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THE ETHICAL USE OF CANADIAN MILITARY ASSETS IN THE DELIVERY OF HUMANITARIAN ASSISTANCE

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ABSTRACT

Over the last decade, Canadian military units have been deployed to assist in the delivery of humanitarian assistance a number of times. This has included post-earthquake response in Pakistan in 2004, aid to Sri Lanka in early 2005 after the devastating Boxing Day tsunami of 2004 that impacted the entire region, and most recently, assistance to earthquake stricken Haiti in 2010. Military contributions to humanitarian assistance can come in many forms, such as medical or transport assistance, and can be provided either directly, indirectly, or simply to support infrastructure. Though there are many ways in which military personnel or equipment can contribute to an international relief effort, the question must be asked whether it is ethical to do so. The primary use of armed forces is to employ violence on behalf of a government. Their employment in non-combatant missions can be awkward and risky, especially when a number of alternatives such as civilian relief organizations specialize in these roles. When weighing the ethical question, factors such as the risks involved, political imperatives, the capabilities and limitations of other organizations as well as viable alternatives must be taken into consideration. These issues are important in that they assist government and military decision makers from a policy perspective. In this way, leaders can amend their policies and directives in order to better meet the needs of those requiring humanitarian assistance. Upon completion of this assessment, it can be concluded that Canadian military assets can ethically operate in a role involving the delivery of humanitarian assistance as long as accepted international standards are applied. With the objective of saving human lives and reducing human suffering, the Canadian Armed Forces (CAF) can ethically be called upon to fill humanitarian gaps in the aftermath of a rapid onset emergency when and where it is possible.

Introduction

The primary use of military forces is the management of violence, not the lessening of human suffering. However, military forces are usually maintained at a high state of readiness and can respond quickly to assist the victims of rapid onset emergencies, filling humanitarian gaps in many areas such as medical, transport, and water production. Though Canadian military assets are capable of filling humanitarian gaps in these specialized areas, the question must be asked as to whether it is ethical to do so. This is important in that it will assist government and military decision makers from a policy perspective. In this way, leaders can amend their policies and directives in order to better meet the needs of those requiring humanitarian assistance. To answer this question, a multitude of factors must be assessed. What risks are inherent with the employment of military forces outside their normal employment? How can these risks be mitigated or reduced? What capabilities can the CAF apply to humanitarian assistance and how should they be employed? Are there alternatives or other options available that can save lives and reduce human suffering without turning to the employment of military assets? Are these options more efficient and will they have more success? Do other factors exist that may influence the Canadian Government in their consideration of the military option in humanitarian relief? Simply due to the fact that there may be a number of benefits to committing military assets to an international relief effort, does not mean it is the "right thing" to do or that there will not be opposition to it.

Taken from the perspective of the humanitarian community, are the benefits that come with the use of national forces worth the harm that accompany them? Forces are not experts in the delivery of humanitarian aid and can often cause long-term harm in the

communities they are trying to assist. To come to a conclusion as to whether it is acceptable to assume these risks, it is necessary to weigh these factors from an ethical viewpoint. From the perspective of national stakeholders, Canadians like to see their Government take visible action, therefore making the deployment of the CAF an attractive option politically, even when other options such as material or financial aid to non-governmental or international organizations that specialize in humanitarian assistance are more appropriate. By weighing the factors involved in the use of military forces in the provision of humanitarian assistance, an assessment can be made in the Canadian context as to whether it is ethical to do so. If it is indeed ethical to use Canadian military assets, an additional assessment must be made as to what extent and in what circumstances.

Military assets participate within a framework that outlines the principles and mechanisms for their use in humanitarian assistance. Canada follows the principles outlined in the "Oslo Guidelines on the Use of Foreign Military and Civil Defence Assets in Disaster Relief" published in 2006 and amended in 2007.[1] First and foremost, the goal of humanitarian assistance is to save lives and reduce suffering. Any organization that provides humanitarian assistance must keep this as their objective, be they an international organization such as the International Federation of the Red Cross/Red Crescent (IFRC), a governmental organization such as United States Agency for International Development (USAID), or a non-governmental organization run by private interests. Humanitarian assistance normally comes in three forms in the military context: direct assistance, indirect assistance, and infrastructure support.

[1] United Nations, *Guidelines on the Use of Foreign Military and Civil Defence Assets in Disaster Relief – Oslo Guidelines*, Revision 1.1 (New York: UN, November 2007), 7.

Direct assistance involves interaction between military forces and the affected population without an intermediary. It is the "face-to-face distribution of goods and services."[2] This can be in the form of medical assistance provided by a military clinic where the affected population comes to the clinic or mobile medical teams that go to the people in need of medical care. It can also be the direct delivery of food, water, or other relief supplies by those in uniform. As well, military vehicles such as trucks, boats, or aircraft can be used to move victims to a safe area where they can receive proper care and assistance. There are some in the humanitarian community that are of the opinion that direct assistance is wrong for a multitude of reasons. Some do not believe that persons in uniform can be true humanitarians and dislike their incursion into their area of expertise. They also believe that the presence of military forces conducting humanitarian missions put them at risk and undermine the entire system.[3]

Indirect assistance minimizes military contact and is "at least one step removed from the population."[4] Military organizations will normally team up with other agencies that will provide the direct interaction with the local population. An example of this is the production of potable water by military units which is then delivered by civilian groups to those in need. Another instance is the use of military vehicles, ships, or aircraft to bring relief supplies into the affected nation to depots where other organizations manage distribution. Military formations can also indirectly assist by providing information from satellites and other sensors to those civilian aid groups that can make use of it for coordinating their own aid efforts. This type of assistance is much more palatable to

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[2] United Nations, *Guidelines on the Use of Foreign Military and Civil Defence Assets*…, 3.
[3] John Pringle, "The Military Invasion of Humanitarian Space," *Juxtaposition* vol 2.2 (Fall 2008): 7-10.
[4] United Nations, *Guidelines on the Use of Foreign Military and Civil Defence Assets*…, 3.

civilian organizations as it does not supplant them in their primary and it avoids the negative effects and risks of direct military interaction with affected populations. If anything, it enhances the capabilities and prestige of those civilian groups that are involved in delivering this aid directly to those in need.

Finally, infrastructure support provides services for the population without interacting with them and "involves providing general services…that facilitate relief, but are not necessarily visible to or solely for the benefit of the affected population."[5] This type of activity usually leans heavily on the engineering side through the repair of roads, power generation, water systems, or aerospace control. Militaries enjoy significant technical expertise due to their need to move their forces and act independently on the battlefield. Land forces have engineers that possess the knowledge required for road and bridge repair as well as the construction and maintenance of sewage and water production systems. These skills are particularly valuable in the aftermath of a disaster as the restoration of these services can often avoid secondary effects such as disease.[6] Much like indirect assistance, civilian groups prefer this employment for military units.

Not withstanding the composition of a group when involved in humanitarian activities, organizations are expected to conduct their activities humanely in an impartial and neutral manner. Particular attention is to be given to the most vulnerable, namely women, children, and the elderly. The rights and dignity of individuals is to be observed at all times while not discriminating against any particular group.[7] When proceeding in a neutral manner, assistance must be given without choosing sides in local disputes

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[5] *Ibid*.
[6] Department of National Defence, *CEFCOM CONPLAN 20855/10 RENAISSANCE – CEFCOM Humanitarian Operations Contingency Plan* (Ottawa: CEFCOM, 2010), 8.
[7] United Nations General Assembly, A/RES/46/182, S*trengthening of the coordination of humanitarian emergency assistance of the United Nations* (New York: UN, 19 December 1991), 2.

involving politics or religion. For many aid groups, neutrality is particularly important in order to maintain a safe presence in conflict zones. If they were to show preference to a certain group or side in a dispute, this could result in hostilities against them and hamper their ability to help those in need. Neutrality, or the perception of, is a primary reason many non-governmental organizations (NGOs) refuse to work with or alongside military organizations such as the Canadian Forces, even if these forces are assuming a neutral stance in regional conflicts.

Some may ask how a national institution such as the CAF can be neutral when providing humanitarian assistance in an area where disputes are present. Though Canada will usually not deploy military assets to a country without the permission of the nation's legitimate government, it does not mean that it has to provide preferential treatment to particular groups if desired by that government. Canadian diplomats will articulate this stance when seeking permission for the entry of Canadian military personnel and their equipment to assist after a catastrophe. In this way, Canadian military assets can build credibility with diverse organizations and provide aid to those most in need without being targeted. This stance does not apply to a situation such as Afghanistan where the Canadian Government used aid and development in an attempt to assist the legitimate government while undermining the credibility of the Taliban. Complex scenarios such as those experienced in Afghanistan, the Sudan, or the Congo are not the focus in this paper. The focus is upon humanitarian operations after the rapid onset of an emergency due to natural disasters, not the "defence, diplomacy, development" approach in countries or regions experiencing insurgencies.[8]

[8] Department of National Defence, *CEFCOM CONPLAN 20855/10 RENAISSANCE...*, 2-3.

Various organizations provide different skill sets to international relief efforts. When an affected nation does not have institutions in place to coordinate humanitarian efforts on behalf of its population, the Cluster System is a preferred method to focus on diverse groups in their area of expertise. As defined by the United Nation's Office for the Coordination of Humanitarian Affairs (OCHA):

> Clusters are groups of humanitarian organizations (UN and non-UN) working in the main sectors of humanitarian action, e.g. shelter and health. They are created when clear humanitarian needs exist within a sector, when there are numerous actors within sectors and when national authorities need coordination support. Clusters provide a clear point of contact and are accountable for adequate and appropriate humanitarian assistance. Clusters create partnerships between international humanitarian actors, national and local authorities, and civil society.[9]

There are a total of eleven groupings under the Cluster System consisting of health, water and sanitation, logistics, protection, food security, emergency telecommunication, early recovery, education, nutrition, camp coordination and management, and shelter. Not all clusters are activated in response to a rapid onset emergency. Various UN organizations that specialize in delivering humanitarian relief are identified as leaders for each cluster; however, if an institution in the affected nation is capable of assuming responsibility for a cluster activity, it will normally do so. The UN agency that is usually the lead for that activity will typically work closely with that national body and may possibly be named as the co-lead. The main objective is to effectively coordinate and deliver humanitarian relief to those who need it the most while reinforcing national institutions and maintaining their dignity during a difficult situation. A description of the various UN agencies will be provided later in this paper.

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[9] United Nations Office for the Coordination of Humanitarian Affairs, "Cluster Coordination," last accessed 11 June 2013, http://www.unocha.org/what-we-do/coordination-tools/cluster-coordination.

The Cluster System was introduced in 2005 as a response to the need for humanitarian reform in the areas of accountability, coordination, and leadership. It is a purely volunteer system where participants share information on their capabilities and activities, find out where the greatest need is without flooding any one area with relief while ignoring others. Cluster meetings also provide an opportunity to find partners when they are needed. For example, an organization may possess the capability to deliver water but not produce it. This is an ideal example where military organizations can team up with civilian aid agencies to provide indirect assistance. The Cluster System also provides military organizations an opportunity to find a partner to transition their services as part of their exit strategy.[10] As many aid agencies take time to mobilize their efforts, they will send representatives into a disaster zone early in order to identify roles for their organization to fill. The opportunity to assume responsibility from a military organization is an easy way for a group to integrate itself into an international effort.

When it comes to providing assistance either directly, indirectly, or through infrastructure support, military forces should only address needs which civilian organizations are unable to deal with at that time. This is referred to as the "humanitarian gap." Humanitarian gaps usually occur after a rapid onset emergency such as an earthquake, hurricane, or tsunami where the scale of the disaster is so large that international or non-governmental aid organizations are unable to mobilize quickly enough to save lives and reduce human suffering. This is the point where military assets can make an ethical difference.

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[10] Department of National Defence, *CEFCOM CONPLAN 20855/10 RENAISSANCE...*, 9.

Literature Review

Very little has been written specifically about the ethical use of military assets in the delivery of humanitarian assistance. Though a wealth of material exists for military interventions based upon humanitarian imperatives where force is used to coerce a government or organization to cease mass human rights violations, there appears to be very little debate on the use of military assets solely for use in providing humanitarian aid. Existing literature primarily deals with the use of military force in complex emergencies that involve conflict and not the scenarios that result from rapid onset emergencies where the need to project force as part of the mission is not present. Academic literature, government documents, and international guidelines describe how military assets are to be best employed in the humanitarian sphere or what their contributions have been. However, only a few authors do contest the use of military assets in the delivery of humanitarian aid.

According to John Pringle, it is inappropriate and counterproductive to use military assets in humanitarian roles.[11] He argues that militaries are "driven by self-interest" and incapable of operating with "impartiality, neutrality, and independence." Though the bulk of his discussion refers to humanitarian aid provided during complex emergencies where violence and military operations are present, his observations also apply to rapid onset emergencies which this paper focuses upon; the concepts of neutrality, impartiality, and independence apply to both. Pringle also delves into the inefficiency of military interventions into humanitarian space and how organizations such as Medicines Sans Frontieres are much more proficient and capable at providing aid.[12] In

[11] John Pringle, "The Military Invasion of Humanitarian Space," *Juxtaposition* vol 2.2 (Fall 2008): 7-10.
[12] Ibid., 10.

the same vein, Sarah Lischer provides a strong argument in her article "Military Intervention and the Humanitarian "Force Multiplier"" against the employment of military assets in humanitarian roles. She writes that their negative impact upon the perceived neutrality of civilian organizations puts them at risk and reduces their effectiveness.[13]

Much of the literature involving the use of military assets in humanitarian assistance provides direction or guidance on their proper use in the humanitarian sphere. These include documents from the United Nations such as "Guidelines on the Use of Foreign Military and Civil Defence Assets in Disaster Relief – Oslo Guidelines"[14] and Canadian military doctrine such as the "CDS Directive for Humanitarian Operations and Disaster Relief."[15] These documents and publications do not so much delve directly into the ethical question, but provide a framework and direction on the proper use of military assets in this role. Their value in studying the issue is when they are compared to the ethical guidelines provided by the Canadian military and the values held by the humanitarian community. They do not take a stance on the ethical use of military assets in the humanitarian sphere.

A number of articles advocate the use of military assets in the delivery of humanitarian assistance in that they discuss the benefits achieved by such action. They do not explicitly discuss how this fits into ethical considerations; however, their positive

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[13] Sarah Kenyon Lischer, "Military Intervention and the Humanitarian "Force Multiplier"," *Global Governance* Vol. 13, Issue 1 (Jan-Mar 2007): 99-118, http://ehis.ebscohost.com/ehost/detail?sid=0632fc1f-d53d-4d23-b948-416a34fe0a90%40sessionmgr15&vid=67&hid=106&bdata=JnNpdGU9ZWhvc3QtbGl2ZQ%3d%3d#db=a9h&AN=24111997.

[14] United Nations, *Guidelines on the Use of Foreign Military and Civil Defence Assets in Disaster Relief – Oslo Guidelines*, Revision 1.1 (New York: UN, November 2007).

[15] Department of National Defence, *CDS Directive for Humanitarian Operations and Disaster Relief* (Ottawa: DND, 25 May 2010).

views show that they believe there is a role for the military in providing aid. The most striking example is General Douglas Fraser and Major Wendell Hertzelle's article "Haiti Relief: An International Effort Enabled through Air, Space, and Cyberspace."[16] Their chosen profession as officers in the military likely has colored their view of how military air power came to the rescue of the Haitian people. When used as a source in this ethical study, its value is in the description of how military assets contributed to the relief effort and saved lives, not through any direct discussion on how right or wrong it was. From Fraser and Hertzelle's point of view, it was most definitely a proper employment of military assets. The same can be said of Daniel Wasserbly's article, "Relationships key to effective Humanitarian and Disaster Relief Operations."[17] He is a proponent of using military assets in this role as he praises their contribution to the relief effort in Japan after the recent tsunami. In the same vein, Andre Deschiamps argues that military aircraft are ideally suited for employment in delivering humanitarian aid.[18]

The shortage of material discussing the ethical employment of military assets in pure humanitarian roles leads to a dependence upon diverse sources that do not directly address the issue. This does not mean that they do not provide an important contribution to the study of this matter that is important in the development and implementation of government and military policy. Codes of conduct and the values held by both military and humanitarian actors are critical in weighing this question. It is evident through the

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[16] Gen Douglas M. Fraser and Maj Wendell S. Hertzelle, "Haiti Relief: An International Effort Enabled through Air, Space, and Cyberspace," *Air & Space Power Journal* (Winter 2010): 5-12, http://www.airpower.au.af.mil/airchronicles/apj/apj10/win10/2010_4_03_fraser.pdf.

[17] Daniel Wasserbly, "Relationships key to effective Humanitarian and Disaster Relief operations, officers say," *Jane's International Defence Review* 46 (May 2013): 6.

[18] André Deschiamps, "Canada: An Agile, Combat-Capable and Interoperable Aerospace Force," *Military Technology* Vol. 35, Issue 6 (2011): 22-24, http://ehis.ebscohost.com/ehost/pdfviewer/pdfviewer?sid=bfb402fa-4ab8-444a-b0d2-d378dabb2fa2%40sessionmgr110&vid=91&hid=104.

various governmental, military, and international guidelines and policy directives on the employment of Canadian military assets in the delivery of humanitarian assistance that ethical standards and universal norms were taken into consideration and embedded in these documents.

With very little written specifically about the ethical use of military assets in the delivery of humanitarian assistance, this paper contributes to addressing this important gap. The research conducted in this study assumed a balanced approach, assessing the practices and concerns held by those in the humanitarian sphere, military, and government. By depending largely upon a variety of literature that indirectly contribute to an ethical assessment, a well-balanced approach is possible that can provide guidance to those involved in policy decisions involving military assets.

The lack of material dedicated to this subject is concerning due to the repercussions involved if humanitarian assistance is not provided rapidly, efficiently, and effectively so as to help as many in need as possible. The ethical use of military assets in the delivery of humanitarian assistance is an area of study that requires more attention. Poor decisions due to a lack of sufficient academic work on the subject could have significant consequences. This paper strives to help fill this gap.

What Military Assets Bring to Humanitarian Assistance

Military personnel and equipment are able to quickly deploy and utilize specialized skill-sets after a rapid onset emergency. Capabilities resident in most military organizations that allow them to fulfill their primary mandate of defending the state against foreign aggression and act as a tool of foreign policy when employed abroad can be effectively applied in the provision of humanitarian assistance. Professional militaries possess robust logistical support systems that allow them to move their forces in a variety of situations to where they are needed. Once established, resupply and support systems are required in order to maintain combat effectiveness. When in combat, units must be able to sustain themselves for an extended period of time until they can be resupplied. This ability for extended self-sustainment allows for flexibility and independence. Combat also brings with it the need to care for one's casualties. Modern democracies place a premium on the value of the lives of their citizens serving abroad. To avoid unnecessary casualties, they are well equipped and provided with robust air and ground support and vehicles in order to maximize their survivability in an adverse environment. When casualties do occur, extensive medical support is provided in order to minimize losses. Significant advances have been made in this realm over the last century, resulting in very high survival rates in comparison to conflicts in the past. These capabilities to move, support, and provide for the medical needs of soldiers, sailors, and airmen can further be extended to helping those in need after a catastrophe.

Militaries maintain their various organizations and units at different levels of readiness to respond to their mandated requirements, be they defence or humanitarian in nature. Canada maintains a well-trained group of military personnel at 12 hours notice to move anywhere in the world in response to crisis. One of these teams is called the

Humanitarian Assistance Response Team, also known as the "HART." Expertise resident in this team consists of engineering, medical, logistical, and planning.[19] These experts can assess the situation and make recommendations on what the most appropriate contribution to an international relief effort may be. They may also make the evaluation that there is no need for a military contribution due to the presence of civilian organizations capable of fulfilling all humanitarian requirements. The ability of this group to rapidly deploy to an affected nation is critical in the Government's decision making process. This process will be discussed in greater detail later on.

Complimenting the high state of readiness maintained by various military units in order to respond to sudden crises is the ability to quickly move personnel and equipment to where they are needed most by utilizing assets allocated for defence and deploying them to the affected nation using heavy lift aircraft. When disaster strikes, the ability to move humanitarian aid and personnel swiftly is critical in the immediate aftermath. Military aircraft are ideally suited for this role.[20] They are designed to conduct short take-offs and landings and are capable of using rough airfields and landing strips that civilian aircraft often cannot use. In the event air control functions are impaired or non-existent at the airport closest to the affected region or within the disaster zone, militaries maintain air control teams that can deploy quickly and set up their equipment in order to receive the numerous aircraft that are required for a major relief effort.[21]

After the major earthquake that struck Haiti in 2010, the air control tower at Toussaint L'Ouverture International Airport in Port-au-Prince was damaged to the point

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[19] Department of National Defence, *CDS Directive for Humanitarian Operation…*, D-1.
[20] Deschiamps, "Canada: An Agile…, 22.
[21] Department of National Defence, *CEFCOM CONPLAN 20855/10 RENAISSANCE...*, Annex B, Appendix 1.

of making it unusable. The earthquake occurred late in the afternoon on Tuesday 12 January 2010 at 21:53 Greenwich Mean Time. When the first relief aircraft started arriving the next day, there was no air control to coordinate the order of aircraft or direction on where to proceed once on the ground. Aircraft would circle, take their turn in landing and then find space on the apron, a very dangerous process. Canada's first Hercules aircraft with a reconnaissance team and medical personnel were on the ground and providing assistance less than 24 hours after the earthquake.[22] An American military air control team arrived on the 13th as well. They were able to set up their air control equipment and start directing aircraft a mere 28 minutes after arriving, a phenomenal feat.[23] Traffic at Toussaint L'Ouverture International Airport went from 15 flights per day prior to the earthquake to a peak of 140 fixed wing and 200 helicopter flights per day at the height of the relief effort. This would not have been possible without the military air controllers who applied the lessons of previous relief efforts to this single strip airfield. [24]

Military aircraft are not the only assets available to move humanitarian relief or personnel. Trucks and reconnaissance vehicles designed for use on the battlefield are ideally suited for use in a disaster zone. Military vehicles are meant to work where there are few or no roads or where the existing road network has been damaged. The devastation caused by an earthquake or tsunami is not much different than that encountered in war. When aid needs to get to an affected population, the type of mechanism for distribution is less import as long as they are effective. Military vehicles manned by soldiers can often proceed unimpeded by those who may wish to profit from a

[22] The author of this paper was involved in the planning of Canada's response mere hours after the earthquake occurred. Less than twelve hours after the earthquake, LCol Bruce Ewing with representatives from DFAIT and CIDA, was embarking on a CC-130 Hercules transport with his reconnaissance team and medical personnel at CFB Trenton.
[23] Fraser and Hertzelle, "Haiti Relief: An International Effort…, 6.
[24] *Ibid*., 6-8.

disaster by charging "customs fees" or demanding some of the supplies in order to allow the vehicle to proceed. An example of this occurred in Haiti after the 2010 earthquake where a donated autoclave destined for a hospital in the vicinity of Jacmel was being held by Customs authorities in storage. The volunteer hospital that was supporting an entire community was unable to sterilize surgical equipment without this piece of equipment due to their inability to pay the bribe required for customs officers to release it.[25] The issue was raised during a "needs assessment" visit by Canadian military personnel who arranged for a military truck to transport the autoclave from the Customs facility to the hospital. The presence of uniformed officers was too intimidating for the Customs personnel to demand their usual bribe.[26]

Medical assistance is one of the greatest priorities after a disaster. With the aim of humanitarian assistance being the 'saving of life and the reduction of suffering', the ability to rapidly deploy highly trained medical professions to an affected nation is a role that militaries excel at. Due to the nature of war and the harm that occurs to both soldiers and civilians, militaries maintain medical capabilities that are both robust and highly trained. Their skill in dealing with the chaos of battle and the injuries that result from it are easily translated to assisting in a humanitarian emergency. They can deploy full field hospitals that are able to operate independently without creating strain on the remaining infrastructure in a disaster zone. Clinics of a more modest scale can be set up where

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[25] Francesca M. Pisano, "The Foreign Corrupt Practices Act and Corporate Charity: Rethinking the Regulations," *Emory Law Journal* Vol. 62, Issue 3 (2013): 629-30, http://ehis.ebscohost.com/ehost/detail?sid=0632fc1f-d53d-4d23-b948-416a34fe0a90%40sessionmgr15&vid=15&hid=8&bdata=JnNpdGU9ZWhvc3QtbGl2ZQ%3d%3d#db=a9h&AN=86979110.

[26] The author was the Senior Civil-Military Coordinator for Canada's Disaster Assistance Response Team and was involved in the coordination of this effort. This was just one of many situations where the presence of military personnel in uniform prevented corrupt Customs or Police personnel from taking their usual share of relief supplies or bribes.

required and mobile medical teams can go out to those who cannot make it to a hospital or clinic. Mobile medical teams are particularly useful once the initial flood of patients at hospitals and clinics has subsided.[27]

Another benefit of military medical personnel providing care to victims of a disaster is the positive public perception of personnel in uniform providing medical care directly to those in need. However, as discussed earlier, there are many humanitarian organizations opposed to any type of military contact directly with an affected population. To counter this, military units only provide direct medical care when the local authorities and civilian groups are unable to do so. Once these groups are capable of filling the humanitarian gap, field hospitals, clinics, and mobile medical teams will cease their operations. The leadership of military organizations involved in deciding what medical care to provide will often make arrangements for the transition of their responsibilities to civilian organizations even before they commit to setting up a clinic or hospital. The creation of a long term dependency upon a military supplied service such as medical care is not a desirable outcome. As stated by General Walter Natynczyk, Canada's Chief of Defence Staff, in his 2010 Directive for Humanitarian Operations (HO), "HO is meant to be a short-term measure…until local authorities can resume their responsibilities and/or other international organizations can take over.[28]

The production of clean drinking water is another valuable capability that militaries possess that can be applied to humanitarian. In order to avoid disease and sickness among their own troops, military formations possess the capability to produce

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[27] Andras Kemarky-Kodak, Agnes Borbely, Aova Olah, and Karoly Fekete, "Organization and Operation of Mobile Medical Teams Working in disaster Areas," *Internet Journal of Rescue & Disaster Medicine* Vol. 8, Issue 1 (2009): 2-2, http://ehis.ebscohost.com/ehost/detail?sid=0632fc1f-d53d-4d23-b948-416a34fe0a90%40sessionmgr15&vid=29&hid=104&bdata=JnNpdGU9ZWhvc3QtbGl2ZQ%3d%3d#db=a9h&AN=37593725.

[28] Department of National Defence, *CDS Directive for Humanitarian Operations*…, B-1.

large amounts of water, usually employing Reverse Osmosis Water Purification Units (ROWPUs). These systems are capable of taking almost any type of unprocessed, dirty, or contaminated water and making it consumable. Rapid onset emergencies such as earthquakes and tsunamis have a tendency to damage or contaminate existing water production and distribution infrastructure. If a community possessed clean drinking water prior to a disaster, the possibility of wide spread sickness due to unsanitary conditions and unclean drinking water can threaten residents very quickly afterwards.[29]

Clean water pays an important role in a community's health. To alleviate the need for water produced by aid agencies, military organizations normally possess the engineering skill and knowledge on how to repair existing water purification or distribution systems. This infrastructure support can have an immediate impact on a community in need while minimizing the interaction between military personnel and civilians. One such case occurred in the city of Jacmel in Haiti after the 2010 earthquake. Their water distribution system was damaged such that the entire city had lost the use of their tap water from clean city wells and reservoirs. Canadian engineers were able to identify the required parts to repair the system.[30] When it was discovered that the parts were not available in the country, they were found in Canada and flown in via military aircraft. The military engineers then worked with Jacmel's engineers for their installation. Though this effort could have been completed without interaction with the civilian population, it was deemed that it was more important for the local engineers to

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[29] Jan D. Reinhardt, Li Jianan, James Gosney, Farooq A. Rathore, Andrew J. Haig, Michael, and Joel A. DeLisa, "Disability and Health-related Rehabilitation in International Disaster Relief," *Global Health Action* Vol. 4 (2011): 2, http://ehis.ebscohost.com/ehost/detail?sid=0632fc1f-d53d-4d23-b948-416a34fe0a90%40sessionmgr15&vid=52&hid=107&bdata=JnNpdGU9ZWhvc3QtbGl2ZQ%3d%3d#db=a9h&AN=73829844.

[30] Department of National Defence, *CCF Submission – Jacmel Water Distribution System* (Jacmel: DART, 06 February 2010), 1.

understand the operation of these replacement parts. It also helped to reinforce a strong relationship between the people of Jacmel and Canada; Canada's Governor General, Michelle Jean, originally came from Jacmel.

An important aspect of maintaining a positive relationship with an affected population is the need for those providing assistance to be self-sustaining. Humanitarians can add to the suffering of a community if they arrive unprepared to meet their own needs. Examples of this include food, water, and medical support. These necessities are often in short supply after a rapid onset emergency. Unfortunately, many actors in the humanitarian community do not place proper emphasis on providing for themselves in order not to become an additional burden on an already stressed situation. The proper supply of food and water to sustain humanitarian actors needs to be planned far in advance of their deployment. This includes bringing enough to sustain themselves in the short term as well as having a plan for resupply. They should also have a plan in place for medical treatment or evacuation if required. This need can be partially mitigated through proper vaccinations and high health and fitness standards for their personnel.[31]

Military personnel are required to maintain a high level of fitness and conduct rigorous medical preparations. For high-readiness personnel identified for these missions, vaccinations as well as dental and medical screening is required prior to assuming their responsibilities. These standards, in conjunction with adequate food and water supplies, ensure military personnel employed in humanitarian operations place as little strain as

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[31] Alpaslan Ozerdem, "The Mountain Tsunami: Afterthoughts on the Kashmir Earthquake," *Third World Quarterly* Vol. 27, Issue 3 (April 2006): 398-99, http://ehis.ebscohost.com/ehost/detail?sid=0632fc1f-d53d-4d23-b948-416a34fe0a90%40sessionmgr15&vid=68&hid=106&bdata=JnNpdGU9ZWhvc3QtbGl2ZQ%3d%3d#db=a9h&AN=20338545.

possible on their environment once they join a relief effort.[32] If CAF elements are not self-sufficient, then they find alternate support methods, usually working in tandem with an ally.[33]

Security is another contribution that military forces bring to humanitarian relief. Though it is not often required unless the area affected is already subject to a complex emergency where security was an issue prior to the disaster, the presence of personnel in uniform can have a stabilizing influence. This is particularly true in situations where a large number of affected persons are competing for limited resources such as food, water, or shelter. The mere presence of disciplined uniformed soldiers can impose order. An example from Haiti occurred in an Internally Displaced Persons Camp in Jacmel where food distribution conducted by the World Food Organization (WFO) almost stopped due to rioting amongst the approximately 5,000 persons living in this one camp. There was enough food in the early days to feed only 3,000 people during each of the two daily feeding times. The Haitian National Police as well as a company of Sri Lankan soldiers already stationed in the area in support of the ongoing stabilizing mission were unable or unwilling to provide any security at the camp. The local WFO representative requested assistance from Canada's Disaster Assistance Response Team (DART).[34] Though not normally a task performed by the DART, the seriousness of the situation led to the approval for the use of members from the security platoon to assist and impose order. Their mere presence avoided the use of force and allowed food distribution to be

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[32] P.F. Sharwood, "What is Preparedness?" *ANZ Journal of Surgery* Supplement Vol. 79 (May 2009): A47, http://ehis.ebscohost.com/ehost/detail?sid=0632fc1f-d53d-4d23-b948-416a34fe0a90%40sessionmgr15&vid=69&hid=16&bdata=JnNpdGU9ZWhvc3QtbGl2ZQ%3d%3d#db=a9h&AN=38315466.

[33] Department of National Defence, *CEFCOM CONPLAN 20855/10 RENAISSANCE…*, 5.

[34] The DART is a team of specialized skill sets from across the Canadian Forces brought together when needed for humanitarian action. The leadership for this team currently comes from the 1st Canadian Division Headquarters based in Kingston, Ontario.

conducted in an orderly manner. Without the calming presence and organization of the DART's security platoon, the WFO would not have been able to continue this critical assistance to the population of Jacmel. As the situation stabilized, the DART trained first the Sri Lankan troops and then the Haitian National Police in this role.[35]

Militaries also possess some capabilities that are not readily available or commonly used by the humanitarian communities. A good example was the use of radiological sensors during the response to the earthquake and resulting tsunami and nuclear power plant disaster that affected Japan in March 2011. American warships fitted with radiological sensors were capable of operating off the coast of Japan to provide humanitarian relief in an area where plumes of radiation were present. These sensors are a normal fit on most Western warships in the event of nuclear attack. During the delivery of humanitarian relief to Japan, the United States Navy was able to "bob and weave around the plumes" while assisting those in need. USN Admiral Girrier stated, "…a carrier was uniquely suited to aid because of the plethora of air assets and the nuclear expertise on board."[36] Naval ships already based in Japan for the purpose of regional defence were ideally suited for filling the humanitarian gap. Civilian humanitarian relief organizations do not possess aircraft carriers nor ships fitted with radiological detection units. The aircraft based off of this ship was capable of identifying humanitarian needs, evacuating those requiring movement, and delivering aid to those in safe locations. With the ability to operate in this type of environment safely, these military units were able to reduce the risk to other organizations and communicate the needs of those affected to the overall coordinators of the humanitarian response.

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[35] Department of National Defence, *DART DAILY SITREP FOR OP HESTIA – 7 Feb 2010* (Jacmel: DART, 7 February 2010), 2.
[36] Wasserbly, "Relationships key to effective Humanitarian…, 6.

Command and control is a key capability that military organizations bring to relief efforts. The ability to gather information, process data from diverse sources, formulate plans or recommendations, and then use or disseminate this information to partners is a key capability that results in the success or failure of military operations. The practice of exercising command and control during military exercises refines these skills and places military command organizations in a good position to help those in need. Standing forces such as those in Japan trained with their Japanese counterparts on a regular basis and had built relationships that were heavily leveraged during the relief effort. Lieutenant General Kenneth Glueck, the Commander of the United States III Marine Expeditionary Force that assisted in the relief effort, stated that "personal relationships are far more important than anything."[37]

The importance of personal relationships in the coordination of humanitarian relief is a key reason the Office for the Coordination of Humanitarian Affairs (OCHA) conducts Civil-Military Coordination training throughout the world. These courses are purposely split between military and civilian organizations in order to maintain a balanced approach and foster cohesion between the different personalities involved. Other than to improve the delivery of humanitarian assistance, the aim of this course is "promote effective humanitarian-military relationships by raising mutual awareness and understanding of the roles of military and humanitarian actors in emergencies."[38] This type of training not only builds relationships between the different actors involved in the

[37] *Ibid*., 6.
[38] United Nations Office for the Coordination of Humanitarian Affairs, "United Nations Humanitarian Civil-Military Coordination (UN-CMCoord) Course," last accessed 23 May 2013, https://ochanet.unocha.org/p/Documents/UN-CMCoord%20Course%20Factsheet.pdf

delivery of humanitarian relief, but it helps to avoid some of the pitfalls involved in using military forces in these roles, which will be discussed in greater detail later on.

The capabilities listed in this chapter are just some of the primary capabilities that military organizations bring to humanitarian relief. The ability to move equipment and personnel, water production, self-sufficiency, medical care, and coordination skills all exist within civilian organizations. When these groups cannot meet the needs of an affected nation after a rapid onset emergency, militaries are more than capable to step in and provide these services in order to fill the humanitarian gap until other groups can mobilize their efforts and take over. When militaries do respond to fulfill these needs that are outside their normal employment, a number of risks exist that need to be taken into consideration. These risks must be assessed when conducting an evaluation whether the employment of these assets is deemed ethical or not.

The Risks

The primary use of military forces is the management of violence, not the lessening of human suffering. Any time a government commits military forces to any operation, certain risks are assumed. These risks do not disappear when military assets and personnel are tasked to provide humanitarian assistance. Humanitarian operations are outside the normal employment of soldiers, sailors, and airmen, putting them in contact with civilians in unfamiliar environments and roles. The dangers of force being used during the delivery of humanitarian aid can complicate the mission and result in making it more difficult for various agencies to help those in need. Many soldiers do not know how to behave appropriately in foreign countries in close contact with civilians. At the higher levels, decisions can be made that may have repercussions for the long term recovery of a country. These risks at both levels must be understood so as to be mitigated and avoided if nations wish to use military forces effectively in the lessening of human suffering.[39]

One of the many risks that are assumed when committing forces to the delivery of humanitarian assistance is the improper behavior of military personnel in relation to the local population. When dealing with a vulnerable population that has been hurt by a rapid onset disaster, often in an environment that suffered from poverty before the disaster, the local population is desperate for necessities of life and will go to extremes to provide for themselves or their families. One of these extremes is providing sexual favors or prostitution in order to obtain money or relief supplies. Soldiers, both young and old, when away from home, may be tempted to engage in sexual relations with the locals.

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[39] Charles H.B. Garraway, "Training: The Whys and Wherefores," *Social Research* Vol. 69, Issue 4 (Winter 2002): 951, http://ehis.ebscohost.com/ehost/detail?sid=bfb402fa-4ab8-444a-b0d2-d378dabb2fa2%40sessionmgr110&vid=78&hid=107&bdata=JnNpdGU9ZWhvc3QtbGl2ZQ%3d%3d#db=aph&AN=9033499.

These activities can have a significant impact on the mission. Jealousies may cause resentment among the population and negatively affect the working relationship between relief organizations and the local community. There are also issues with the spread of disease that may reduce the soldier's ability to work. Finally, there is the impact on unit cohesion and discipline. When participating in the provision of humanitarian assistance, the military organization should be focused on providing aid and not engaging in social behavior with the local population.[40]

Another inherent risk is the possibility of inappropriate behavior or the militarization of children who are in contact with military organizations. Children look up to those wearing uniforms and wish to emulate them. Due to the fact that many of the regions that require international assistance after a disaster are often dealing with security issues, the militarization of their children is a concern.[41] The recruitment of children by insurgent groups is often desirable by those fighting against the legitimate government. The glorification of military roles by foreign soldiers in contact with children is an undesirable by-product of humanitarian missions and should be limited for the good of the affected nation.

The undesirable effects of military organizations due to sexual exploitation or the militarization of children can be limited in a number of ways. One of the primary methods is by limiting the contact of military organizations providing humanitarian aid with the local population. Instead of militaries providing direct assistance to the population, they

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[40] Frances T. Pilch, "Developing Human Rights Standards in United Nations Peacekeeping Operations," *Conference Papers -- International Studies Association* (2005 Annual Meeting, Istanbul): 11-12, http://ehis.ebscohost.com/ehost/detail?sid=bfb402fa-4ab8-444a-b0d2-d378dabb2fa2%40sessionmgr110&vid=9&hid=101&bdata=JnNpdGU9ZWhvc3QtbGl2ZQ%3d%3d#db=aph&AN=27158285.

[41] United Nations, *Report of the Special Representative of the Secretary-General for Children and Armed Conflict* (New York: UN, 6 August 2012), 8.

can assist by providing indirect assistance. Indirect assistance is when military organizations are "at least one step removed from the population."[42] This type of aid is usually found in the transport of relief supplies or the production of water. It requires partnering with a non-military organization that can take possession of the relief supplies and assume responsibility for its distribution to those in need. There are occasions where this does not work such as the early days after a rapid onset emergency where civilian organizations may not have had time to organize their efforts. Additionally, the provision of medical care is difficult to provide indirectly. However, this can be achieved by having military medical personnel work in civilian garb.

Canadian Forces personnel in uniform provided their government with exceptional media coverage during the relief effort in Haiti while interacting directly with the local population. This does not mean that the mission proceeded without incidents. On more than one occasion, Canadian military personnel conducted themselves in a less than ideal manner. On one occasion, a soldier had a picture taken of himself with a child who he had dressed in his tactical vest and helmet and had given him his unloaded rifle to hold. This soldier was charged under the Code of Service discipline and removed from the theatre of operations. On another occasion, member of Canada's Disaster Assistance Response Team's (DART) Headquarters drove a small child claiming to be an orphan to a local orphanage. If this child had parents and was just looking for handouts, his disappearance could have undermined the Canadian mission and their ability to work safely with the local population. Once this incident was reported to senior member of the DART, the child was returned to the community it came from. During these events, quick

[42] United Nations, *Guidelines on the Use of Foreign Military and Civil Defence Assets*…, 3.

disciplinary or administrative measures conducted in an open manner prevented recurrences in a mission that involved over two thousand Canadian military personnel.[43]

The proper discipline and training of military personnel is the best method to minimize the risk of employing them on humanitarian missions. This preparation starts in their home nation and includes lessons in ethics and building an understanding of what is acceptable behavior when deployed on these types of missions. In the case of the CAF, this instruction is required for any mission outside the country. It includes military law and the use of force. Once completed, these training serials are recorded on the individual's documents and are only good for a certain amount of time before they are required once again. To reinforce this education, personnel who are identified for perspective deployment for humanitarian missions usually attend exercises hosted by the 1st Canadian Division Headquarters in Kingston, Ontario. Through this preparation, these individuals become conversant with the employment of military forces in humanitarian operations, their likely tasks, and acceptable behavior.[44] Canada learned the consequences of committing soldiers not properly prepared for humanitarian missions in Somalia in the early 1990s. The necessity for mission specific training is very well defined in the Report of the Somalia Commission of Inquiry.[45]

Despite the high level of preparation required by CAF personnel who are identified for deployments in support of humanitarian operations, there are many who are tasked at short notice and do not have the time to conduct this training. Often this is a result of the primary candidate being unavailable or the nature of the emergency requires

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[43] The author of this paper was a senior member of the DART Headquarters, responsible for civil-military coordination during its mission in Haiti in 2010. He was present when these incidents were dealt with by himself or Lieutenant Colonel Bruce Ewing, the Commanding Officer of the DART.
[44] Department of National Defence, *CEFCOM CONPLAN 20855/10 RENAISSANCE ...,*24.
[45] Report of the Somalia Commission of Inquiry, "Operational Readiness," last accessed 30 June 2013, http://www.dnd.ca/somalia/vol2/v2c23e.htm.

significant augmentation by those without the proper or current training. In these cases, the decision is made to grant them a waiver after a risk assessment is made based upon the situation and the need to fill the position.[46] Efforts have been made across the CAF to reduce these occurrences through the requirement of Annual Personnel Readiness Verifications (APRVs) where individuals meet with a clerk to review their training and administrative readiness for deployment. In this way, deficiencies are identified and corrected early in order to avoid the problems when personnel are required at short notice, even if they are not personally identified for a high readiness position.

The involvement of military formations in humanitarian assistance carries risks outside of those that can occur due to a lack of discipline or the unethical behavior of their personnel. It is very easy for a military or civilian organization to harm local economies through their actions. Civilian groups are much less at risk due to their professional nature in providing humanitarian aid as their understanding of the risks involved. Military units do not always consider the impact of their decisions on the local economy and the possible long term repercussions. To avoid this, military forces must be aware of what humanitarian gaps they are filling and not provide items that will compete with the local economy.[47] A good example would be the provision of bread to the population when there is bread readily available on the local market. Free bread would put the local baker out of business as they cannot compete with an organization providing free bread. The long term effect would result in a dependency being created and the

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[46] Canadian Forces Joint Headquarters, *Op HESTIA: CFJHQ Internal Post Operation Report, Annex A*, (Kingston: CFJHQ, May 2010), 19.
[47] United Nations, *Guidelines on the Use of Foreign Military and Civil Defence Assets*…, 4.

destruction of a trade. The same can be said of the provision of any humanitarian aid that is not required.

After the earthquake in Haiti in 2010, *HMCS HALIFAX* embarked five truck loads of clothing donations in Jamaica to give to the people of Haiti. Upon *HALIFAX*'s arrival off the coast in the vicinity of Jacmel, the Commanding Officer was advised that such a large clothing donation would harm the local textile industry and there was no need. This created significant consternation on the part of *HALIFAX*'s Commanding Officer as she was now stuck with a significant amount of clothing taking up space in her hangar. A resolution was eventually found where small amounts of clothing were donated to orphanages throughout the country so as to mitigate any harm it would have on the economy.[48]

Another significant impact foreign agencies can have on local economies is the employment of locals. Aid agencies and Western militaries in particular are very well financed. The amount of foreign currency available to theirs organizations can have a significant affect on a small economy, especially in third-world nations or emerging economies. If these aid organizations are not aware of the norms for wages in their location, they can very easily overpay for employment that could draw skilled professionals away from critical employment in their community. For example, if a military camp hires local people to take care of laundry needs and pay more for this function than what teachers receive, they could easily deprive a community of their teacher. In 2010 the Haitian Government set the hourly wage for unskilled labor at $5 US

[48] Canadian Army, "Canada, Jamaica show generosity to Haitians," last accessed 30 June 2013, http://www.army.forces.gc.ca/land-terre/news-nouvelles/story-reportage-eng.asp?id=4154.
The author of this paper personally met with the Commanding Officer of *HMCS HALIFAX* and resolved the issue through coordination with the local aid agencies.

and $8 for skilled labor.[49] Any outside organization that deviated from these amounts risked being forced to leave Haiti. This way, the Haitian Government was able to reduce the effects of the massive influx of Western aid agencies into the country.

Many logisticians employed with Western militaries do not take into consideration economic effects. Chief Petty Officer Second Class (CPO2) John Clairmont, a logistician with more than 25 years experience with the Canadian Forces, has deployed on five multi-national missions that included a tour in Bosnia, a tour in Syria, and three tours in Afghanistan. Though all five deployments involved complex scenarios that were not rapid onset catastrophes, they do provide insight on attitudes held by logisticians in the provision of services to the military formations they support. CPO2 Clairmont stated that the economic impact on the local economies was never a concern. Their main concern was ease of procurement and ensuring their organizations were well supplied. When it came to the issue of hiring locals, he said they paid the locals more than what they would have made on the local economy and that they were lucky to have the employment.[50]

Professional militaries are well aware of the multitude of risks that come with the involvement of their personnel in humanitarian operations. Measures to reduce the issues involved with their deployment go beyond the training, discipline, and the education of their subordinates and leaders. A key concept used by many military organizations is the early identification of humanitarian gaps along with an "exit strategy." Under the Canadian concept of operations, a civilian organization should be identified to assume responsibility for fulfilling a need assumed by a CAF unit unless the problem can be dealt within a short period time, normally forty days or less. Under current doctrine, the

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[49] Department of National Defence, *CCF Submission – Support to Orphanages Cash for Work* (Jacmel: DART, 06 February 2010), 1.
[50] CPO2 John Clairmont, interview with author, 27 May 2013, Victoria, British Columbia.

Canadian Forces only deploys for a short period to fill humanitarian gaps until civilian organizations can mobilize their effort.[51] To commit to filling a need without identifying a credible exit strategy would be unprofessional and ethically suspect.

In order to identify humanitarian gaps after a rapid onset emergency, the Government of Canada will hold an interdepartmental meeting that will assess the situation and recommend to the Prime Minister's Office whether Canada should consider becoming involved. Representatives from a multitude of government departments and organizations would likely be involved in contributing to a relief effort would attend this initial meeting hosted by the Department of Foreign Affairs and International Trade (DFAIT).[52] This would include the Department of National Defence (DND), the Canadian International Development Agency (CIDA), Public Safety, Citizenship and Immigration Canada (CIC), Public Health, the Royal Canadian Mounted Police (RCMP), and representatives from the Privy Council Office (PCO). This meeting would confirm critical contacts, assess the situation based upon input from the various attendees, and most critically, identify Canada's capacity to respond.[53]

If the Prime Minister's Office makes a decision to involve the nation's resources, it will order the deployment of an Interdepartmental Strategic Support Team (ISST) to the affected nation to conduct an assessment of possible Canadian contributions to the relief effort. The ISST is led by a representative from DFAIT supported by representatives from CIDA, a senior officer from DND, as well as another member from DFAIT. This four

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[51] Department of National Defence, *CEFCOM CONPLAN 20855/10 RENAISSANCE...*, 15.
[52] DFAIT has recently been changed to "Foreign Affairs, Trade, and Development Canada" formally amalgamating the responsibilities held by DFAIT and CIDA.
[53] Department of Foreign Affairs, *Standard Operating Procedures in Response to Natural Disasters Abroad*, (Ottawa: DFAIT, August 2010), 16-18.

person team may deploy with the support of the DART's reconnaissance team which consists of medical, engineering, logistical, and planning experts who will provide information and options to the ISST.[54] Based upon input from the HART and meetings with representatives of the affected nation, the ISST will formulate options that they will recommend to their superiors in Ottawa. These recommendations can include financial support to the affected nation or organizations already established in the area, the donation of relief supplies, the provision of civilian expertise, the deployment of CAF personnel and equipment, or a mixture of any of the four.[55] Throughout this process while the ISST is working in the affected nation, the members of the ISST and the HART will concurrently establish ties with other organizations through the United Nation's "Cluster" approach. Among these other organizations will be a number of "trusted partners" with whom CIDA has already developed a strong working relationship through other projects. In this way, if Canada decides to fill an identified need that cannot be fulfilled during a military contingent's deployment timeline, it can make arrangements for a "trusted partner" to take over. As discussed earlier, military assets can quickly deploy due to their high state of readiness and possession of heavy lift aircraft. However, most humanitarian agencies and NGOs take longer to get their personnel and assets where they are needed. Once they have assets in the affected nation, such organizations are usually quite happy to take over the delivery of humanitarian assistance, especially if it is high profile enough to impress their donors. CIDA may even provide this group with the funding required to take over this activity.[56]

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[54] This is the Humanitarian Assistance Response Team previously mentioned on page 13.
[55] Department of National Defence, *CDS Directive for Humanitarian Operations*…, 3.
[56] Foreign Affairs, Trade, and Development Canada, "Develop a Global Partnership for Development," last accessed 30 June 2013, http://www.acdi-cida.gc.ca/acdi-cida/ACDI-CIDA.nsf/En/JUD-1318137-HHX.

The multitude of risks involved with the deployment of CF assets for humanitarian assistance makes it a decision that is not taken lightly by Canadian military, public service, or political officials. Though measures can be implemented to mitigate and minimize these risks, they cannot be completely eliminated. When the Government weighs its options as to whether it should assist an affected nation, it takes these risks and assesses them against the possible benefits. Fortunately there are other organizations and ways for Canada to help in saving lives and reducing human suffering. Though many of the risks exist for these groups that make humanitarian work their profession, their expertise and experience assists in minimizing these problems. Since humanitarian operations are on the periphery of normal activities for the Canadian Forces, special attention must be given in order to employ these military assets in ethical ways.

Other Organizations in Humanitarian Assistance

When pondering the ethical use of Canadian military assets in the provision of humanitarian assistance, it is necessary to examine what other bodies exist within the humanitarian sphere. Civilian organizations involved in the delivery of aid come in a variety of sizes, membership, affiliation, funding, and motivation for their actions. Many of the high-profile international organizations come under the auspices of the United Nations, operating under resolutions ratified by the General Assembly. There are also agencies formed by national governments with mandates specific to addressing development and international assistance as part of the state's foreign policy. Finally, the most prolific civilian organizations in the realm of humanitarian assistance and managing the long term delivery of aid and development come in the form of NGOs.

An NGO is a "legally constituted entity created by private organizations or people with no participation in or representation of any government."[57] These organizations can be funded by a government or the UN, but maintain their NGO status as long as these funding bodies do not place representatives within the entity. These groups number in the thousands and vary greatly in their professional and performance standards. There is no body that regulates their conduct. They are held accountable by their funding sources, the legislation within the country for whom they are working, and international law. Not all NGOs abide by the International Federation of the Red Cross/Red Crescent's (IFRC) "Humanitarian Code of Conduct" that is the standard within the humanitarian community. This code of conduct is fairly brief but covers important concepts such as providing aid to all regardless of characteristics such as race or religion, with the priority going to those

[57] Grey Frandsen, *Guide to Nongovernmental Organizations for the Military*, edited and rewritten by Lynn Lawry (Washington: The Center for Disaster and Humanitarian Assistance Medicine, 2009), 15.

who are in the most need of it. Additionally, this aid is to be delivered without advocating religious or political viewpoints.[58] Not all NGOs wish to work in this way, especially with the founders of many being political or religious entities. When deciding whether to support an NGO, the most important indicator of future performance and ethical conduct is past performance. Legitimate NGOs work very hard to develop and maintain their reputations, coordinating their efforts with governmental and international organizations.[59]

There are a number of international organizations under the auspices of the United Nations that play a critical role in providing humanitarian assistance. OCHA has already been mentioned due to the importance of its coordination role, however, there are a number of large UN organizations that play specialized roles and take the lead in specific areas. Four of these organizations are the United Nations Children's Fund (UNICEF), the Office of the United Nations High Commissioner for Refugees (UNHCR), the World Food Program (WFP), and the United Nations Development Program (UNDP).

UNICEF is a key player in addressing the needs of children. Water and sanitation are critical in keeping children alive as diarrhea related illnesses have a much more harmful impact on their survival. Clean water and the proper disposal of human waste can prevent many of the secondary effects of a disaster when large outbreaks of diseases such as cholera have a tendency to occur. If clean water and sanitation measures are lost or in short supply after a disaster, humanitarian organizations understand that these problems must be rectified as soon as possible. When it comes to a rapid onset emergency, military

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[58] International Federation of Red Cross and Red Crescent Societies, "Code of Conduct," last accessed 4 June 2013, http://www.ifrc.org/en/publications-and-reports/code-of-conduct/.

[59] Taylor B. Seybolt, "Harmonizing the Humanitarian Aid Network: Adaptive Change in a Complex System," *International Studies Quarterly* Vol. 53, Issue 4 (December 2009): 1036-37. http://ehis.ebscohost.com/ehost/pdfviewer/pdfviewer?sid=bfb402fa-4ab8-444a-b0d2-d378dabb2fa2%40sessionmgr110&vid=35&hid=101.

assets will often be rushed in to provide water production capabilities and then transition the responsibility to UNICEF or one of its partners once they are capable of assuming the task. UNICEF is the responsible agency for water, sanitation, and hygiene issues within the cluster system described earlier. Within the cluster system, UNICEF is also the lead organization for Nutrition and partnered with Save the Children for education issues.[60]

The Office of the United Nations High Commissioner for Refugees (UNHCR) is another high profile UN organization involved in relief organizations. Though refugee issues are normally associated with complex emergencies and war, the UNHCR assists and protects persons displaced internally within countries affected by disasters. The UNHCR is the lead agency for the Protection Cluster and works in concert with the IFRC for the Shelter Cluster and the International Organization for Migration (IOM) for camp coordination and management for internally displaced persons (IDPs) or refugees. The UNHCR has become very adept at meeting the needs of IDPs or refugees, expertly coordinating their requirements with a variety of groups.[61]

When it comes to the feeding of internally displaced persons or refugees after a disaster, the World Food Program (WFP) is a very capable and experienced organization that very quickly responds to nutritional needs. Due to long standing global issues with respect to starvation and famine, WFP has developed a vast logistics network with partners world-wide, moving food to where it is most needed. Despite this skill, they are not always able to quickly respond to new emergencies due to very little excess

[60] Relief Web, "Global Cluster Leads," last accessed 10 June 1013, http://reliefweb.int/map/world/global-cluster-leads-june-2012.
[61] Seybolt, Harmonizing the Humanitarian Aid Network…, 1040.

capacity.[62] Militaries often will partner with the WFP after a rapid onset emergency due to their ability to surge logistical capacity in the form of aircraft, ships, and land transport to an area after it has been struck by calamity. Once the immediate needs of the affected nation are met or WFP has been able to put new distribution systems in place, military organizations will seamlessly hand over this responsibility. As the lead agency for the Logistics Cluster, numerous organizations will bring their movement needs to Logistic Cluster meetings for other organizations to assist with. In cases where there is a very large military presence with a multitude of aircraft, ships, and trucks available to assist, often a Logistics Coordination Center (LCC) will be established where civilian organizations can very quickly and efficiently gain assistance moving not only food, but medicine or other relief supplies to where they are needed. The WFP is also partnered with the Food and Agricultural Organization of the UN who is the lead for the Food Security Cluster.[63]

The final of the big four UN agencies within the humanitarian sphere is the United Nations Development Program (UNDP). The UNDP is responsible for disaster mitigation and preparedness. They will often host workshops and training events in countries that are disaster prone in order to streamline the response in the event of a catastrophe. One such location is Kathmandu, Nepal, where the UN regularly hosts training events for an expected major disaster. One such event was TEMPEST EXPRESS 17 in 2008 where numerous UN agencies, international militaries, and local government organizations addressed the requirements that would emerge after an earthquake. Proper education, building standards, and coordination can significantly reduce the impact of earthquakes

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[62] Seybolt, Harmonizing the Humanitarian Aid Network…, 1036,

[63] Allan Jury and Giammichele De Maio, "Cluster approach – a vital operational tool," *Forced Migration Review* Issue 2 (December 2007): 37, http://ehis.ebscohost.com/ehost/detail?sid=bfb402fa-4ab8-444a-b0d2-d378dabb2fa2%40sessionmgr110&vid=40&hid=15&bdata=JnNpdGU9ZWhvc3QtbGl2ZQ%3d%3d#db=aph&AN=27653427.

on high population centers.[64] Complimenting its role in disaster preparedness, the UNDP is the lead agency for the Early Recovery Cluster.

There are a number of independent organizations that do not come under the direction of any government or the UN that are firmly established and have built a strong reputation for conduct in the delivery of aid. One of these organizations is Save the Children which has been involved in addressing the health and well being of children for almost a century. Despite being a completely independent group, they are partnered with UNICEF as the lead for the Education Cluster. They are also a trusted partner of CIDA and worked closely with the Canadian military following the Haitian earthquake of 2010 where they partnered with Canada's DART in the provision of latrines for orphanages. Members of the DART and crew members from HMCS HALIFAX built latrines at the DART Camp which were later picked up by truck and delivered to orphanages by members of Save the Children. This joint effort helped prevent any major outbreaks of disease at these orphanages.[65]

Another high profile international organization which is often partnered with a UN agency is the International Organization for Migration. IOM came into existence after World War Two in order to address the issue of the approximately 11 million refugees in Europe that required relocation. The organization has gone through a number of name changes during its more than half a century of existence with its membership growing to over one hundred countries. It uses volunteer contributions to address issues involving the large scale movement of people within nations and across borders. In responding to rapid

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[64] Joel Auchenbach, "The Next Big One," *National Geographic* Vol. 209 Issue 4 (April 2006): 120-147, http://ehis.ebscohost.com/ehost/detail?sid=bfb402fa-4ab8-444a-b0d2-d378dabb2fa2%40sessionmgr110&vid=54&hid=102&bdata=JnNpdGU9ZWhvc3QtbGl2ZQ%3d%3d#db=aph&AN=20088342.

[65] Department of National Defence, *DART DAILY SITREP FOR OP HESTIA – 7 Feb 2010* (Jacmel: DART, 7 February, 2010), 1.

onset disasters, IOM partners with the UNHCR for camp management and coordination for persons displaced by a catastrophe. Activities conducted by IOM range from assisting with services and security for displaced persons, their reintegration back into the societies from which they originated in some cases, as well as advising governments on how to manage and address migration issues.[66]

In addition to NGOs and international organizations such as those that come under the UN umbrella, there are numerous aid agencies that are operated by national governments. The body most well known to many Canadians is the Canadian International Development Agency which funds initiatives that compliment the Government of Canada's foreign policy objectives while conforming to Canadian values. Another entity that operates in the same way is the USAID. This agency focuses American international assistance while furthering US foreign policy. Working with the Departments of State, Defence, Treasury and Justice, USAID works openly to implement government policy as set by the President of the United States.[67]

When considering the ethical considerations surrounding the use of military assets in the delivery of humanitarian aid, shortcomings and deficiencies involved with these civilian organizations should be explored. There are many issues within the humanitarian sphere that we have already investigated; however, funding and financial concerns are recurring themes in the operation of all types of organizations. A concern held by many civilian organizations when military assets are used in the humanitarian sphere is that this very expensive option may divert short and long term funding from their efforts. Due to

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[66] International Organization for Migrations, "Mission," last accessed 11 June 2013, http://www.iom.int/cms/en/sites/iom/home/about-iom-1/mission.html.

[67] USAID, "US Government and Agencies," last accessed 11 June 2013, http://www.usaid.gov/partnership-opportunities/us-government-and-military.

the many beneficial options that come with their use, military personnel and equipment are very expensive to employ.[68] Governments that are looking at maximizing their political gain while minimizing their costs may be tempted to consider expenditures of a military operation in support of a humanitarian response as part of their financial contribution. In the overall view of alleviating human suffering and preserving lives, the most efficient methods are looked upon as enabling agencies to help more people in the long term.

The high cost of employing military assets is a major concern in the decision making process as to whether to take this route in providing assistance after a disaster. In the Canadian context, costs for a military operation are recovered through the Supplementary Estimates process and are not taken from the Department's operating budget. After Canada's contribution of the DART to Sri Lanka in response to the Boxing Day 2004 earthquake and tsunami, the issue of cost effectiveness was addressed in a briefing note responding to an inquiry from the Minister of National Defence:

> In the past, CIDA has considered the DART to be very expensive and almost cost prohibitive when compared to other means of delivering aid. As a result and prior to the tsunami disaster, DND, FAC and CIDA conducted discussions on ways to make the DART more responsive and cost effective.[69]

The same briefing note went on to discuss the serious concerns the other departments with "large scale military contributions" and their desire for the CAF to shift their focus to "smaller, more cost effective, high impact and flexible contributions of technical

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[68] Benjamin A. Valentino, "The True Costs of Humanitarian Intervention," *Foreign Affairs* Vol. 90, Issue 6 (Nov/Dec2011): 60-73, http://ehis.ebscohost.com/ehost/detail?sid=bfb402fa-4ab8-444a-b0d2-d378dabb2fa2%40sessionmgr110&vid=57&hid=4&bdata=JnNpdGU9ZWhvc3QtbGl2ZQ%3d%3d#db=aph&AN=66803901.

[69] LCol J.A.E Lascelles, *Briefing Note for the Minister: The Disaster Assistance Response Team (DART)* (Ottawa: DND, 12 July 2005), 2.

advisors and logistics managers."[70] Despite these efforts to reduce the costs of military deployments, the use of NGOs and other civilian organizations is much less expensive. This allows for the same amount of money to help more people.

Many of the positive attributes that military forces bring to the delivery of humanitarian assistance are the same factors that increase the cost of their employment. The risk mitigating measures such as training and maintaining a high level of professionalism while employing modern, dependable military equipment are not cheap. As an institution of the Government of Canada, DND has a responsibility to properly look after its members before, during, and after a deployment. In a volunteer force, the salaries for its personnel must be high enough to attract quality candidates while also being sufficient to retain skilled technicians and leaders. The nature of unlimited liability and the instability of a military life make it a difficult commitment. The salaries and benefits are motivation enough to maintain a capable and efficient fighting force that can be called upon when needed.[71]

The salaries, benefits, and high cost of procuring and maintain military equipment makes the employment of civilian organizations an attractive option when looking at the costs involved. When the Canadian Government funds an NGO, it does not assume responsibility for the salaries of the employees of that organization, or direct responsibility for any unethical behaviour. It is a hands off approach that limits the liability of the Government in the event there are problems with the project or employees, be it behavioural or efficiency. If problems with an NGO are serious enough, funding can

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[70] *Ibid*, 3.
[71] National Defence and the Canadian Forces, "Rates," last accessed 18 June 2013, http://www.cmp-cpm forces.gc.ca/dgcb-dgras/ps/pay-sol/pr-sol/index-eng.asp.

cease with limited repercussions to the Government. The loss of funding is a primary motivator for an organization to remain accountable for its actions.[72]

With this great variety of humanitarian organizations, many bring with them different levels of competency and trustworthiness. This is why CIDA has developed a number of "trusted partners" based upon experience. CIDA itself does not deliver humanitarian assistance or manage projects directly. It is an agency that identifies organizations and partners that are worthy of their funding while conforming to Canadian values.[73] These organizations are professionally run and accountable for their actions. In order to qualify for CIDA funding, organizations must meet certain criteria and provide significant detail for specific projects on a nineteen page application.[74] As a government agency subject to political control, CIDA must be very careful with their decisions on what projects to fund, their impact on the region in question, and the objectives of the Government of Canada.

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[72] Peter Nunnenkamp and Hannes Ohler, "Funding, Competition and the Efficiency of NGOs: An Empirical Analysis of Non-charitable Expenditure of US NGOs Engaged in Foreign Aid," *Kyklos* Vol. 65, No. 1 (February 2012): 84-85, http://ehis.ebscohost.com/ehost/pdfviewer/pdfviewer?sid=bfb402fa-4ab8-444a-b0d2-d378dabb2fa2%40sessionmgr110&vid=61&hid=101.

[73] Canadian International Development Agency, "Multilateral and Global Programs," last accessed 27 May 2013, http://www.acdi-cida.gc.ca/acdi-cida/acdi-cida nsf/eng/JUD-112911931-LY2.

[74] Canadian International Development Agency, "Apply for Funding," last accessed 28 May 2013, http://www.acdi-cida.gc.ca/applyforfunding.

The Political Imperative

Whether Canada funds an NGO, an international organization, or commits military assistance in the delivery of humanitarian aid, there is always a political imperative. When countries commit military forces to assist an affected nation, it is not always for the pure benefit of those in need. Public perception at home and abroad is a contributing factor in making the decision to volunteer national assets in the provision of disaster relief. Canadian taxpayers have high expectations on the use of their hard earned money. When the Government tables its annual budget, it has to be very careful in judging taxpayer sentiment and possible negative reaction.[75] The CAF consumes a large portion of Government expenditures, often to very little perceived benefit to the Canadian population at large. People will often question the utility of an insurance policy if it is never used. For this reason, the Government is quick to consider the use of military forces in non-traditional uses such as humanitarian operations abroad or disaster response at home in order to bolster public support for this expensive institution.[76]

The training of military personnel and the care of their equipment is very expensive, even more so with Western militaries who demand high standards of their soldiers and provide them with modern tools. The cost of maintaining troops and equipment at a high state of readiness results in decisions being made on which assets to keep ready to go at short notice. These decisions are a result of the operational tempo for

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[75] Raphael Lencuchaa, Ronald Labonte and Michael J. Rouse, "Beyond idealism and realism: Canadian NGO/government relations during the negotiation of the FCTC," *Journal of Public Health Policy* Vol. 31, Issue 1 (2010): 77-79, http://ehis.ebscohost.com/ehost/detail?sid=bfb402fa-4ab8-444a-b0d2-d378dabb2fa2%40sessionmgr110&vid=63&hid=104&bdata=JnNpdGU9ZWhvc3QtbGl2ZQ%3d%3d#db=aph&AN=48370899.

[76] John Geddes, "Defence faces a war on the home front," *Maclean's* Vol. 120, Issue 41 (22 October 2007): 27, http://ehis.ebscohost.com/ehost/detail?sid=bfb402fa-4ab8-444a-b0d2-d378dabb2fa2%40sessionmgr110&vid=66&hid=104&bdata=JnNpdGU9ZWhvc3QtbGl2ZQ%3d%3d#db=aph&AN=27175574.

various units, international demands based upon the threat environment of the day, as well as multilateral defense treaties that mandate defined commitments for collective defense. The cost of maintaining these assets competes with a multitude of domestic requirements, particularly in democratic nations where the government must look at popular sentiments and their next election.[77]

In the case of Canada, the sight of Canadian military personnel with their bright Canadian Maple Leaf on their shoulder reflects positively on the governing body that made the decision to send them.[78] In January 2010, the Conservative Party of Canada was receiving significant negative media coverage for both their decision to Prorogue Parliament and a pressing detainee scandal in Afghanistan.[79] When the earthquake struck Haiti on 12 January 2010, the Government of Canada responded quickly, having CAF assets on the ground in Port au Prince less than 24 hours after the earthquake. For the next six weeks, this relief effort received significant press coverage that reflected positively on Canada's government, effectively providing a distraction from other issues during a critical period leading up to a federal election. Nonetheless, even though Canada's governing party may have had alternate motives that supported their decision to commit CAF assets to the relief effort; these contributions had an immediate impact. Medical

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[77] Lt Col Lawrence Spinetta, "Strategy and Cost**:** A Gap in Our Military Decision-Making Process," *Air & Space Power Journal* Vol. 22, Issue 3 (Fall 2008): 89-95, http://ehis.ebscohost.com/ehost/detail?sid=bfb402fa-4ab8-444a-b0d2-d378dabb2fa2%40sessionmgr110&vid=69&hid=104&bdata=JnNpdGU9ZWhvc3QtbGl2ZQ%3d%3d#db=aph&AN=34409691.

[78] Judith Ritter, "Canada's Friendly Face," *Canada's History* Vol. 92, Issue 1 (Feb/Mar 2012): 54, http://ehis.ebscohost.com/ehost/detail?sid=0632fc1f-d53d-4d23-b948-416a34fe0a90%40sessionmgr15&vid=59&hid=101&bdata=JnNpdGU9ZWhvc3QtbGl2ZQ%3d%3d#db=a9h&AN=71524659.

[79] Andrew Heard, "The Governor General's Decision to Prorogue Parliament: A Chronology & Assessment," *Constitutional Forum* Vol. 18, Issue 1 (2009): 10, http://ehis.ebscohost.com/ehost/detail?sid=bfb402fa-4ab8-444a-b0d2-d378dabb2fa2%40sessionmgr110&vid=72&hid=104&bdata=JnNpdGU9ZWhvc3QtbGl2ZQ%3d%3d#db=aph&AN=44538292.

personnel and a reconnaissance team were on the first flight and were providing emergency medical care both at local hospitals in Port au Prince and at the Canadian Embassy where affected Canadians were seeking refuge.[80]

A government's desire to show that its forces are contributing to the lessening of human suffering can conflict with some of the mitigating measures discussed in the earlier chapter on risks. Indirect assistance limits contact with an affected population with those in uniform supporting a relief effort and thus reduces the risks of incidents between the two. However, photos or video in the media of Canadian soldiers helping those abroad results in immediate gratification for hardworking taxpayers at home who want to see tangible results for their contributions to Federal coffers. Significant emphasis was placed on the media effort during the 2010 Haitian relief effort. The importance of their presence was clearly indicated when the decision was made to remove a Griffin helicopter from the first CC177 Globemaster aircraft in order to make space for eighteen members of Canada's media. [81] These members of the media were initially housed and fed in the Canadian Embassy compound in Port-au-Prince.

Though there are many that question the motives of Canada's Government in committing over 2000 soldiers, sailors, and airmen to the relief effort in Haiti. The end result was a significant reduction in human suffering after the earthquake. The media effort supported by the Government of Canada resulted in general Canadian support for Canada's commitment to helping the people of Haiti. To those who were helped following the earthquake, it matters little that this disaster distracted domestic opinion

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[80] DART Jacmel, *War Diary: Commander's Entry 13-31 January 2010* (Jacmel: DART, January 2010), 1.
[81] Canadian Forces Joint Headquarters, *Op HESTIA: CFJHQ Internal Post Operation Report, Annex A* (Kingston: CFJHQ, May 2010), 4.

from other issues; Canada made a positive difference in their lives. [82] However, it does matter from an ethical viewpoint if this commitment was conducted in accordance with Canadian values.

International opinion is another factor in whether and to what degree the Canadian Government contributes to a relief effort. Canada may wish to increase its presence in a region in order to bolster international trade. As a country that is highly reliant upon its exports for the well-being of its economy, Canada is constantly looking to increase exports to new and emerging markets or simply boost its market share abroad in order to reduce its dependence upon the United States for its economic well-being. The bulk of Canadian trade is with its southern neighbor, resulting in a vulnerability to changes in the American political and economic landscape. Minor changes in such a large market can have a staggering impact upon employment and the quality of life in Canada.[83] As part of an overall regional engagement plan, contributions in development or humanitarian assistance are an integral part in building positive perceptions of Canada. The Canadian Government is in the process of making significant changes in how it coordinates its international development, humanitarian aid, and trade so as to ensure they compliment each other and work together coherently. The Canadian Government plans to formally amalgamate DFAIT and CIDA into the "Department of Foreign Affairs, Trade and Development" so as to "maximize the effectiveness of the resources available to deliver development and humanitarian assistance."[84]

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[82] Aaida Mamuji, "How Canada Responds to Natural Disasters Abroad: A Model of Collaboration," last accessed 5 June 2013, http://www.inap mx/portal/images/pdf/iica/ponencias/4/Aaida_Mamuji.pdf.
[83] Michael McCullogh, "What Happens when America Doesn't Need Our Oil?" *Canadian Business* (4 March 2013): 31-32.
[84] Department of Foreign Affairs, "Canada's Economic Action Plan," last accessed 10 June 2013, http://actionplan.gc.ca/en/initiative/department-foreign-affairs-trade-and-development.

It may seem wrong to include the political needs of the Government when weighing the ethical employment of Canadian military assets in providing humanitarian assistance; however, to not include this factor in the decision making process of the responsible body would be naïve. The financial costs and impact on their budget weighed against the potential benefits such as the positive impact with voters as well as building Canadian influence and prestige abroad are vital considerations. These factors not only sway the Government in whether to commit military assets to relief efforts, but the scale to which they provide aid. The values held by Canadian political leaders may strongly influence them in their desire to provide assistance, but they will not do this to the detriment of their ability to win the next election.[85] If anything, the perception of strong leadership and upholding Canadian values may sway the government into committing military assets when it is not necessarily the best decision when weighing the issue from an ethical point of view. Lawrence Gostin and Robert Archer articulate this quite well when addressing this issue by stating, "Governments must be able to strongly justify policy initiatives that generate immediate costs for their voters, but not immediate benefits."[86]

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[85] Martin Binder, "Humanitarian Crises and the International Politics of Selectivity," *Human Rights Review* Vol. 10, Issue 3 (September 2009): 343-45, http://ehis.ebscohost.com/ehost/detail?sid=bfb402fa-4ab8-444a-b0d2-d378dabb2fa2%40sessionmgr110&vid=77&hid=116&bdata=JnNpdGU9ZWhvc3QtbGl2ZQ%3d%3d#db=aph&AN=43103419.

[86] Lawrence O. Gostin and Robert Archer, "The Duty of States to Assist Other States in Need: Ethics, Human Rights, and International Law," *Journal of Law, Medicine & Ethics* Vol. 35, Issue 4 (December 2007): 530, http://ehis.ebscohost.com/ehost/detail?sid=bfb402fa-4ab8-444a-b0d2-d378dabb2fa2%40sessionmgr110&vid=76&hid=2&bdata=JnNpdGU9ZWhvc3QtbGl2ZQ%3d%3d#db=aph&AN=27712269.

Weighing the Ethical Question

When weighing the ethical question of whether Canada's military forces should be used in the provision of humanitarian assistance, the multitude of factors presented in the previous chapters must be considered. The goal of humanitarian assistance, no matter the type of delivering agency or organization, is the saving of lives and the reduction of human suffering. It is plainly clear that military assets can save lives and reduce human suffering, but is there a more ethical way to do this? Before considering these questions, it is necessary to take a look at the definition of "ethical."

The Oxford Dictionary defines ethics as "moral principles that govern a person's behavior" and "the conducting of an activity or the branch of knowledge that deals with moral principles."[87] Moral principles, or the values held by an individual or group of people varies between communities. Individual and group ethics are molded by culture, environment, education, religion, and experience. An issue or ethical dilemma which may seem to be easily resolved for one person can appear completely different to another individual with different possible solutions.[88] For these reasons, the moral standards used in this paper utilizes the ethical standards of the Canadian Forces which are derived from the values of the society they serve in conjunction with the internationally recognized values held by the humanitarian community.

The CAF has implemented ethical training for all of its personnel with the responsibility for its conduct vested with a senior officer in every unit. To support this training, scenarios with ethical dilemmas are provided in training manuals. To underscore

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[87] The Oxford Dictionaries, "Ethics," last accessed 5 June 2013, http://oxforddictionaries.com/definition/english/ethics.

[88] Jean Connolly Carmalt, "Human Rights, Care Ethics and Situated Universal Norms," *Antipode* Vol. 43, Issue 2 (March 2011): 297, http://ehis.ebscohost.com/ehost/detail?sid=bfb402fa-4ab8-444a-b0d2-d378dabb2fa2%40sessionmgr110&vid=76&hid=116&bdata=JnNpdGU9ZWhvc3QtbGl2ZQ%3d%3d#db=aph&AN=58569072.

the difficulty in resolving some ethical issues, there are no well defined answers, only possible courses of action. The objective of the training is for members of the CAF to be able to assess a situation, identify the ethical concerns, and incorporate personal and environmental factors in weighing ethical considerations. In this way they can develop different options while assessing the risks inherent with each one prior to committing to a course of action.[89]

Members of the CAF are provided with an ethical framework during their training upon which to base their actions. While not telling their soldiers what the ethical answers are for a given situation, the CAF and DND have issued a "Statement of Defence Ethics." Within this one page document which is posted in all units, key principles and obligations are provided.[90] There are three key principles which consist of the following:

1) Respect the dignity of all persons.

2) Serve Canada before self.

3) Obey and support lawful authority.

Under these three principles, CAF members are provided an additional six obligations upon which to base their decisions and behavior:

1) Integrity: We give precedence to ethical principles and obligations in our decisions and actions. We respect all ethical obligations deriving from applicable laws and regulations. We do not condone unethical conduct.

2) Loyalty: We fulfil our commitments in a manner that best serves Canada, DND and the CF.

3) Courage: We face challenges, whether physical or moral, with determination and strength and character.

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[89] Department of National Defence, *Ethics in the Canadian Forces: Making Tough Choices, Instructor Manual* (Ottawa: Chief of Defence Staff, 2006), 6-8.
[90] *Ibid*, 151.

4) Honesty: We are truthful in our decisions and actions. We use resources appropriately and in the best interest of the Defence mission.

5) Fairness: We are just and equitable in our decisions and actions.

6) Responsibility: We perform our tasks with competence, diligence and dedication. We are accountable for and accept the consequences of our decisions and actions. We place the welfare of others ahead of our personal interests.

With guidance provided by these principles and obligations, members of the Canadian Forces can derive what they hope would be an appropriate response to an ethical dilemma. When weighing ethical issues, a decision has to be made upon which foundation to base one's methodology. As an institution and integral part of Canadian society, the CAF's Statement of Defence Ethics is based on Canadian values that the majority of its population can identify with. The principles and obligations listed in this statement are beliefs that are centrally important in guiding the decisions and actions by which most Canadians live by. Though values vary from person to person, it can be said that these principles and obligations conform to societal norms in Canada.[91]

The core values universally accepted within the global humanitarian community are expressed in the Code of Conduct published by the International Federation of the Red Cross/Red Crescent. This non-binding guidance for the behavior of humanitarian actors in how they conduct their business was developed and agreed upon by the eight largest humanitarian organizations in 1994.[92] These ten principles are articulated as follows:

1) The humanitarian imperative comes first.

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[91] *Ibid*., 10-11.
[92] International Federation of Red Cross and Red Crescent Societies, "Code of Conduct," last accessed 10 June 2013, http://www.ifrc.org/en/publications-and-reports/code-of-conduct/.

2) Aid is given regardless of the race, creed or nationality of the recipients and without adverse distinction of any kind. Aid priorities are calculated on the basis of need alone.

3) Aid will not be used to further a particular political or religious standpoint.

4) We shall endeavour not to act as instruments of government foreign policy.

5) We shall respect culture and custom.

6) We shall attempt to build disaster response on local capacities.

7) Ways shall be found to involve programme [sic] beneficiaries in the management of relief aid.

8) Relief aid must strive to reduce future vulnerabilities to disaster as well as meeting basic needs.

9) We hold ourselves accountable to both those we seek to assist and those from whom we accept resources.

10) In our information, publicity and advertizing activities, we shall recognize disaster victims as dignified human beings, not hopeless objects.

When compared, the principles stated in the CAF's Statement of Defence Ethics and the IFRC's Code of Conduct do not conflict with each other in any significant way. The CAF's own contingency plan on the conduct of humanitarian operations directs that any Canadian military response will be "conducted with a view to respecting humanitarian principles of neutrality, humanity, and impartiality and consistent with good humanitarian donorship…"[93] However, there are a couple of key differences that do require exploration. First, the CAF's loyalty is to Canada and they therefore operate in a manner to best serve the nation. The IFRC's principles state that they will not be a foreign policy tool of any government. Both principles are perfectly understandable considering each organization's composition and reason for existence. As a national institution funded

[93] Department of National Defence, *CEFCOM CONPLAN 20855/10 RENAISSANCE…*, 2.

by Canadian tax-payers and controlled by Canada's elected government, the CF is accountable to its government and is understood to be a foreign policy tool.[94] For the IFRC, it is an international organization with funding and support from the United Nations and a multitude of other sources. For it to be a tool of any one nation's foreign policy would undermine its ability to operate and receive future funding. Differences in principle held by the CAF or the IFRC do not inhibit either organization from operating in a way that places the priority on saving human lives, reducing suffering, or respecting neutrality, humanity, and impartiality. It does take into question the motives behind the participation of CAF assets in humanitarian missions, but that matters little to the individual being helped. However, the question as to motive does impact the acceptance of CAF relief by affected nations when offered by the Canadian Government. It also affects the interaction with other entities providing humanitarian relief, be they NGO's or international organizations. Some groups such as Medicins sans Frontiers eschew any contact with military units which may impact the overall effort to deliver humanitarian relief.[95] For example, if an aid organization is fundamentally against having any interaction with military organizations, they may not coordinate their efforts through mechanisms such as the Cluster System which has military involvement. As a consequence, the overall relief effort could be uncoordinated and may suffer from incomplete information or the inefficient allocation of resources. The end result could be the unnecessary loss of life and human suffering. Even if Canadian military assets are employed in an ethical and constructive fashion, it could still hamper the overall relief effort due to their presence and negative perceptions held by other humanitarian actors.

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[94] Gostin and Archer, "The Duty of States to Assist…," 527.
[95] Lischer, "Military Intervention…, 101.

When weighing the ethical question of whether Canada's military forces should be used in the provision of humanitarian assistance, the core values of different organizations and their interaction influence the overall relief effort. It must be considered that even though Canadian military values and the values of Canadians in general allow for and even push for the use of CAF assets in this realm, it may conflict with the beliefs and values held by others. A clash of values and its impact on the saving of lives and the reduction of human suffering must be examined and mitigated if possible. When contemplating these issues, other options should be considered to reconcile these differences and allow for a more ethical response while filling humanitarian gaps.

Ethical Options

The overall goal of the Canadian Government with regard to participation in humanitarian assistance is the saving of lives and the reduction in human suffering while improving or reinforcing the positive image of Canada abroad.[96] As discussed earlier, there may be other motives involved such as the governing party's image at home or the distraction from unfavorable politic policies or issues. Internationally, there may be a desire to improve Canada's engagement in a region so as to bolster trade or improve relationships with regional partners. Depending upon the situation, options for a Canadian contribution other than in the form of CAF assets could be the donation of relief supplies, the provision of civilian technical expertise, or the provision of financial assistance that would fund relief efforts by non-military organizations in any of the forms discussed earlier in the paper. If the goal of any of these options is public attention towards Canada's good will in conjunction with humanitarian objectives, then a robust effort must be made to publicize these actions.

In order for the Canadian Government to gain public support for any contribution to international relief efforts, engagement with the media is necessary from start to finish. This would include media coverage in Canada during official announcements, interviews and articles in all forms of video and print media, as well as engagement with the regional and local media within the affected nation.[97] To maximize the visual affect, much in the same way that uniforms publicize Canadian military presence, the use of easily recognized symbols such as the Canadian maple leaf would be part of the clothing worn

[96] Foreign Affairs, Trade, and Development Canada, "International Humanitarian Assistance," last accessed 1 July 2013, http://www.acdi-cida.gc.ca/acdi-cida/acdi-cida.nsf/eng/JUD-24132427-PLC.
[97] John B. Sutcliffe, Walter C. Soderlund, Kai Hildebrandt, and Martha F. Lee, "The Reporting of International News in Canada: Continuity and Change, 1988–2006," *American Review of Canadian Studies* Vol. 39, No. 2 (June 2009): 132, http://ehis.ebscohost.com/ehost/pdfviewer/pdfviewer?sid=bfb402fa-4ab8-444a-b0d2-d378dabb2fa2%40sessionmgr110&vid=82&hid=107.

by civilian technicians or care givers funded by Canada. Any relief supplies or equipment would have to be marked the same way or with other identifying labels showing that it was provided by Canada. These would remind the recipients of Canadian largess long after the relief effort. Care must be made in ensuring any aid would be of a positive nature and relief supplies would not result in the littering or polluting of the environment. It is difficult to overshadow the positive visual influence that a Canadian soldier providing medical care to a child provides or the image displayed by a Canadian Globe Master aircraft landing in an affected nation to deliver much needed relief when these events are televised at home. Politicians are already quite aware of the importance the media plays in government policy and decision making, thus the need to be proactive when pursing options other than military contributions.[98]

If Canada's Government pursues the options of providing financial or material support to international organizations or NGOs, negative results can still occur. Though CIDA does have a number of "trusted partners" it funds in projects around the world, the only way to influence their behavior is through the financial threat of reducing or ceasing of funding for current or future projects. Since they are not subject to Canadian legislative control unless they are Canadians, there is very little Canada can do to avoid inappropriate behavior that could reflect negatively upon their supporter, namely the Canadian Government. With the CAF, DFAIT makes the final decision on any and all projects. In the event that a soldier acts inappropriately, immediate corrective action can be taken, administratively or disciplinary, including the immediate removal of the

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[98] Eytan Gilboa, "Global Television News and Foreign Policy: Debating the CNN Effect," *International Studies Perspectives* Vol. 6, Issue 3 (August 2005): 326-29, http://ehis.ebscohost.com/ehost/pdfviewer/pdfviewer?vid=81&sid=bfb402fa-4ab8-444a-b0d2-d378dabb2fa2%40sessionmgr110&hid=107.

offender from the country. This type of direct control does not exist when dealing with NGOs or international agencies.[99]

The concept of indirect assistance can significantly be built upon though better coordination and consultation with both UN agencies and NGOs. The CAF already works very closely with both DFAIT and CIDA through training events. Various NGO's regularly attend these exercises and build relationships with the military and its DFAIT/CIDA partners. Particular effort could be made to expand existing relationships already built by CIDA with partners that it currently funds or has done so in the past. Through these partnerships, the CAF can provide its experience in planning, training, and preparedness in helping these NGOs mobilize more quickly. This would reduce the amount of time required for military assets to fill a humanitarian gap, or completely negate the need for military involvement. Often, these NGOs only require transport to the affected nation and possibly logistical support once on the ground. Unless an NGO has an aversion to accepting military transport, this could alleviate many needs. This partnership in training and operations during actual humanitarian emergencies would reflect very positively on a government that facilitated this joint venture. Enabling civilians whose profession is the delivery of humanitarian assistance would better meet the needs of those suffering after a disaster while showing the Canadian people that its Government is taking tangible action. This type of cooperation would be especially beneficial in the area of medical care which is one humanitarian gap that is difficult for military assets to fill indirectly.

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[99] Daniel Maxwell, Sarah Bailey, Paul Harvey, Peter Walker, Cheyanne Sharbatke-Church and Kevin Savage, "Preventing corruption in humanitarian assistance: perceptions, gaps and challenges," *Disasters* Vol. 36 Issue 1 (January 2012): 152-3, http://ehis.ebscohost.com/ehost/detail?sid=bfb402fa-4ab8-444a-b0d2-d378dabb2fa2%40sessionmgr110&vid=87&hid=5&bdata=JnNpdGU9ZWhvc3QtbGl2ZQ%3d%3d#db=aph&AN=67698022.

Canadians value the universal medical care that is funded by our taxes. During past disasters that required international assistance, Canadian medical professionals were quick to respond. Organizations such a GlobalMedic, a Toronto based charity that provides medical care in the aftermath of catastrophes, provide basic disaster training to medical volunteers and employs them for short periods abroad when needed. However effective, they often they lack the logistical support required to travel where needed as well as to maintain themselves for more than short periods once there. In the case of GlobalMedic, they had to fly to the Dominican Republic and make their way over the border on land in order to access those in need after the 2010 earthquake which delayed their ability to provide aid.[100] If they were more closely partnered with Canada's DART, they could have arrived directly into Port-au-Prince and replaced or augmented the medical personnel of the CAF.

The CAF embraces the concept of indirect assistance in its operating model. Wherever possible, efforts are made to find partners with whom to provide aid without direct contact between those in uniform and those in need. The close working relationship with CIDA and the leveraging of their trusted partners has proven very beneficial in the past. In the aftermath of the 2004 Tsunami, the DART used NGOs to deliver significant amounts of water it had produced, helping prevent the onset of secondary effects such as cholera or other diseases.[101] Depending upon the location of the affected nation, different NGOs will be present, making it uncertain as to whether a trusted partner will be available. However, with the support of CAF transportation and other logistics, certain

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[100] GlobalMedic, "Earthquake in Haiti 2010," last accessed 18 June 2013, http://globalmedic.ca/programs/view/earthquake-in-haiti-2010.

[101] Task Force Colombo//Op STRUCTURE, *TFCO Daily Sitrep 021/241200Z JAN 05* (Sri Lanka: DART, 24 January 2005), 2.

dependable NGOs may be encouraged to partner with the Canadian military on a regular basis.

The Canadian Government has numerous ethical options in the provision of humanitarian assistance. Financial assistance to civilian organizations be they NGOs or international bodies, the provision of relief supplies, or deploying experts in engineering or health to assist, are all options that may be taken with or without the involvement of military assets.[102] No matter the route taken, public support must be built through early engagement with the media. When NGOs are involved, problems with accountability, corruption, and inefficiencies must be watched for and minimized through the use of trusted partners. Any difficulties these partners may experience with regards to transportation or other logistical support can be provided by working with the CAF if the decision is made to deploy them. The option of using military assets through indirect assistance is one of the best options in preventing the possible negative repercussions of their employment in this unfamiliar role. Enabling partnerships with a variety of groups would provide the flexibility required in order to respond to the diverse requirements of affected populations throughout the globe in an ethical manner.

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[102] John Geddes, "Yes, We have a Plan," *Maclean's* Vol. 123, Issue 5 (15 February 2010): 18-19, http://ehis.ebscohost.com/ehost/detail?sid=bfb402fa-4ab8-444a-b0d2-d378dabb2fa2%40sessionmgr110&vid=90&hid=104&bdata=JnNpdGU9ZWhvc3QtbGl2ZQ%3d%3d#db=aph&AN=48069291.

Conclusion

The question as to whether Canadian military assets can ethically be employed in delivering humanitarian assistance is dependant upon a multitude of factors. The choice to use this option is a political decision with many external factors playing a role. In making this decision, our Government must first consider how it may contribute. The military option in the Canadian context is weighed against alternatives such as providing relief supplies, funding civilian aid providers, or the sending of technical expertise. These alternatives may be chosen singly or in any combination taking into consideration the need of the affected nation or nations and existing humanitarian gaps. Other factors such as distance, the CAF's other commitments, and ability to respond will play a part. The form of military assistance is also a major consideration; will the military provide aid directly, indirectly, or only assist with infrastructure support?

Whether to provide assistance directly, indirectly, or through infrastructure support will be influenced by the types of military assistance available to fill humanitarian gaps. Resilient military aircraft can get troops and supplies quickly to where they are needed with the ability to utilize damaged or rough airfields that are unusable by civilian aircraft. Once in the affected nation, military vehicles built for the stresses of war are easily adapted to a disaster zone. The ability to move freely with these assets allows military forces to provide assistance where it is most needed. Military capabilities instituted for wartime hazards allow military formations to operate effectively in a region struck by catastrophe. These include self-sufficiency due to a robust medical capacity combined with a strong logistics network. A well-trained, physically fit, and experienced military unit can fill humanitarian gaps without bringing additional hardship upon the people it is trying to help. They can also deliver skill sets that normally cannot be

provided by civilian organizations. These include capable command and control systems, radiological sensors, and security services. Often their presence alone will enhance security and stability without the need to use violence to maintain or restore order after a disaster.

The presence of military organizations in an affected nation brings with it associated risks that should be considered in their deployment. In order to ensure their behavior does not have a negative impact upon those they are trying to help, they must be well trained with strong disciplinary standards. This goes beyond the misbehavior of individual members of the force. Mistakes can be made at the organizational level by leaders and staff officers that can unintentionally have negative effects. Significant economic harm can result through supplying items for free that are already readily available on the open market, ruining domestic industries or businesses. Local populations will always prefer something provided for free over paying for food, clothing, or other goods and services provided by an organization which has the best of intentions but is ignorant of the real damage they are causing. There is also the risk of negatively influencing the population through the inadvertent militarization of children through their direct contact with soldiers involved in the relief effort. This may complicate complex domestic or regional security issues that Canadians do not consider at home.

The Canadian Government is aware of the multitude of risks when formulating its response to help in times of need abroad. Experts from a multitude of departments will work together to match the best Canadian resources with the needs brought on by a disaster. The deployment of the ISST and HART will provide much of this information so that the Government has the best information available to make a decision. This intelligence is vital in making an ethical decision upon whether or not to commit military

assets or pursue other options. The presence and availability of other organizations will play a critical role in this decision. This may include NGOs or international groups that are already trusted by CIDA and the possibility of the CAF to partner with them in filling a gap in aid. This may be limited to turning over the provision of a service to that group or by supporting this party in their activities, thus limiting the direct interaction of soldiers with the affected population and the risks associated with this contact.

The wide variety of civilian organizations operating in the humanitarian sphere makes it a very complicated environment to work in. Their capabilities, strengths, and weaknesses play a role in deciding whether Canadian military assets can be ethically employed in the delivery of humanitarian assistance. If human lives can be saved and suffering reduced by these organizations, there should be no need to employ military options. Unfortunately, it takes time for these groups to mobilize their efforts after a rapid onset emergency. Until they are able to mobilize their efforts, the humanitarian gap will be present making the decision to employ readily available and rapidly deployable military options desirable. These military forces that are kept at a high state of readiness and training for the defensive needs of Canada can easily and ethically be redirected to the alternate use of humanitarian assistance.

The ethical commitment of Canadian military assets becomes confused when political factors become involved in the decision to deploy them. Military personnel and equipment are expensive to maintain and the Canadian public likes to see them put to good use. Their deployment for uses other than defence helps justify the costs of this expensive insurance policy. There is always debate upon how to best spend taxpayer's money. In a competitive and uncertain world, there is a need for defence for a multitude of reasons. The costs of defence become easier to justify for Canada's political leadership

when the nation's people see them in the news saving lives, be it domestically or abroad. Despite military deployments being used as political tools to justify the expense of Canada's armed forces, the aggrandizement of the ruling party, or procuring of greater international influence and prestige, they do grab the public's attention. As a symbol of national pride, the CAF can in fact increase overall Canadian approval for humanitarian activities, resulting in more support in both the short and long term. The resulting lives saved and reduction in suffering is very much in line with humanitarian principles and Canadian values.

When weighing the ethical question, values held by the CAF and its Government and those of the global humanitarian community are completely compatible. The Canadian military's own planning documents direct that operations providing humanitarian assistance will be conducted in accordance with the principles outlined in the "Oslo Guidelines." These guidelines provide internationally accepted standards and direction for the provision of humanitarian assistance by military assets.[103] The very fact that guidelines exist for the use of military assets in this realm recognizes that it is ethically possible to utilize military forces in this way. Part of these internationally accepted standards is their use only as a "last resort."[104] All other options must be pursued before making the decision to commit military assets during humanitarian emergencies. Canada has been working hard to maintain these ethical standards that conform to both international and Canadian values.

There will always be factors external to the pure desire to help those in need. Fiscal restraint, strength of the political party in power, pressure from private interest

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[103] United Nations, *Guidelines on the Use of Foreign Military and Civil Defence Assets*…, 1-19.
[104] *Ibid*, 4.

groups or the population at large can play a significant role in how the Canadian Government approaches the provision of humanitarian assistance. These varying and complex factors that often conflict, sways the Government into committing military assets or pursuing other avenues such as funding international organizations through the UN or NGOs directly. The alternatives of providing expertise such as engineers or sending relief supplies are valid choices as well. Depending upon the seriousness of the situation, the Government may weigh its options and provide some or all of these four options. There are many ways to save lives and reduce human suffering while making ethical decisions, taking into consideration the secondary repercussions of one's actions.

If the decision is made to employ military assets in the delivery of humanitarian assistance, its provision through direct or indirect assistance, infrastructure support, and the need to fill humanitarian gaps are central in using these tools ethically. As long as they are used humanely, impartially, and in a neutral manner, military assets can work ethically alongside their civilian partners. The effective use of the Cluster System can avoid the use of military personnel in areas that can be effectively addressed by NGOs, UN organizations, or civilian governmental agencies.

There is indeed a place for Canadian military assets in the delivery of humanitarian assistance. The current parameters placed upon their use meet the values and ethics held dear by both the humanitarian community and Canadians. There is room for improvement as different ethical options are possible, however, the judicious use of Canadian military assets have a critical role to play in the saving of lives and the reduction of human suffering when humanitarian gaps require it.

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