

Guidance Note 9

Humanitarian Evacuations

1. Protecting civilians during evacuations

Humanitarian evacuations usually take place in situations of natural disaster. In situations of armed conflict however, humanitarian evacuations are strictly a measure of last resort.

Civilians in conflict situations may find themselves caught between, or even targets of, the fighting parties. While some may be able to flee from insecure areas using their own means, others, including those already displaced, may be unable to reach an area of relative safety. Humanitarian evacuations often have serious security, ethical, political and logistical implications. **Humanitarian actors, in cooperation with States, have exceptionally resorted to emergency evacuations or transfers in utterly extreme circumstances, when there was no other way to provide urgent assistance or protection to respond to severe threats to life and security.**

Bosnia-Herzegovina 1992-93:

... Political insistence on the right to stay should not in practice prevent people in danger from seeking safety. In many areas, remaining minorities wanted only one thing to leave, and to be helped to leave. This created a serious dilemma for UNHCR and ICRC. While the organizations wanted to avoid becoming part of the conflict objective of ethnic relocations, they also recognized that assisting people to leave was often the only way to save lives. As High Commissioner Sadako Ogata put it, "if you take these people you are an accomplice to ethnic cleansing. If you don't, you are an accomplice to murder."

Experience has shown that poorly planned or executed humanitarian evacuations may result in a failure to protect and a significant loss of life.

Planning humanitarian evacuations requires careful consideration of the potential negative impact on the human rights of evacuees and individuals in other affected communities. These rights include the right to seek safety within and outside of one's borders; to be protected from ethnic cleansing and arbitrary displacement; and the freedom to choose one's place of residence.¹ Humanitarian evacuations can also undermine the core humanitarian principles underlying humanitarian action — humanity, impartiality and neutrality —.

1.1 Different scenarios

Scenarios in which humanitarian actors have provided direct assistance or support to relevant authorities include:

- **Relocation** of populations from endangered areas, such as camps, conflict or disaster areas, to another part of the country; justified for reasons of public security, health or safety, and other risks to life, including the presence of armed elements and health risks caused by overpopulation.

¹ See Part I.1

- **Humanitarian Evacuation** of the wounded, sick and other civilians, including IDPs, trapped by armed conflict (traditionally carried out by the ICRC and national Red Cross and Red Crescent Societies).
- **International Humanitarian Transfer or Evacuation Programmes** of individuals or groups of persons at particular risk of imminent attack or serious human rights violations into another country.²

In the context of natural disasters, States and the humanitarian actors assisting them should first and foremost seek to **protect on site**, by all measures necessary, affected individuals and communities facing a serious risk for the life, physical integrity or health. However, where **such measures would be insufficient**, they reflect how endangered persons should be allowed and assisted to leave the danger zone and, to the extent that they cannot do so on their own, **endangered persons should be evacuated from the danger zone by using all available means.**

IASC Operational Guidelines on Human Rights and Natural Disasters ("IASC Guidelines")

In conflict situations, it is part of the ICRC's core mandate and traditional role to negotiate with parties to the conflict for the safe evacuation or transfer of the wounded, the sick and civilians, including IDPs, trapped in conflict. UN agencies and other international organizations, such as IOM, may also be involved in large-scale humanitarian evacuations and transfers in disaster and conflict situations.³

2. Key protection considerations

The context in which transfers and relocations can take place may vary significantly. A detailed situation analysis, including the motivations of the main actors, is necessary in each case to determine to what extent assistance might make humanitarian actors accomplices to human rights violations (i.e., by helping to consolidate the displacement) and to what extent immediate assistance is needed as a life-saving measure for the affected populations. An in-depth, even if fast, assessment of all factors having a potential impact on the transfer and relocation will also be critical to ensure that the diplomatic, protection, relief, security and logistics machinery that may need to be put in place, stands up to the challenges of the operation.

The operational experience gained to date highlights the need for humanitarian actors to respect a number of common standards.

Coordinated assessments and analysis *(see Part III.1)*







In planning evacuations, transfers and relocations, diplomatic advocacy efforts with national and international actors are critical to:

- Organize with national and international partners effective information-sharing mechanisms.
- Develop a joint analysis of risks and gaps. Individual actors' analysis of the situation may be influenced by their mandates, interests and capacities and they might promote different approaches or priorities as a result. To strengthen the emergency response, it will be vital to ensure that such joint analysis is done at the earliest stages.

² Humanitarian Transfer Programmes (HTP) and Humanitarian Evacuation Programmes (HEP) consist of assistance and protection measures undertaken by humanitarian actors and cooperating States to move people to safety, in neighbouring countries within a "region" (HTP) and outside the "region" (HEP), respectively. These programmes are different from existing Refugee Resettlement programmes, which mainly deal with individually recognized refugees and with clearly defined refugee groups in a country of asylum, and are undertaken annually by States independently of other States and humanitarian actors, although in coordination with them, according to their own criteria for humanitarian programmes.

³ Much of this experience has been gained in situations where refugees or asylum-seekers have been in imminent danger in a first country of asylum. In some of these cases, endangered persons were moved away from areas under attack to safer areas within the country (for example, Sierra Leonean and Liberian refugees relocated from Guinea's border areas in 2001) and in other cases, they were moved to safety in third countries (for example, Kosovo refugees in Macedonia in 1999, Uzbek asylum-seekers in Kyrgyzstan in 2005).


Key protection considerations (cont)

	<ul style="list-style-type: none"> • Discuss with all stakeholders, as appropriate, including with the local communities, the best way to ensure protection before, during and after the evacuation. Consideration should be given to every possible scenario, including what can go wrong during the evacuation, to minimize the risks to the life and integrity of civilians. • Ensure that all operational partners are aware of and agree on who should be included in programmes, destinations, transportation and reception conditions.
<p>Selection of relocation site and/or host communities (see Parts V.8 and IV.6)</p> 	<ul style="list-style-type: none"> • Consult with relevant authorities and partners within coordination structures to identify a relocation site and/or host community. Where possible, include IDPs and members of surrounding and host communities in the selection and planning process. • Ensure that site viability assessments include core protection and self-reliance considerations, including: distance from areas of conflict or presence of armed actors; access to social services; basic infrastructure; livelihood activities; proximity to other communities; and any aspects that could create potential protection risks to the evacuees.⁴ • Hold discussions with representatives of the host community and individuals of different ages, sex and backgrounds to ascertain whether the host community accepts the settlement of the evacuees. • Discuss and negotiate with relevant authorities: <ul style="list-style-type: none"> – Concrete and effective measures to ensure safety and security at the new location; – National protection mechanisms and the commitment to activate them as required; and – Humanitarian access and protection monitoring.
<p>Freedom of movement and information (see Parts V.13 and IV.12)</p> 	<ul style="list-style-type: none"> • Establish appropriate monitoring and community mobilization mechanisms to ensure that the evacuation of individuals is based on their voluntary decision informed by an understanding of the consequences of evacuation, transfer or relocation. This includes the choice not to return to or settle in any place where their life, safety, liberty and/or health may be at further risk.⁵ If feasible, planning should allow members of the IDP community to visit the new site (see Part V.1).  • Work with relevant local authorities, parties to the conflict, humanitarian agencies, and community leaders to ensure that the evacuees be allowed to move and settle in other parts of the country as they wish, both during and after evacuation or relocation. • Discuss with relevant authorities, agencies, and representatives of the affected communities how the different agencies can help disseminate information to all segments of the affected communities. Information should address the reasons for evacuation, anticipated procedures and timeframes, destinations, and the potential consequences of choosing to move or to stay. • Identify any restrictions on freedom of movement and settlement through human rights/protection monitoring in the new locations during and after evacuation movements (see Part IV.1).⁶ 

⁴ For example, in some cases, crossing areas of a different ethnic composition or walking long distances to schools, food or water-supply points may expose displaced persons to physical attacks, as well as gender-based and other forms of violence.

⁵ The IASC Guidelines guard against becoming involved in involuntary evacuations, transfers and relocations. “Unless it is necessary for the protection of affected persons against very serious and imminent threats to their lives, their physical integrity or health, evacuations against their will, or prohibitions against their return, should not be supported by organizations providing protection and assistance to persons affected by natural disasters, even if they have been ordered by the competent authorities.”


⁶ Such restrictions should only be limited to those provided by law, and are necessary to protect national security, the safety and security of affected populations, public order, public health or the rights and freedoms of others.

<p>Negotiations for safe access and passage (see Part IV.2)</p> 	<p>Obtaining reliable guarantees from the parties to the conflict to permit safe evacuation of civilians across the frontlines is a challenge, particularly where the parties to the conflict are using civilians as pawns.⁷ Even small-scale attempts to evacuate civilians sometimes require arduous negotiations before the warring parties allow the evacuees to leave.</p> <ul style="list-style-type: none"> • Safeguarding the core humanitarian principles of humanity, impartiality and neutrality during negotiations for safe access and passage, will require solid coordination among all humanitarian actors. • To ensure that all actors speak with one voice, one agency should be assigned to lead the negotiations on behalf of the country team. • Humanitarian actors should undertake contingency planning for eventual breaches of agreements on safe access and passage by parties to the conflict. Meticulous forward planning will be critical to minimize potential loss of life and any other risks to the civilian population and humanitarian staff.
<p>Logistics for ensuring safety and dignity</p>	<p>Implementing evacuation and relocation operations requires complex logistical coordination in areas of origin, transit and destination, among relevant UN agencies, international humanitarian organizations, national/local authorities and civil society actors, and in some cases, third States.</p> <ul style="list-style-type: none"> • Take concrete measures to ensure that the transfer will be done in safety and with dignity, including with regard to persons with specific needs, such as persons with disabilities, older persons, pregnant women, and separated/unaccompanied children. • Ensure that health care, food and shelter are provided during transit and in the destination areas. • Raise the awareness of donor countries of the complexity of existing challenges in a timely manner, to ensure that there is sufficient financial support from the outset to boost operational capacity and meet the protection goals of the evacuation.
<p>Land, housing and property (see Part V.11)</p> 	<ul style="list-style-type: none"> • Advocate with national authorities and with the parties to the conflict to ensure that they assume their responsibility for safeguarding property, homes and common assets left behind. These should be protected against destruction and arbitrary and illegal appropriation, occupation or use. • Assist communities in safeguarding land, housing and property-registration documentation. If security conditions allow, help them undertake an <i>ad hoc</i> emergency property assessment or an informal certification system before or immediately after evacuation, where no official records exist. If necessary, advocate for national authorities to legally recognize the property left behind and to issue appropriate certifications.⁸
<p>Family unity (see Part V.9)</p> 	<p>Under no circumstances should families be separated as a result of relocation or evacuation movements, particularly if children are involved.</p> <ul style="list-style-type: none"> • Take practical steps to prevent separation of children from their families (i.e. encourage parents to teach their children their full names and addresses of destination; give parents light ropes to tie around their wrists and those of their children; provide parents with identity tags to attach to their children's clothes or around their necks or wrists and rehearse with them on how and at what point to put them on their children).⁹

⁷ For example in 1993, large-scale evacuation convoys carrying several thousand desperate civilians from Srebrenica were the target of shelling and sniping that killed over 50 people and wounded many others.

⁸ See “Implementing the Pinheiro Principles,” Interagency Handbook on Housing and Property Restitution for Refugees and Displaced Persons, March 2007.

⁹ For detailed guidance, particularly on preventing family separation of babies and small children, see *The lost ones; Emergency care and family tracing for separated children from birth to five years*; Child Protection Programme Division, UNICEF, April 2007.

	<ul style="list-style-type: none"> • Assist adult family members wishing to remain together to prevent separation from each other.
<p>Establishment of selection criteria for evacuation</p>	<ul style="list-style-type: none"> • A careful “pros” and “cons” evaluation of selection criteria for evacuation is required. Informed consent by the community on the final selection criterion is also essential. • Establish organized systems with specialized agencies to target and prioritize cases according to vulnerability and special protection needs. In particular, consider detainees, persons with medical needs, families with young babies, pregnant women with children, unaccompanied minors, women-at-risk, and the elderly. • Ensure transparency, fairness and consistence in the application of selection criteria for evacuation procedures. This is vital to minimize confusion, tensions and the perception that the selection process is unfair. • Avoid, and advocate strongly against, the establishment of rapid-processing systems, which frequently function on a “first come, first served” basis. While this is often the easier option in large-scale evacuations, such systems do not allow for the priority processing of persons or groups with especially urgent protection needs.
<p>Protection monitoring and advocacy (see Parts IV.1 and 3) </p>	<ul style="list-style-type: none"> • Establish enhanced monitoring and presence in both the new relocation site, and the area of origin, where individuals who stayed behind may be subject to increased persecution and grave human rights violations. • Ensure that individuals who chose to remain close to their homes, such as older persons whose relatives were evacuated, have access to ongoing support and assistance. Such situations should be referred to the relevant national institutions or local support networks and, if relevant, to humanitarian and human rights-mandated agencies. • Humanitarian actors should maintain a dialogue with relevant authorities to develop necessary measures to secure the new location, to avoid possible protection risks, to activate national protection mechanisms, and to maintain international presence and protection monitoring.


3. Key Challenges

Designing and implementing evacuation, transfer or relocation movements can involve formidable challenges. In particular, the following considerations should be analyzed through an inter-agency approach.

3.1 Erosion of the principle of asylum

Depending on the context, assisting in the relocation or evacuation of civilians within a country in conflict might have the effect of eroding the principle of access to asylum outside the country, at least temporarily. The right to seek asylum should remain an option for all individuals or groups both before and after a relocation or evacuation movement. Steps should be taken to provide information on this alternative both to the civilian population and parties to the conflict. The fact that asylum-seekers may have been internally displaced, even if due to a humanitarian evacuation, should not negatively affect their claim for asylum.

3.2 Patterns of arbitrary displacement and targeted human rights violations

In some circumstances, humanitarian assistance during an evacuation or relocation of civilians might not be especially controversial, particularly if the situation is not politically charged such as in a natural disaster context. However, when the population movement is part of a forced displacement policy or a deliberate strategy in an internal armed conflict, such as ethnic cleansing, humanitarian actors will face serious moral and political dilemmas.¹⁰ Humanitarian actors should try to avoid becoming involved in involuntary evacuations, transfers and relocations unless it is necessary for the protection of affected persons against very serious and imminent threats to their lives, their physical integrity or health (see Part V.1).¹¹ 



Resources

- *Protecting Persons Affected by Natural Disasters: IASC Operational Guidelines on Human Rights and Natural Disasters*, IASC, June 2006.
- *Evacuation of Children from Conflict Areas: Considerations and Guidelines*, UNICEF and UNHCR, Geneva, 1992.
- “UNHCR and ICRC in the former Yugoslavia: Bosnia-Herzegovina,” by Young, K., *International Review of the Red Cross*, Vol. 83, No. 843, September 2001.
- *Strengthening Protection in War: A Search for Professional Standards*, summary of discussions among human rights and humanitarian organizations, edited by Sylvie Giossi Caverzasio, 2001.

¹⁰ Even situations where natural causes are responsible for the displacement can be manipulated after the fact to pursue political or other objectives that violate the rights of internally displaced persons. For this reason, it is important to have a clear situation analysis before assisting with populations transfers.

¹¹ Quoted from *Protecting Persons Affected by Natural Disaster: IASC Operational Guidelines*.