrounds them. They can also be denied access to basic services, thus succumbing to malnutrition and disease.

In practice, therefore it can be difficult to determine when to implement humanitarian evacuations without a thorough contextual analysis (including other available protection measures) and criteria. It would therefore be helpful to develop a methodology or decision-making flow chart to guide humanitarians in deciding if and when to proceed with humanitarian evacuations.

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### → **PART OF THE TOOL-KIT IN A HUMANITARIAN RESPONSE**

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Where hostilities are occurring, conditions for civilians can deteriorate dramatically and quickly, thus demanding a rapid response by humanitarian actors. Accordingly, it is considered necessary in all situations of armed violence and conflict to highlight from the outset the potential need for humanitarian evacuations (i.e. humanitarian evacuations need to be an automatic part of the toolkit for all situations of armed violence and conflict), and to prepare the necessary contingencies, including pre-identifying the resources and trained, qualified staff.

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### → **PART OF A COMPREHENSIVE PROTECTION STRATEGY**

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Humanitarian evacuations must always be a component of a broader protection strategy for communities-at-risk. Taking the example of CAR, other components of that broader strategy can include measures such as mediation and social cohesion to reduce tension and violence between communities so that freedom of movement and access to assistance and services can be restored (especially if pursued in a transparent manner that responds, at the same time, to the needs of the surrounding communities so that assistance is not seen to favour the enclaved community). In all circumstances, a constant assessment and analysis of protection threats and risks is required (including the duration and accumulated effects of these risks/threats on the community), and can contribute to advocacy, which itself needs to be at the core of a broader protection strategy. Advocacy, as occurred in the case of CAR in 2014, can furthermore happen on all levels, from local/ national to regional and global (headquarters), building on evidence gathered by humanitarian actors and guided by international law.

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### → **RISK ASSESSMENT AND ANALYSIS**

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In view of the associated risks, humanitarian evacuations require an effective and balanced risk assessment, not least in relation to the physical dangers posed to civilians who opt to relocate or stay (and during the actual movement) and to the human rights situation for the population-at-risk as well as those in the surrounding area and in the relocation site. Such a risk assessment and analysis can inform, as already noted above, a comprehensive protection strategy, advocacy and decision-making (i.e. whether other protection measures have been adequately pursued before deciding to move forward with humanitarian evacuations).

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### → **INTERACTION WITH LOCAL AND NATIONAL AUTHORITIES**

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States have the overall responsibility to protect their civilians and, as already noted, international humanitarian actors are meant to complement, not supplement, State protection. There are situations, however, when the State is itself a party to the conflict, and may be unable or simply unwilling to undertake humanitarian evacuations. When humanitarian evacuations are determined to be a life-saving measure of last resort but are being blocked by the national or local authorities for largely political or other reasons, humanitarian organizations need clear guidance on how to proceed in respect of humanitarian principles. Evidence-based advocacy that is guided by international law (e.g. use of legal frameworks and recall obligations of the State and non-State actors), undertaken at all levels, is critical in mobilizing the necessary support for evacuations – more best practices need to be compiled in this regard.

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## → MULTI-SECTORAL AND MULTI-DISCIPLINARY

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While humanitarian actors are often the best placed to assess the need for humanitarian evacuations based on their access to and contact with affected communities in armed violence and conflict, their capacity to undertake such interventions on their own is limited. Humanitarian evacuations thus require an approach that engages different actors across a broad spectrum; State and non-State, humanitarian, human rights, security, political, civil society and development actors.

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## → INTERACTION WITH THE MILITARY

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Humanitarian evacuations may require additional security arrangements, such as armed escorts. As a general rule, however, all alternatives need to be sufficiently explored (including in light of mandates of peace operations) alongside a thorough security and risk assessment before armed escorts are used. In situations where armed escorts are deemed necessary, OCHA will facilitate the civil-military dialogue and interaction, on behalf of the HCT. It is also necessary to follow, to the extent possible, the IASC's non-binding guidelines on the use of armed escorts for humanitarian convoys.<sup>6</sup> Equally relevant is the human rights due diligence policy on the United Nations support to non-United Nations security forces.<sup>7</sup>

## 3.2 Minimum standards

As already noted, humanitarian evacuations often result from an inability or unwillingness on the part of a State and parties to the conflict to protect civilians. This “protection failure” gives rise to a humanitarian imperative to respond with life-saving measures. Accordingly, humanitarian actors have legal and moral responsibilities that they cannot set aside in the face of political resistance.

When humanitarian actors engage (or do not engage) in humanitarian evacuations, as they did in CAR and Syria, they need to adhere resolutely to agreed standards derived from fundamental principles and international law. Any departure from the standards needs a clear and sound argument; otherwise, there is a risk that parties to the conflict will turn to the “lowest bidder.” Humanitarian actors furthermore need to demonstrate a coherent and harmonized appreciation of the standards, and the principles from which they are derived; this needs to be complemented by a readiness to act in accordance with the principles (i.e. a principled approach).

The minimum standards for humanitarian inter-agency evacuations that were endorsed by the UNCT in Syria in February 2014 following the experience with the Old City of Homs were derived from international humanitarian and human rights law, and provide a helpful model. They can thus be adapted and used as a template for global-level policy and guidance, as follows:<sup>8</sup>

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<sup>6</sup> IASC, *IASC Non-Binding Guidelines on the Use of Armed Escorts for Humanitarian Convoys*, 27 February 2013. <http://www.refworld.org/pdfid/523189ab4.pdf>

<sup>7</sup> *UN Human Rights Due Diligence Policy*, March 2013. <http://www.refworld.org/pdfid/523189ab4.pdf>

<sup>8</sup> Minimum standards for participation in inter-agency humanitarian evacuations were initially developed by UNHCR in February 2014, immediately after the evacuation of civilians from the Old City of Homs in Syria. These were then discussed and adapted before being approved by the UNCT in Syria in February 2014.

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## → CIVILIANS

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In negotiating evacuations with the parties concerned, humanitarian actors must seek guarantees that civilians will be afforded freedom of movement, protected against attack and treated humanely at all times,<sup>9</sup> and will not be arbitrarily deprived of objects indispensable to their survival, including by wilfully impeding their access to relief supplies.<sup>10</sup> Additionally, the sick and wounded must be cared for and children must be afforded special protection.

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## → PERSONS HORS DE COMBAT

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During the evacuation, any person detained/hors de combat must be treated humanely and in accordance with international humanitarian law,<sup>11</sup> bearing in mind the specific obligations for detained children. Certain international humanitarian agencies such as ICRC will need access to persons detained, to register them and monitor their treatment.<sup>12</sup>

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## → HUMANITARIAN ACTORS

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Furthermore, humanitarian actors need assurances from the parties that:

- The safety and protection of humanitarian and medical personnel, as well as humanitarian convoys would be respected.<sup>13</sup>
- Humanitarian organizations would have repeated and unhindered access to all civilian populations, without restrictions or discriminatory policies that would undermine the neutrality, impartiality or humanity of humanitarian actors engaged in the evacuation.
- Humanitarian organizations would have safe and appropriate spaces to communicate freely and in confidentiality with civilians.
- If families are displaced from their homes, humanitarian organizations would be able to undertake all measures to safeguard family unity, including tracing of family members.<sup>14</sup>

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Subsequent consultations on minimum standards for more general situations of cease fire arrangements and humanitarian pauses in Syria have since taken place within the UNCT. The minimum standards appearing in this note are derived from those endorsed by the UNCT in Syria and adapted for potential use as a template in inter-agency guidance.

<sup>9</sup> IHL: Common Article 3.

<sup>10</sup> IHL: *Customary IHL*, Rule 53 prohibits starvation as a form of warfare. IHRL: Right to food: The Committee on Economic, Social and Cultural Rights and the Commission on Human Rights have made it clear that this right encompasses the right to an adequate supply of drinking water (CESCR Gen Comment 15, CHR Resn201/25). *Universal Declaration on Human Rights*, Article 25; ICESCR, Article 11; *Convention on the Rights of the Child*, Articles 24(2), 27; *Arab Charter on Human Rights*, Article 13.

<sup>11</sup> IHL: Common Article 3; *Customary IHL*, Rule 87 – all provisions set out fundamental guarantees and that civilians and persons *hors de combat* must be treated humanely. Persons who are *hors de combat* are those who are no longer participating in hostilities/playing an active role in the conflict because they have been captured by the enemy; surrendered; or are too injured or ill to take part in hostilities (definition found in Additional Protocol I Article 41).

<sup>12</sup> IHL: Customary IHL 123 the personal details of persons deprived of their liberty must be recorded.

<sup>13</sup> IHL: Customary IHL 25, 28, 29 and 54-56.

<sup>14</sup> IHL: Customary IHL Rule 105, as far as possible family life must be respected; IHRL: *Universal Declaration on Human Rights*, Article 16(3); *International Covenant on Civil and Political Rights*; *International Covenant on Economic, Social and Cultural Rights*; *Arab Charter on Human Rights*, Article 38.

## 4. Way forward

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In an active armed conflict where humanitarian actors are present and the coping mechanisms of affected populations are premised on their ability to flee, humanitarian evacuations need to be part of the humanitarian tool kit and skill set. Accordingly, to strengthen predictably for the different phases of humanitarian evacuations (e.g. preparedness, planning, implementation and evaluation) and to ensure the necessary capacity at country-level, an inter-agency policy and guidance becomes necessary.

As a first step, this may mean updating existing guidance and situating it in the broader inter-agency context (e.g. IASC guidance). Templates can be created to guide country-level development of standard operating procedures. Taking the recent examples of CAR and Syria, and looking at the current situation in South Sudan and Ukraine, guidance would seek to respond to some of the questions that consistently arise, namely:

- What is the role of Government in humanitarian evacuations, particularly in the context of a failed State or when the State itself is a party to the conflict and/or responsible for violations of international humanitarian law and human rights law?
- What constitutes a “measure of last resort”? If the presence of peacekeepers is able to prevent an attack but unable to remove the threat of attack, how long must a community wait to be assisted to relocate, especially if they themselves express a strong will to move?
- What is needed to facilitate decision-making so that humanitarian evacuations can be implemented in a timely and coordinated manner (including with the engagement of non-humanitarian actors)?
- What international (headquarters-level) “political” support can be provided to the HCT and UN leadership in countries where humanitarian evacuations/relocations are being planned?
- What is the mandate, reputation and role of the military, international and national, and its interface with humanitarian actors in humanitarian evacuations (and protection of civilians more broadly)?
- How do we ensure movements are voluntary and guarantee family unity and protection for specific groups such as children, the elderly, the ill and the injured, members of minority groups?
- What immediate measures are necessary to enable an eventual return of evacuated persons, including in relation to restored access to rights, services, property, etc.

# 5. Conclusions and recommendations

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The recent examples of humanitarian evacuations in CAR and Syria reveal that there are gaps in relevant policy as well as in the available guidance at global level. Current guidance, for example, appears to be sector or agency-specific and thus needs to be presented and promoted at a higher, inter-agency level. It is focused more on standards for planning and implementing humanitarian evacuations, and less on preparedness (pre-evacuation) and evaluation (post-evacuation). Decision-making processes and lines of authority are also poorly defined, if at all, as well as the interaction with non-humanitarian actors, despite the essential role that they play in humanitarian evacuations.

Meanwhile, the more detailed guidance that emerged at country-level in CAR and Syria (e.g. SOPs and minimum standards) provides helpful models that could be replicated and adapted for other operations.

In view of the foregoing, it is recommended to:

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## → **DEVELOP A CLEAR POLICY**

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A clear policy, developed at the global-level, could establish humanitarian evacuations as part of the standard tool-kit and skill-set for humanitarian action. It would furthermore fill the current gap in relation to decision-making by defining accountabilities, responsibilities and authorities at field-level for the preparedness, planning, implementation and evaluation of humanitarian evacuations. The intent would be to ensure more predictability and accountability, as organizations would commit to building the necessary capacity and expertise for humanitarian evacuations. It would furthermore seek to relate the role of humanitarian actors with other actors that would need to be engaged in a humanitarian evacuation at field-level.

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## → **UPDATE AND STRENGTHEN GLOBAL OPERATIONAL GUIDANCE**

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There is already a solid basis on which to develop operational guidance for humanitarian evacuations, beginning with the GPC Handbook for Protection for Internally Displaced Persons. The MEND Guide, even with its immediate focus on natural disasters, establishes some transversal standards and criteria for evacuations.

The current global guidance can thus be complemented by agency-specific material and the lessons learned in CAR and Syria, particularly in relation to the protection principles that need to be consistently applied such as ensuring the voluntary nature of humanitarian evacuations; preserving – to the extent possible – family unity; ensuring effective communication and information sharing (including with the communities to be relocated, those in surrounding areas and those in the relocation site); involving the concerned communities in the planning of the evacuation and selection of a relocation site; investing in the local integration of communities relocated; and providing special measures for persons with specific needs.

Rather than focus exclusively on implementing evacuations, the global guidance would need to take a more holistic approach, guiding the field at each phase of the planning process, from preparedness, assessment and design to implementation and evaluation.

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### → DEVELOP A METHODOLOGY FOR DECISION-MAKING

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Because humanitarian evacuations are largely life-saving, humanitarian actors need to rely on a methodology to enable sound and timely decision-making. One approach is to develop a flow chart that would set out the triggers or ladder of options to follow. Relying on an ongoing assessment, as described above, humanitarian actors would set thresholds/benchmarks in relation to:

- the immediate physical threats and risks to a group (including broader trends, duration of the threat, degree/veracity of the threat);
- appropriateness and accessibility of other remedies to reduce threats, such as mediation;
- potential threats and risks to the group during the evacuation movement;
- conditions in potential areas for relocation (threats/risks, distance from point of departure, services);
- potential impact of relocation on options for return and future reconciliation;
- options for humanitarian evacuation: in-country relocation, cross border/ international evacuations, relocations for family reunification; and
- opportunities for/threats to basic rights, in particular access to protection and assistance (including services), freedom of movement (as well as the duration of time access to basic rights has been denied/obstructed).

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### → ORGANIZE A MULTI-STAKEHOLDER DIALOGUE ON HUMANITARIAN EVACUATIONS

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While humanitarian actors are often first to recognize the need to pursue humanitarian evacuations as a life-saving measure due to their direct contact with the affected populations, they rely on other actors, including local and national authorities, UN missions where relevant and, for security arrangements, international military forces. If humanitarian evacuations are to become a part of the tool-kit for humanitarian action, it is therefore necessary to seek more institutional engagement with entities such as DPKO, DPA and UNDSS at a minimum. As a first step, it is recommended to build on the GPC roundtable by organizing a follow-up discussion with key actors at the UN Headquarters in New York.

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### → DEVELOP SPECIFIC GUIDANCE ON SECURITY ESCORTS

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Building on the existing global policy and guidance, it would benefit the field if specific tools could be developed to facilitate interaction with relevant actors, particularly UN peacekeepers, on security escorts for humanitarian evacuations.

