



***Consultative Group on the Use of MCDA
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**Civil-Military Coordination Section (CMCS)
Emergency Services Branch – OCHA Geneva**

Foreign Military and Civil Defence Assets (MCDA) - What is Last Resort?

Interpretation And Facts

“We are not last resort – we are the first responders.”

“If last resort, aid will come too late.”

“MCDA must never be used unless it is an absolute last resort.”

“So now we are good enough?”

“Who are you to tell us what to do?”

The principle of “last resort” has been the subject of many discussions and interpretations within the international community, with comments ranging from “too strict” to “not strict enough”. Foreign MCDA refers to both “things and persons” - relief personnel, equipment, supplies and services provided by internationally deployed military and civil defence organisations in support of humanitarian disaster response. Foreign MCDA should be complementary to and not in replacement of national emergency response mechanisms, which often comprise host nation military forces. When used appropriately, foreign MCDA can significantly increase the capacity and capabilities of the overall relief effort, particularly when the scale of the disaster is overwhelming and there is a high demand for assistance.

The principle of ‘Last Resort’ means that Foreign MCDA:

- are based on identified needs on the ground;
- complement overstretched civilian capabilities;
- are used to meet a very specific requirement;
- are used for limited duration only;
- provide unique advantages in terms of capability and timeliness;
- are provided at no cost to humanitarian budgets of Member States or humanitarian organisations.

The Origins Of Last Resort

The Standing Coordinating Group which drafted the 1994 ‘Oslo Guidelines’ already identified the principle of ‘complementarity’, which was included under ‘Principles and Conditions’ (para 20): “Military and civil defence assets should be seen as a tool complementing existing relief mechanisms in order to provide specific support to specific requirements, in response to the acknowledged “humanitarian gap” between the disaster needs that the relief community is being asked to satisfy and the resources available to meet them.”

The Drafting and Review Committees of the 2003 ‘MCDA Guidelines’ considered a variety of terms to describe the above conditions, in the context of complex emergencies. The Group finally agreed by consensus on the term ‘Last Resort’, using ‘complementarity’ as one of the terms to describe the principle. The ‘complementarity’ term and definition were kept intact in the 2006

updated Oslo Guidelines (para 24). This explanatory language also remains in the ‘Last Resort’ definition (para 5) of the 2007 revision:

“Military and civil defence assets should be seen as a tool complementing existing relief mechanisms in order to provide specific support to specific requirements, in response to the acknowledged «humanitarian gap» between the disaster needs that the relief community is being asked to satisfy and the resources available to meet them. Therefore, foreign military and civil defence assets should be requested only where there is no comparable civilian alternative and only the use of military or civil defence assets can meet a critical humanitarian need. The military or civil defence asset must therefore be unique in capability and availability. (...)”

There Is General Agreement That...

In any humanitarian operation, priority should always be given to the use of civilian assets in responding to needs, but it is also necessary to plan for the possibility that foreign military and civil defence assets may be requested, as a last resort, by the humanitarian community.

The humanitarian imperative – to save lives and alleviate suffering - dictates that all necessary resources be used when required. The principles of neutrality and impartiality dictate that humanitarian operations are to avoid being perceived as political activities and should remain civilian in character. The Oslo and MCDA Guidelines seek to balance these principles by reverting to the use of MCDA as a ‘last resort’ and limiting their use to a clear supporting role, with a focus on infrastructure support and indirect, rather than direct, assistance.

Any foreign military assets, whether or not provided by parties to an on-going military operation could be perceived as associated with the military operation. In order to preserve the neutrality, impartiality and independence of humanitarian action, all civilian alternatives must be fully explored and exhausted before using foreign MCDA to support humanitarian operations.

When foreign MCDA are used to fill specific capability gaps in a humanitarian operation, this should be done in response to a specific request from the humanitarian community or an affected state, after having identified such a requirement. In some crises where the urgency with which humanitarian organisations must act to assist people in acute distress and prevent further deterioration of the situation, there may exist capability gaps that cannot be filled using civilian assets. As humanitarian actors are assessing and responding to an emergency, they also work to identify capability gaps, some of which could be filled by the utilisation of foreign MCDA.

Preparedness Measures

The ‘MCDA Working Group on Logistics’, established by the Consultative Group on the Use of MCDA, has developed a ‘gap-fit analysis’ preparedness tool for natural disaster settings, which highlights functions and tasks where the humanitarian community is most likely to have logistical gaps and where the use of MCDA may be appropriate. As part of the response mechanism, this gap-fit analysis will help focus on a needs-based, pull/demand-driven approach, facilitate joint technical planning, preparedness and understanding, and help to better inform the international community when deploying support to humanitarian emergency operations.

The ‘MCDA Working Group on Logistics’ is also looking at developing practical / technical ‘protocols’ or ‘standard operating procedures’ on request procedures, technical civil-military coordination, and joint planning for transition from the use of MCDA back to humanitarian civilian assets.

What It Is And What It Is Not

‘Last Resort’ refers to the use of *foreign military or civil defence assets in support of relief operations under the humanitarian umbrella*. It is not to be confused with:

First Responders

In many parts of the world, national military or civil defence units are part of or even in the lead of national disaster response and mechanisms. There is wide recognition that these military or civil defence capacities make a valuable contribution in responding to domestic disasters. These are national and not foreign MCDA.

Bilateral Assistance

Many requests for assistance, civilian or military, start as bilateral requests, often at the regional or “neighbouring” level, with agreement between the affected and assisting states on the type of assistance. This may involve political issues and is not to be confused with an operation under the humanitarian umbrella. However, whether bilateral or when moving into a humanitarian operation, it is relevant to reiterate the “status” of the Oslo and MCDA Guidelines: “(...) Member States and regional organisations engaged in relief or military operations (in response to natural disasters / in complex emergencies) are also encouraged to use the principles and procedures provided herein.”

Application Is Consultation

In order to ensure the safety and security of those affected by the crisis and humanitarian actors, and access to people in need of humanitarian assistance, lines of communication between humanitarian actors and Member States and their military actors, must be maintained. OCHA has a mandate to lead this coordination function, facilitating information flow and exchange, and establishing appropriate liaison, where and when necessary, between humanitarian and military actors.

Any plans to utilise foreign MCDA to support humanitarian operations should ideally be conducted in consultation with the Emergency Relief Coordinator (ERC), through OCHA’s Civil-Military Coordination Section (CMCS), and in coordination with the appropriate Resident / Humanitarian Coordinator(s) (RC/HC) and their Humanitarian Country Team(s) (HCT). Should a requirement arise for foreign MCDA to support humanitarian operations, OCHA, on behalf of the RC / HC / HCT(s), will communicate the requirement to Member States and assist them in the appropriate use of any MCDA that they may provide in response to the requirement.

Keep In Mind That...

Preparation and planning for the possible use of foreign MCDA to support humanitarian relief operations should not create an expectation of actual requests or deployments thereof.

The decision to use military assets in an emergency affects all of the actors, has political consequences, and will impact the perceived neutrality and impartiality of the assistance effort.

Member States are strongly encouraged to consult with the ERC through established OCHA channels when considering deploying MCDA to assist a humanitarian operation.

The Consultative Group on the Use of MCDA is the main international framework for dialogue and inter-action on the predictable and appropriate use of foreign MCDA.

OCHA’s Civil-Military Coordination Section is available for further information or queries: cmcs@un.org.