Civil-Military Cooperation in Humanitarian Assistance and Disaster Relief: The Legal Frameworks

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Abstract: *Civil-military cooperation (CIMIC) is one of the most crucial factors for a successful humanitarian assistance and disaster relief (HADR) operation. It is important to foster the relationship between these two sectors to pursue effective outcomes for the operation. Therefore, a developed mechanism for civilian-military coordination including clear CIMIC frameworks is needed. This paper explores the frameworks/guidelines on CIMIC in HADR issued by three international organizations, namely the United Nations (UN), the North Atlantic Treaty Organization (NATO), and the Association of Southeast Asian Nations (ASEAN). The focus of this study will be on the operation at the operational phase. The CIMIC fundamentals and principles of the foreign military sector will be scrutinized. Consequently, the analysis would help identify the essential subjects for policymakers to consider and issue the proper national framework for CIMIC in HADR.*

Keywords: *civil-military cooperation; humanitarian assistance and disaster relief; legal frameworks.*

I. Introduction

Natural disasters, which are one of the most dangerous hazards to humans, have frequently occurred across the world. It causes a great loss of lives, especially in developing countries that lack comprehensive and effective disaster management systems. To deal with these catastrophes, several stakeholders must take part in the operations of the "humanitarian assistance and disaster relief (HADR)." Although the relief operation is traditionally believed to be a civilian-domain mission, the military sector has gradually shown its efforts in assisting the victims, especially those affected by the large-scale disaster.

Since the post-Cold War period, the range of military operations has been widened from the warfare to the military operation other than war (MOOTW) in both conflict and peacetime situations. Therefore, in HADR, which is the unique peacetime operation, interagency cooperation among the military and civilian sectors is unavoidable. Key factors for successful operation include quick deployment to be the first on the ground, enhanced and expanded information sharing as the basis of decision making, and the developed mechanism for civilian-military coordination such as clear civil-military

cooperation (CIMIC) frameworks and protocols. [1]

Consequently, the controversial debates on the role of the military, both ideological and operational, between related sectors and scholars arose. For the ideological discussion, the rise of operations other than war has challenged the armed forces' conventional focus on warfighting affairs. Some believe that military personnel should remain focused on warfighting skills, while others mentioned a complete shift of the military roles to operations other than war. For example, Gregory D. Foster believes MOOTW should become the military's principal focus. He stated that the primary purpose of the military should change from destructive to constructive forces. The old concept of national security will not be suitable for the post-Cold War environment.[2] Contrarily, Samuel Huntington insisted that "the mission of the Armed Forces is a combat mission. The military should not be organized, prepared, or trained to perform such (non-combat) roles. A military force is fundamentally antihumanitarian: its purpose is to kill people."[3]

Nonetheless, there are some in the military community who see the need for a balanced approach that affirms the MOOTW as the role subordinated to the combat mission. [4]As stated in the Joint Pub. 3–07, the Joint Staff recognizes the need to increase its emphasis on MOOTW skills by stating that "while we have historically focused on warfighting, our military profession is increasingly changing its focus to a complex array of MOOTW." [5]

With their wide array of capabilities, the armed forces are the first resorts of nerve centers for relief operations, especially in the developing countries that lack a comprehensive and stable civilian structure for disaster management. [6] Considering the military's role in HADR operations, military capacities are often regarded as valuable resources for responding to natural disaster emergencies. Because of the increased military engagement in crisis response, some view these new roles of the military as "the forces for good" or "humanitarian warriors."[7]

Several military capabilities can be highlighted as the basis of effective relief operations. These include technological and logistical capability, which is central to

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[1] *Weathering the Perfect Storm: Lessons Learnt on the ASEAN's Response to the Aftermath of Typhoon Haiyan (2nd Edition)* (Jakarta: The ASEAN Secretariat, 2014), 6–8.

[2] Foster as cited by James R. Ayers, "Military Operations Other Than War in the New World Order: An Analysis of Joint Doctrine for the Coming Era" (Air University, 1996), 3.

[3] Huntington as cited by Ayers, 4.

[4] Ayers, 3–4.

[5] Department of Defense, ed., *Joint Publication 3-07: Joint Doctrine for Military Operation Other Than War* (The Joint Chiefs of Staff, 1995), preface.

[6] Ajay Madiwale and Kudrat Virk, "Civil–Military Relations in Natural Disasters: A Case Study of the 2010 Pakistan FLoods," *International Review of the Red Cross* 93, no. 884 (2011): 1085–1105; Marjan Malešič, "The Impact of Military Engagement in Disaster Management on Civil–Military Relations," *Current Sociology* 63, no. 7

(2015): 980–998; Raja Shabab et al., "Armed Forces and Disaster Management," *American Journal of Social Science Research* 1, no. 3 (2015): 152–57; Manish Thapa, *Out of Barracks: Civil-Military Relations in Disaster Management: A Case Study of Nepalese Army's Humanitarian Response during 2015 Earthquake in Nepal* (University for Peace, 2016); Michael R Weeks, "Organizing for Disaster: Lessons from the Military," *Business Horizons* 50, no. 6 (1995): 479–89.

[7] Andrew Cottey and Ted Bikin-Kita, "The Military and Humanitarianism: Emerging Patterns of Intervention and Engagement," in *In Resetting the Rules of Engagement: Trends and Issues in Military-Humanitarian Relations*, ed. Victoria Wheeler and Adele Hamer (London: Overseas Development Institute, 2006), 21–24.

humanitarian assistance, well-defined command and control, clear self-contained organizational structure, quick response, especially in inaccessible areas, well-resourced with search and rescue capacity, action-oriented and task-specific military approach, trained and multi-skilled workforce, strategic and tactical planning, effective decision making, effective communication system, [8] organizational flexibility, technical infrastructure and cultural openness (Luecha, 2014), and substantial discretionary fund.[9] Additionally, many experts have introduced the idea of disaster militarism and the militarization of humanitarian relief efforts on the international agenda.[10]

However, from the military perspective, although some commanders regard the disaster relief mission as a distraction from the military primary mission of homeland defense,[11] many military leaders realize that participating in HADR will provide many benefits to the armed forces and it is an appropriate duty to advance a nation's policy objectives that would standardize the task of a modern army. [12] The benefits are, for example, the advantages to the nation's overall policy objectives, a positive image of the military in public perception, high credibility, and training opportunities that will diversify its roles and expertise and staff morale. [13] Thus, some are ready to accept military deployment to minimize casualties

[8] Rosalie Arcala Hall, ed., *Civil-Military Cooperation in Emergency Relief* (Quezon City: Central Book Supply Inc, 2009); Ayers, "Military Operations Other Than War in the New World Order: An Analysis of Joint Doctrine for the Coming Era"; Jeff Drifmeyer and Craig Llewellyn, "Toward More Effective Humanitarian Assistance," *Military Medicine* 169, no. 3 (2004): 161–68; Fischer E, "Disaster Response: The Role of a Humanitarian Military," 2011, www.army-technology.com ; Annie Isabel Fukushima and Et.al, "Disaster Militarism: Rethinking U.S. Relief in the Asia-Pacific.," Foreign Policy in Focus and The Nation.com, 2014, https://fpif.org/disaster-militarism-rethinking-u-s-relief-asia-pacific/; Clare Harkin, *The 2004 Tsunami: Civil Military Aspects of the International Response* (London: Tsunami Evaluation Coalition, 2005); Graham Heaslip and Elizabeth Barber, "Using the Military in Disaster Relief: Systemizing Challenges and Opportunities.," *Journal of Humanitarian Logistics and Supply Chain Management* 4, no. 1 (2014): 60–81; Yih-Shiun Hsieh, *The ROC Armed Forces and Civil Society in Natural Disaster Relief Operations: A Deepening Cooperation and the Establishment of Sound Disaster Relief System*, 2010; Neil Joyce, "Civilian-Military Coordination in the Emergency Response in Indonesia," *Military Medicine* 171, no. 10 (2006): 66–83; Madiwale and Virk, "Civil–Military Relations in Natural Disasters: A Case Study of the 2010 Pakistan FLoods"; Mark Phillips, *The Role of the Military in International Disaster Relief Activities* (Tokyo: The National Institue for Defense Studies, 2011), www.nids.mod.go.jp/english/event/symposium/pdf/2011/e_03.pdf ; Timothy Edward Russell, "The

Humanitarian Relief Supply Chain: Analysis of the 2004 South East Asia Earthquake and Tsunami" (Massachusetts Institute of Technology, 2005); Shabab et al., "Armed Forces and Disaster Management"; Thapa, *Out of Barracks: Civil-Military Relations in Disaster Management: A Case Study of Nepalese Army's Humanitarian Response during 2015 Earthquake in Nepal*; Weeks, "Organizing for Disaster: Lessons from the Military."

[9] Heaslip and Barber, "Using the Military in Disaster Relief: Systemizing Challenges and Opportunities."

[10] Hall, *Civil-Military Cooperation in Emergency Relief*; Fukushima and Et.al, "Disaster Militarism: Rethinking U.S. Relief in the Asia-Pacific."

[11] Malešič, "The Impact of Military Engagement in Disaster Management on Civil–Military Relations."

[12] H. Allen Irish, "A 'Peace Corps with Guns': Can the Military Be a Tool of Development?," in *The Interagency and Counterinsurgency Warfare: Stability, Security, Transition, and Reconstruction Roles*, ed. Joseph R. Cerami and Jay W. Boggs (Carlisle, PA: Strategic Studies Institute, 2007), 53–95; Malešič, "The Impact of Military Engagement in Disaster Management on Civil–Military Relations."

[13] František Bartko, "Holistic Analysis of the Military District Units Disaster Relief Efforts," *Science & Military* 1 (n.d.): 40–42; Jeffrey Engstrom, "Taking Disaster Seriously: East Asian Military Involvement in International Disaster Relief Operations and the Implications for Force Projection," *Asian Security* 9, no. 1 (2013): 38–61; Fukushima and Et.al, "Disaster Militarism: Rethinking U.S. Relief in the Asia-Pacific.";

and noticed the effective cooperation between the military and civil agencies in the field.[14] According to Shabab,[15] there are four trends for military participation in HADR; namely, disaster management as part of MOOTW, military acting as the communication hub, foreign humanitarian assistance, and military disaster training exercises.

The operational debates emerge. As stated above, CIMIC is one of the most vital factors for successful operations. Several debatable aspects dealing with such cooperation have been stated. The key question is how the two sectors will cooperate effectively to achieve the humanitarian goal of saving lives. How should the military sector provide such assistance? Should the military be one of the direct aid providers or just the supporter of the civilian sector? How long should the military be involved, especially for the large-scale relief operation? How about the command and control system between the civilian and military sectors? Will there be any incompatibility caused by different cultures and work priorities? Will they have the trust and understanding among themselves? How can military operations, especially those of foreign military, match the humanitarian principles of humanity, impartiality, neutrality, and independence? A summary of such a controversial discussion is shown in Table 1.

Table 1: Military and Humanitarian Assistance: Controversial Discussion

Ideological Debates	Operational Debates
✓ **Military, the fighters and killers in war, as the protectors of human security in humanitarian operation** ✓ **Military operation other than war (MOOTW) as the core or marginal affairs of the military sector?**	✓ Military potentialities for humanitarian assistance and disaster relief (HADR) to save lives of human beings: direct assistance, indirect assistance, and infrastructure support ✓ (Foreign) Military role and the compatibility with humanitarian principles: humanity, impartiality, neutrality, and independence ✓ Mechanism for civil-military cooperation (CIMIC) ✓ Task division between military and civilian sectors: non-combatant evacuation, stabilization, reconstruction, etc. ✓ Military as the key direct providers of aid vs. Military as the supporter to civilian sector ✓ Command and control (C2) system for CIMIC and the leadership in C2 system ✓ Mutual trust and understanding between military and civilian sectors ✓ Information sharing, communication, and common terminology issues ✓ Joint planning and unifying principles ✓ Unity of purpose, unity of efforts, for the common goals ✓ Military and last resort principle ✓ Aid provision, operational phase and period of time: urgent short-term phase, immediate middle-term phase, and long-term reconstruction phase

Harkin, *The 2004 Tsunami: Civil Military Aspects of the International Response*; Irish, "A 'Peace Corps with Guns': Can the Military Be a Tool of Development?"; Madiwale and Virk, "Civil–Military Relations in Natural Disasters: A Case Study of the 2010 Pakistan FLoods"; Malešič, "The Impact of Military Engagement in Disaster Management on Civil–Military Relations"; Thapa, *Out of Barracks: Civil-Military Relations in Disaster Management: A Case Study of Nepalese*

Army's Humanitarian Response during 2015 Earthquake in Nepal.

[14] Heaslip and Barber, "Using the Military in Disaster Relief: Systemizing Challenges and Opportunities."; Malešič, "The Impact of Military Engagement in Disaster Management on Civil–Military Relations."

[15] Shabab et al., "Armed Forces and Disaster Management."

The importance of fostering strong civil-military and military-military cooperation is gaining recognition among regional countries. As a result of this fact, several major international organizations have issued guidelines, handbooks, and agreements concerning CIMIC in HADR to set the framework for effective cooperation between the two sectors.

This paper explores and highlights the key concerns stated in some international frameworks/guidelines on CIMIC in HADR. The frameworks/guidelines from three international organizations, namely, the United Nations (UN), the North Atlantic Treaty Organization (NATO), and the Association of Southeast Asian Nations (ASEAN), were selected. The emphasis will be on CIMIC at the operational phase, focusing on CIMIC fundamentals and principles for foreign military sectors. The author intends to examine and separate the specific features designed for foreign militaries stated in the selected documents. In conclusion, specific fundamentals applicable to both national and foreign military personnel for the effective CIMIC and successful HADR will be discussed. As a result, the important subjects of consideration could be identified for policymakers to create the national framework for CIMIC.

II. Legal Materials And Methods

This academic paper adopted qualitative methodology and descriptive and comparative methods. The data from relevant documents are investigated, analyzed, and discussed to bolster the author's argument.

III. Result And Discussion

As stated in the introduction, the relevant legal frameworks/guidelines will be selected from three international organizations, namely, the UN, NATO, and ASEAN, with two from the UN, one from NATO, and three from ASEAN.

The selected details relating to the main theme of this paper are demonstrated as follows.

The UN: Relevant Guidelines and Related *Organs*

When WWII was about to end in 1945, the UN, which was the world's only global organization, was founded to maintain international peace and security, give humanitarian assistance to those in need, protect human rights, and uphold international law. One of the key tasks of the organization was the humanitarian aid delivery. To deal with natural and man-made disasters in areas beyond the capacity of national authorities, the UN is now relied upon by the international community to coordinate humanitarian relief of emergencies. The office for the Coordination of Humanitarian Affairs (OCHA) of the UN Secretariat is the major organ responsible for coordinating responses to emergencies together with other UN entities responsible for delivering humanitarian aid, for example, the United Nations Development Programme, the United Nations Children's Fund, and the World Food Programme.[16]

There are several UN civil-military relations (CMR) guiding documents. However, two guidelines, namely, the Oslo Guideline and Asia-Pacific military assistance to disaster relief operations (APC-MADRO) Guideline,

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[16] For more information, see United Nations, Deliver humanitarian aid, available from

https://www.un.org/en/our-work/deliver-humanitarian-aid

are selected for this study due to their relevance to HADR.

a. The Guidelines on the Use of Foreign Military and Civil Defense Assets (MCDA) in Disaster Relief (Oslo Guideline)

Developed in 1994 and revised in 2007, the Guidelines on the Use of Foreign MCDA in Disaster Relief, which is also known as the Oslo Guideline, aim to establish the basic framework for formalizing and improving the effectiveness and efficiency of the use of foreign MCDA in international disaster relief assistance (IDRA). It is the guidelines intended to create principles and standards that would improve the cooperation and use of MCDA in response to natural, technological and environmental emergencies in peacetime. [17]

According to the guidelines, MCDA comprises relief personnel, equipment, supplies, and services provided by foreign military and civil defense organizations for IDRA. According to the guideline, "military" is a tool that complements disaster management mechanisms to bridge the gap between civilian capabilities and the shortage in emergency disaster needs. The assistance can be divided into three categories, which are: direct assistance, indirect assistance, and infrastructure support. The categories are classified based on the degree of contact with the affected population. Humanitarian assistance must be provided following the basic humanitarian principles of humanity, impartiality, and neutrality.[18] However, apart from the three humanitarian principles, other key principles and concepts that should be adhered to are shown in Box 1. To elaborate on the three humanitarian principles and those in Box 1, Table 2 shows the explanation of each principle.

Box 1: Oslo Guideline and Principles for Military Sector

- The last resort principle
- Consent and request of the affected states
- No cost to the affected states
- The unarmed and self-supporting foreign military
- Civilian control
- Military as the supporter and not encompass direct assistance
- Limit in time and scale undertaken by civilian personnel

Source: OCHA. Oslo Guideline Revision 1.1 November 2007

Table 2: Key principles from Oslo Guideline

Principles	Explanation
Humanity	Human suffering must be addressed wherever it is found, with particular attention to the most vulnerable in the population, such as children, women and the elderly. The dignity and rights of all victims must be respected and protected. (pr. 20, p. 12)

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[17] OCHA, *Oslo Guideline -- Guidelines on the Use of Foreign Military and Civil Defence Assets in* *Disaster Relief (Revision 1.1 November 2007).,* 2007.
[18] OCHA.

Neutrality	Humanitarian assistance must be provided without engaging in hostilities or taking sides in controversies of a political, religious or ideological nature. (pr. 20, p. 12)
Impartiality	Humanitarian assistance must be provided without discriminating as to ethnic origin, gender, nationality, political opinions, race or religion. Relief of the suffering must be guided solely by needs and priority must be given to the most urgent cases of distress. (pr. 20, p. 12)
The last resort principle	Military and civil defense assets (MCDA) should be seen as a tool complementing existing relief mechanisms in order to provide specific support to specific requirements, in response to the acknowledged «humanitarian gap» between the disaster needs that the relief community is being asked to satisfy and the resources available to meet them. Therefore, foreign MCDA should be requested only where there is no comparable civilian alternative and only the use of military or civil defense assets can meet a critical humanitarian need. (pr. 5, p.8)
Consent and request of the affected states	the United Nations seeks to provide humanitarian assistance with full respect for the sovereignty of states. As also stated in General Assembly Resolution 46/182: "The sovereignty, territorial integrity and national unity of states must be fully respected in accordance with the Charter of the United Nations. In this context, humanitarian assistance should be provided with the consent of the affected country and in principle on the basis of an appeal by the affected country." (pr. 21, p. 12)
No cost to the affected states	Foreign MCDA assistance should be provided at no cost to the affected state, unless otherwise agreed between concerned states or regulated by international agreements. An Assisting State deciding to employ its MCDA should bear in mind the cost/benefit ratio of such operations as compared to other alternatives, if available. In principle, the costs involved in using MCDA on disaster relief missions abroad should be covered by funds other than those available for international development activities. (pr. 27 and 28, p.13)
The unarmed and self-supporting foreign military	In principle, foreign military and civil defense personnel deploying on disaster relief missions will do so unarmed and in national uniforms. The overall responsibility for providing adequate security for authorized foreign MCDA support remains with the affected state. (pr. 29, p. 13)
Civilian control	A UN humanitarian operation using military assets must retain its civilian nature and character. The operation as a whole must remain under the overall authority and control of the responsible humanitarian organization. This does not infer any civilian command and control status over military assets. (pr. 32, p. 14)
Military as the supporter and not encompass direct assistance	Humanitarian work should be performed by humanitarian organizations. Insofar as military organizations have a role to play in supporting humanitarian work, it should, to the extent possible, not encompass direct assistance, in order to retain a clear distinction between the normal functions and roles of humanitarian and military stakeholders. (pr. 32, p. 14)
Limit in time and scale undertaken by civilian personnel	Any use of MCDA should be, at its onset, clearly limited in time and scale and present an exit strategy element that defines clearly how the function it undertakes could, in the future, be undertaken by civilian personnel. (pr. 32, p. 14)

Source: OCHA. Oslo Guidelines: GUIDELINES ON THE USE OF FOREIGN MILITARY AND CIVIL DEFENCE ASSETS IN DISASTER RELIEF. Revision 1.1 November 2007

b. APC-MADRO Guideline

APC-MADRO Guideline, a living document developed through the APC-MADRO series of conferences, establishes voluntary and non-binding recommendations for member states to deploy their armed forces in response to international disasters and requests for humanitarian assistance. It also contextualizes the Oslo Guidelines for use in the Asia-Pacific region. Thus, several principles and concepts are similar to those of the Oslo Guideline (see Box 2). In line with the Oslo Guidelines, the foreign military does not typically provide direct assistance,

however, it may require a case-by-case assessment in some circumstances. [19]

> ### Box 2: APC-MADRO Guideline and principles in line with the Oslo Guideline
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> - Humanitarian principles (humanity, neutrality, impartiality, and independence)
> - The last resort principle
> - Consent and request of the affected states
> - No cost to the affected states
> - Do no harm
> - Limit in time and scale

Source: APC-MADRO. Asia-Pacific Regional Guidelines for the Use of Foreign Military Assets in Natural Disaster Response Operations. Version 8.01–14/01/14

The guideline also stated the essential features needed for the successful CIMIC in HADR, for instance, the distinct lines of communication, timely information sharing, a collective and coordinated team effort, and mutual trust between the two sectors. These essential factors can be achieved through civil-military coordination, joint exercises, conferences, workshops, and timely sharing of information (OCHA, 2014, 8).[20]

NATO: Relevant Guidelines and Related Organs

NATO was founded in 1949 and is an intergovernmental military organization consisting of 30 member states. The fundamental role of an organization is to guarantee the freedom and security of its member countries by political and military means. The organization has taken an active role in a broad range of operations and missions, including disaster relief operations and missions to protect populations against natural, technological, or humanitarian disasters.[21]

In 2001, the civil-military cooperation centre of excellence (CCOE) was established to support NATO's transformation program as part of the NATO center of Excellence program. This center of Excellence, which is multinational-sponsored and NATO-accredited, provides innovative and timely advice and subject matter expertise on CIMIC with the primary aim of conceptual and doctrinal development, policy and doctrine, specialized education and training, and contribution to the lessons learned processes.[22] The center created the CIMIC Handbook, which consists of several key knowledge about civil-military interaction (CMI) such as CMI principles, CIMIC in operations, NATO and CIMIC fundamentals, CIMIC activities, information sharing, and the CIMIC center.

As stated in the handbook, CMI principles for an effective CMI include the understanding of non-military actors and respect for civilian

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[19] OCHA, *Asia-Pacific Regional Guidelines for the Use of Foreign Military Assets in Natural Disaster Response Operations (Version 8.01 – 14/01/14)*, 2014.

[20] OCHA, 8.

[21] For more information, see NATO official website, available from: https://www.nato.int/nato-elcome/index.html

[22] For more information, see CCOE official website, available from: https://www.cimic-coe.org/

primacy, mutual information sharing with the willingness and ability to share,[23] act with integrity, unity of purpose, and proactive communication to establish an effective relationship with non-military actors, the awareness of cultural aspects, the promotion of local ownership and capacity, and the preparation for transiting non-military tasks as early as possible.[24] See Box 3 for more information.

Box 3: CCOE CIMIC Handbook: Civil-Military Interaction Principles

- Understand nonmilitary actors and respect their autonomy in decision-making and so encouraging them to do the same. Nevertheless, aim at promoting cooperation, reciprocal information sharing, and unity of purpose if circumstances allow.
- Engage, via proactive communication and on respective level, with all nonmilitary actors involved in the operation
- Interact with respect, knowledge of respective roles, trust and transparency, and be aware of cultural aspects.
- Incorporate nonmilitary expert advice and factors, if applicable.
- Promote local ownership and build local capacity. Prepare for transition of nonmilitary tasks as early as possible.
- Ensure internal NATO military coherence and consistent NATO messaging in interacting with nonmilitary actors.
- Operate within the framework of the NATO mission, responsibilities, and authorities and legal obligations.

Source: CCOE. CIMIC Handbook. 1.2.2 CMI principles (pp. 3–4)

The handbook defined the term "crisis response" to cover the military contribution to peace support, non-combatant evacuation operations, humanitarian assistance, stabilization, and reconstruction. For the military contribution to humanitarian assistance, stabilization, and reconstruction, the military sector intends to support the efforts of the host nation's civil authorities. Nonetheless, although all activities are usually civilian-led missions, the military might be tasked to provide security to facilitate the activities of other actors in insecure circumstances. [25]

The ASEAN: Relevant Guidelines and Related Organs

The ASEAN was established on August 8, 1967, with the signing of the Bangkok Declaration. This regional multi-purposed organization comprises three main communities, which are the political-security, economic, and socio-cultural communities. The political-security community ensures peace and a democratic and harmonious environment in the region, which includes strengthening ASEAN cooperation on disaster management and emergency response. According to the ASEAN political-security community blueprint, one of the

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[23] Willingness to share generally revolves around a cultural openness to pursue relationships based on respect, trust and common goals, while the ability to share depend on the established organizational policies and procedures of those involved (CCOE, 7-9).

[24] CCOE, "CIMIC Handbook," n.d., 3–9, https://www.cimic-coe.org/publications/ccoe-publications/field-handbook.

[25] CCOE, 6–7.

crucial tasks to achieve the community's goal is to enhance the civilian-military coordination in providing effective and timely responses to major natural disasters (ASEAN Secretariat, 2009, 14). Hence, several mechanisms were created, for example, the ASEAN Defense Ministers' Meeting (ADMM) and ADMM Plus, the Joint Task Force for HADR, ADMM plus experts' working group on HADR (EWG on HADR), ASEAN military ready group, the AHA Center (Center for Humanitarian Assistance on disaster management), and the ASEAN Center of Military Medicine.

In consideration of the relevant frameworks/guidelines, three documents, namely the ASEAN agreement on disaster management and emergency response (AADMER), ASEAN Standard Operating Procedure for Regional Standy Arrangements and Coordination of Joint Disaster Relief and Emergency Response Operation (SASOP), and ASEAN regional forum (ARF) strategic guidance for HADR, were selected to scrutinize the framework.

a. AADMER

In 2005, AADMER was enacted. It was the first legally-binding Hyogo Framework that established regional policies, and operational and logistical mechanisms for ASEAN member states to seek out and extend assistance in disaster response, consisting of 36 articles, several articles highlighted the principles relating to the roles and regulations of the military in providing aid and the concerns about CMR, as shown in Box 4.

Box 4: AADMER Principles Relating to CMI

- Consent and request of the affected states [Article 3: Principles, p. 4 and Article 11: Joint emergency response through the provision of assistance, p. 9]
- Military and civilian assets available for the regional standby arrangements of HADR on a voluntary basis [Article 9: ASEAN standby arrangements for disaster relief and emergency response, p. 8]
- Unarmed military personnel and related civilian officials [Article 12: Direction and control of assistance, p. 10]
- Respect and abide by all national laws and regulations [Article 13: Respect of national laws and regulations, p. 11]

Source: The ASEAN Secretariat. ASEAN Agreement on Disaster Management and Emergency Response. Jakarta: ASEAN Secretariat, 2021

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b. ASEAN SASOP: Standard operating procedure for regional standby arrangements and coordination of joint disaster relief and emergency response operations

ASEAN SASOP was adopted at the 11th ASEAN Committee Disaster Management Meeting held in March 2008. The Standard operating procedure provides (i) the guides and template to initiate the establishment of the ASEAN Standby Arrangements for Disaster Relief and Emergency Response, (ii) the procedures for joint disaster relief and emergency response operations, (iii) the procedures for the facilitation and use of military and civilian assets and capacities, and (iv) the methodology for the periodic conduct of the ASEAN regional disaster

emergency response simulation exercises. The roles of the military sectors and CIMIC are displayed in Table 3.

Table 3: ASEAN SASOP and Concerns Relating to CIMIC

Sections	Contents
III. Disaster preparedness **B. Inventory of earmarked assets and capacities: (ii) military and civilian assets and capacities (p. 5)**	Military and civilian assets and capacities required for the water and sanitary, medical, transportation, communication, utilities, bulk storage, and staging facilities categories
V. Emergency response **C. Mobilization of assets and capacities: (i) response time (p. 16)**	Effective and timely response, Urban Search and Rescue team within 10 hours of notification of mobilization
V. Emergency response **D. On-site deployment of assets and capacities (p. 21)**	On-site operational briefing which includes details of the incident command system, the on-going operation, and coordination details. The military personnel and related civilian officials are not to carry arms
V. Emergency response **E. Direction and control of assistance (p. 23)**	The assisting entity conform to the national incident command system of the affected party. Where military personnel involved, designate a person-in-charge (Head of the assistance) to exercise supervision in cooperation with the appropriate authorities
VI. Facilitation and utilization of military assets and capacities (p. 29)	**Being developed**

Source: The ASEAN Secretariat. SASOP-Standard operating procedure for regional standby arrangements and coordination of joint disaster relief and emergency response operations. Jakarta: ASEAN Secretariat, September 2021

c. ARF strategic guidance for HADR (draft version 8–March 2010)

Developed by members of the ARF, ARF Strategic Guidance for HADR was designed to provide high-level guidance for both civil and military actors in the HADR. The guidance is intended to promote a common understanding of CIMIC and its coordination procedures. Since it acknowledges the primacy of sovereignty, it is legally non-binding and focuses only on emergency response activities, excluding rehabilitation and reconstruction activities (ARF, 2021, Chapter 1). The guidance defines the term "CIMIC" as illustrated below.

"CIMIC is the coordination and cooperation in support of the military mission between the commander and civil stakeholders, including the national population and local authorities, as well as international, national, and non-governmental organizations and agencies. CIMIC is a military function establishing relationships with civilian agencies active within the area" (ARF, 2021, 43).

Some chapters in the guidance stated the military involvement in HADR as well as its capabilities and relations with the civilian sector. In Chapter 2: Characteristics of Disaster, the guidance states that military roles in providing such assistance to the affected states can be categorized into five basic types, which are relief, affected population support, security, technical assistance, and consequence management (ARF, 2021, pr. 213–215). Military assets stated in Chapter 3: disaster relief are

becoming a major contributor to disaster due to rapid mobilization and logistic capabilities, trained and cohesive workforce, and conducting large-scale tasks at short notice. In some countries, the military sector plays a primary responsibility for HADR response, while in other countries, it plays only the supporting role directly involved in life-threatening situations under conditions where there is no comparable civilian alternative. The military assistance includes 1) transport and logistical support, evacuation, rescue, tactical and strategic heavy-lift 2) deployable engineering and security 3) communications 4) medical services, accommodation, and emergency supplies. Multi-National Force (MNF) involvement in HADR as stated in Chapter 3, will most likely be limited in scope and duration in the initial response to the immediate life-saving phase and last until the affected state and international humanitarian community can sustain long-term rehabilitation and reconstruction (ARF, 2021, pr. 319–326).

Chapter 4 of the guide presents the role of the military in terms of CMR, command, and control, cooperation and coordination, and an arrangement model. As stated in paragraph 409, military degrees of authority can be split into three levels: operational control, tactical control, and support. For the medical services, military health service support can be quickly created to provide preventive medicine, sanitation and disease control, and treatment under harsh field conditions. The role of the military is to support, not to lead, and must be in concert with civil actors. Thus, the military command and control structure should be able to coordinate and communicate with all key actors. Military

liaison officers who were trained in political-military affairs are expected to reach this goal (ARF, 2021, pr. 406–423).

Discussion

Before considering the key aspects of all selected relevant legal frameworks or guidelines from three different international organizations, it is necessary to detect the characteristics of each organization to comprehend the specific manner found in each framework/guideline. The UN is a global multi-purposed organization that consists of both developed and developing member states in the world. However, the birth of this organization attached closely to the roles of Western superpowers. Therefore, NATO is a regional organization that consists of Western member states. Unsurprisingly, the power of Western ideas/concepts can be noticed in the aspects of the two selected UN guidelines and one of the NATO. Contrarily, ASEAN, a multi-purposed regional organization in the Southeast Asia region, can be specified as a non-Western organization. However, with ASEAN developing member states, ASEAN's ways of thought and social contexts might be different from those of the UN and NATO. The key features of all selected guidelines, similarities, and differences can be recognized and compared, as displayed in Table 4.

From Table 4, there are some common values and practices for the foreign military sector in providing humanitarian assistance to the affected states, as highlighted by the same colors. Nonetheless, the major differences can be found in the selected documents of ASEAN. To summarize and clarify these points, Table 5 is created

Table 4: The Comparison of Key Specific Features, Fundamentals, and Principles for Military Sectors in Providing HADR

Key fundamentals and principles					
UN		NATO		ASEAN	
Oslo	APC-MADRO	NATO CIMIC Handbook	AADMER	ASEAN SASOP	ARF guidance
• **Humanitarian principles (humanity, neutrality, impartiality, independence)** • **The last resort principle** • **Consent and request of the affected states** • **No cost to the affected states** • **The unarmed and self-supporting foreign military** • **Civilian control** • **Military as the supporter and not encompass direct assistance** • **Limit in time and scale**	• Humanitarian principles (humanity, neutrality, impartiality, independence) • The last resort principle • Consent and request of the affected states • No cost to the affected states • Limit in time and scale • Foreign military does not typically provide direct assistance but may require a case-by-case assessment • Successful CIMIC > distinct lines of communication, timely information sharing, a collective and coordinated team effort, and the mutual trust through civil-military coordination, joint exercises, conferences, workshops, and information exchanges	• Humanitarian principles (humanity, neutrality, impartiality, independence) • The last resort principle • Consent and request of the affected states • Civilian primacy • The preparation for transition of non-military tasks as early as possible • Successful CIMIC > trust & respect between civil-military relations, the reciprocal information sharing, proactive communication, the awareness of cultural aspects	• Consent and request of the affected states • The unarmed military personnel • Respect and abide by all national laws and regulations	• The military personnel and related civilian officials are not to carry arms • Conform to the national incident command system • Military and civilian assets and capacities required for the water and sanitary, medical, transportation, communication, utilities, bulk storage and staging facilities categories • Effective and timely response within 10 hours of notification of mobilization	• **Military assets as a major contributor to disaster** • Short-duration and limited scope for MNF • Military roles > relief, affected population support, security, technical assistance, and consequence management • (Some states) military sector plays the primary responsibility for HADR response • (In other countries), it plays only the supporting role, directly involved solely in life-threatening situations under very specific conditions • The military command and control structure should be able to coordinate and communicate with all key actors

Table 5: Key Fundamentals/Principles and Their Existence in the Selected Frameworks/Guidelines

Contents	UN		NATO	ASEAN		
	Oslo	APC-MADRO	NATO	AADMER	SASOP	ARF
Humanitarian principles: Humanity, impartiality, neutrality, and independence	√	√	√	√	√	√
Principle: The last resort principle	√	√	√			
Principle: No cost and do no harm	√	√				
Principle: Civilian control	√		√			
Foreign military: Consent and request of the affected states	√	√	√	√	√	√
Foreign military: Unarmed and self-supporting military	√			√	√	
Foreign military: Limit in time and scale	√	√	√			√MNF
CIMIC: Information sharing	√	√	√	√	√	√
CIMIC: Mutual trust, respect, and understanding	√	√	√	√	√	√
CIMIC: Proactive communication	√	√	√	√	√	√
CIMIC: Unity of efforts	√	√	√	√	√	√
CIMIC: Command and control (C2)	Not specified C2 system					Mentioned military C2 structure
Military as the key direct providers of aids						√
Military as the supporter and indirect assistance	√	√	√			
Military assets as a major contributor to disaster						√

Several common fundamentals from every selected guideline, for the foreign military in IDRA, include the humanitarian principles of humanity, impartiality, neutrality, and independence; the no cost and do no harm principle; the consent and request of the affected states; the unarmed and self-supporting military; and the limit in time and scale. Concerning the effective CIMIC, some key factors are stated in the selected frameworks, including the matter of information sharing; mutual trust and respect; proactive communication; and the unity of efforts. However, the major different aspects concerning the status of military and military assets in HADR, as well as the principle of last resort, are apparent. While three frameworks of Western-oriented organizations like the UN and NATO stated that the military should play a supporting role by providing the indirect assistance to the victims and rely on the last resort principle, a non-Western organization like ASEAN seems to accept the status of the military sector as the key direct provider of aids and tends to compromise the last resort principle due to military capacities. The other debatable issues would be the concepts of civilian control, the suitable command and control (C2) system, and the limit in time and scale of the military sector, both foreign and national. Box 5 and 6 display the above-discussed subjects.

Box 5: Foreign Military: Common Fundamentals	Box 6: Debatable Issues
• Humanitarian principles: Humanity, impartiality, neutrality, and independence • Principle: No cost and do no harm • Foreign military: Consent and request of the affected states • Foreign military: Unarmed and self-supporting military • Foreign military: Limit in time and scale • CIMIC: Information sharing • CIMIC: Mutual trust, respect, and understanding • CIMIC: Proactive communication • CIMIC: Unity of efforts	• Principle: The last resort principle [foreign military and national military/developing countries] • Principle: Civilian control [foreign military and national military] • CIMIC: Command and control (C2) > incident commander system, joint command and control, etc. • National military: Limit in time and scale • Military: Key direct providers of aids • Military: The supporter and indirect assistance • Military assets as a major contributor to disaster

Although the guidelines aim to design for the international disaster relief operation with the principles for foreign military and civilian actors in providing aid to the affected nations, there are some useful points that national military and civilian sectors should employ. The key to achieving this success is due to the effective CIMIC, and the effective CIMIC derives from the appropriate CMR (CIMIR). A good relationship can be enhanced based on mutual trust, respect, and understanding. Hence, proactive suitable communication through an appropriate C2 system and effective information sharing between each other is required. When there is mutual trust, there will be a unity of efforts. Subsequently, success can be achieved.

IV.   Conclusion And Suggestions

HADR is a multi-stakeholders mission. For a successful operation, both the civilian and military sectors should find ways to cooperate effectively. Several frameworks/guidelines were issued by some international organizations, providing key principles and fundamentals for CIMIC in HADR. Some common principles can be found and different fundamentals noticed. However, some controversial matters still need to be clarified.

The last resort principle is the role of the military in providing direct assistance, duration, and scope of military operation, and the C2 system should be flexible enough and compromise with emergencies and the conditions of affected countries. Military capability can be used to help people either in the short- or long-term period. If being the first on the ground is one of the key indicators to achieving the humanitarian goals, then the military's capability should not be limited by the principle of the last resort. Nevertheless, since the C2 system, which is designed to ensure that all resources and tasks are allocated most effectively, it can guarantee the success of relief operations using either

military or civilian command form. However, it is important to note that no single C2 option works best for all HADR.

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