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# The search for common ground

Civil–military relations in Pakistan

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# Executive summary

In recent years Pakistan has experienced a succession of large-scale natural disasters and complex emergencies that have required significant humanitarian and military responses. Many of the areas hit by natural disasters have also been affected by armed conflict or instability, with the national military both a belligerent in the conflict and the primary responder to disaster. This dual role has made coordination between aid agencies and the military in these contexts particularly complicated.

Through interviews with aid workers and Pakistani government officials, as well as extensive desk research, this report explores the complexities and challenges of civil–military coordination in Pakistan. Beginning with the earthquake response in 2005, humanitarian actors came up against military efforts to utilise disaster response activities to ‘win hearts and minds’ in the fight against the insurgency in the North-West Frontier Province (NWFP, known after 2010 as Khyber Pakhtunkhwa, or KP). Because the military and government tightly controlled access, many aid agencies – with varying degrees of reticence and concern about their independence and neutrality – were left with no choice but to collaborate closely with the military. These issues came to a head with the displacement crisis in 2008/09, where the military controlled access to affected areas and again subordinated the response to military and political objectives.

The development of civil–military guidelines in 2009–10 was an important step in creating a dialogue between aid agencies and the Pakistani military about humanitarian principles, particularly in the subsequent response to floods in 2010. While they provided some clarity about the respective roles of the military

and humanitarian actors in response, they were never endorsed by the Pakistani government or military and the military had limited engagement in civil–military coordination fora. Notably, when dialogue occurred, there was little discussion of protection issues or International Humanitarian Law (IHL).

The result has been that aid agencies have been prevented from engaging with all sides of the conflict, damaging perceptions of their neutrality and independence, and have been compelled to obey the rules established by the Pakistani military in order to gain access to affected populations. The UN’s lack of humanitarian leadership contributed to this problem. Pakistan is a priority context for the roll-out of the Transformative Agenda and the UN’s humanitarian operations in KP/FATA are largely indistinguishable from the government’s broader stabilisation agenda. Local organisations also came under immense pressure to comply with the wishes of the Pakistani military, and were rarely given the space or consideration that was afforded to international aid agencies.

The Pakistan government and military remain largely in control of the distribution of aid and access to affected areas in disaster and conflict responses. Although far from perfect, the 2010 guidelines can still provide a basis for dialogue and interaction – but require continual dissemination and discussion if they are to remain relevant. There must also be more critical examination by the UN and aid agencies themselves of their own role in supporting the Pakistani military effort and the consequences of the compromises they have made in order to reach civilians in need of their assistance.



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# 1 Introduction

The succession of natural disasters and complex emergencies that Pakistan has experienced in recent years has required significant humanitarian and military responses. Three major disasters – the earthquake in Kashmir in 2005, the displacement crisis in the North-West Frontier Province (NWFP, known after 2010 as Khyber Pakhtunkhwa, or KP) in 2008–2009 and monsoon floods in 2010, interspersed with several smaller disasters – affected over 20 million people. Many of the areas hit by natural disasters have also been affected by armed conflict or instability, with the national military both a belligerent in the conflict and the primary responder to disaster. This dual role has made coordination between aid agencies and the military in these contexts particularly complicated.

The Pakistan military's role both as first responder in disasters and as a belligerent in conflict (and a key political player with ubiquitous influence across government) poses conceptual and operational challenges to civil–military coordination. The international humanitarian community's premise that visible interaction with military forces must only be as a 'last resort', for example in the use of military assets or armed escorts, has been tested repeatedly, and international humanitarian actors have often struggled to define what an appropriate level of engagement with the national military might be. A further complicating factor in both the 2005 Kashmir earthquake response and the 2010 floods was the deployment of foreign military assets, including from states that are belligerents in the conflict in neighbouring Afghanistan. Humanitarian actors have also found it difficult to take a consistent line on how to engage with foreign military actors. In 2010, the Humanitarian Country Team developed civil–military coordination guidelines in an attempt to ensure a clear and consistent position with national and foreign militaries. The development of these guidelines has highlighted differences in definitions and perspectives within the spectrum of actors involved, and adherence to the guidelines has been inconsistent.

This paper analyses how civil–military mechanisms have evolved over time, the contextual factors that have influenced this engagement and the legacy this engagement has left for future interactions in this

disaster-prone region. Following this introduction, Section 2 examines the special role played by the military in Pakistan's national life. This discussion sets the scene for Section 3, which examines how experiences from the 2005 earthquake response and 2008/09 IDP crisis demonstrated the need for structured guidance and prompted the subsequent development of Humanitarian Country Team guidelines. Section 4 explores the impact of the guidelines on civil–military interaction in Pakistan, while in Section 5 the opportunities for principled and effective civil–military coordination in Pakistan are discussed.

## 1.1 Methodology

This case study is based on desk research and in-depth key informant interviews and consultations. A preliminary review of literature on civil–military interaction and humanitarian response in Pakistan was undertaken. Key informants for interviews included donors and UN and international and local NGO representatives and a limited number of government officials at national and provincial levels. An independent consultant involved in civil–military interaction was also interviewed. Visa issues prevented travel to Pakistan for fieldwork, which limited engagement with military officials in particular. The report therefore reflects primarily the perspective of humanitarian organisations.

Interviewees were selected on the basis that they had been involved in civil–military coordination, either representing their organisation or as part of forums which had civil–military coordination as one of their functions. Many had been through all three major response episodes (the earthquake, the security operations and the floods), and all had been part of at least two major disaster responses. The interviews were conducted on a non-attributable basis, mostly via Skype with some through telephone conversations. In addition, the research draws on interviews from YouTube videos and presentations in conferences and seminars by these actors.

Given the sampling methodology and the limitation identified above, the case study does not seek to make

conclusive statements. Rather, it is a compilation of competing perspectives on a fraught subject. Efforts have been made to organise and represent all viewpoints, while analysing them with reference to international guidelines. Data collection was based on a semi-structured set of questions. Although the full set of questions was shared with key informants, interviews often focused on a few salient issues that informants felt strongly about. Issues and themes arising in early interviews were probed in subsequent conversations. Given the sensitivity of the subject, and to encourage frank and open communication, all interviewees were assured that their identities would not be disclosed and that quotes would not be attributed to any particular organisation or individual. When analysing the interviews, more weight was given to those who had played an active role in civil–military interaction, and those who had played a coordination role on behalf of their organisation.

The following research questions guided the interviews:

1. What developments prepared the ground for civil–military interaction? For example, what doctrines, guidelines, codes of conduct and training preceded the first humanitarian–military interactions?
2. What coordination mechanisms were developed in the field or at national/HQ level, and how were they implemented?
3. What were the challenges to cohesion amongst humanitarian actors on civil–military issues? What were the challenges, if any, to cohesion in the attitude of military actors to civil military issues?
4. What were the staff capacities and resources at the disposal of different actors for civil–military coordination, and how did this affect interaction?
5. What were the attitudes that each actor brought to addressing the phenomenon of mass displacement?

A critical limitation was the inability to meet recipients of humanitarian aid. As a result, it was not possible to assess from their perspective the benefits of civil–military coordination. Since many reservations about interacting with military forces hinge on perceptions of neutrality, impartiality and independence, and many of the arguments for interaction are premised on the

humanitarian imperative to save lives, it would have been very valuable to ask local communities how they saw, experienced and perceived the outcomes of civil–military interaction. This remains a gap in the overall literature on the subject, and is recommended as a priority for future studies.

## 1.2 Terminology and definitions

*Armed non-state actors (ANSAs)*: ‘Over the last several decades, non-state armed groups have become a common feature of civil conflicts and internal wars. These Armed Non-State Actors (ANSAs) go by many names, including liberation movements, rebel groups, paramilitaries, insurgents and warlords, mercenaries and private military and security companies’ (Glaser, 2005: 1).

*Civil–Military Coordination (CMCoord)*: ‘CMCoord refers specifically to the interaction between humanitarian organisations and military actors for humanitarian purposes, whereas the broader term “civil–military relations” generally refers to the interaction between the military and a wider range of civilian actors, including civil society, government authorities, rule of law, security sector reform, human rights and development actors, and can be undertaken for a range of objectives’ (Metcalf, Haysom and Gordon, 2012: 2). The Inter-Agency Standing Committee (IASC) and the UN Office for the Coordination of Humanitarian Affairs (OCHA) define humanitarian civil–military coordination as:

*the essential dialogue and interaction between civilian and military actors in humanitarian emergencies that is necessary to protect and promote humanitarian principles, avoid competition, minimize inconsistency, and when appropriate pursue common goals* (OCHA, 2008).

*Civil–Military Cooperation (CIMIC)*: ‘CIMIC is a military term, for which there are varying interpretations, but essentially it refers to the engagement of military actors with civilians for military purposes’ (Metcalf, Haysom and Gordon, 2012: 2).



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# 2 The Pakistan military

## 2.1 Historical context

Since independence in 1947, Pakistan has experienced 30 years of military rule (1958 to 1971, 1977 to 1988 and 1999 to 2008); even when not in government the military has constantly sought to centralise and consolidate political power, and the military (notably military intelligence, the Inter-Services Intelligence (ISI)) exerts significant overt and covert control over the civilian authorities in both domestic and foreign affairs. Given Pakistan's volatile relationship with India, centred on the decades-long conflict for control of Kashmir, Pakistan has always been a 'security state', and the national military has historically been a key player in the geopolitical arena. However, information on Pakistan's armed forces is very limited, and interaction with Western civilian and military institutions is heavily controlled. The climate of secrecy within the Pakistan military and its associated security services directly and indirectly affects civil-military coordination and presents humanitarian actors with a highly complicated operational environment.

## 2.2 The role of the military in Pakistani society

Pakistan's military has multiple roles: preparing for and responding to natural disasters, contributing military personnel to UN missions,<sup>1</sup> under special circumstances maintaining law and order and defending Pakistan's borders and conducting security operations, counter-insurgency or counter-terrorism operations. Pakistan's volatile relationship with India has ensured that the military has been well-resourced. The armed forces consist of the Army (550,000), Navy (22,000) and Air Force (70,000), totalling 642,000 military personnel in active service. Paramilitary forces number 304,000, and there is a reserve force complement of 500,000.

The Army is structured using the traditional British two-tier hierarchy of officers and enlisted ranks, a legacy of colonial rule. Officer ranks follow British military naming conventions, the lowest being Second Lieutenant and the highest Field Marshal. In addition, there are three ranks of Junior Commissioned Officer: Naib Subedar, Subedar and Subedar-Major. Non-Commissioned Officer (NCO) ranks range from Soldier at the lowest echelon to Battalion Havildar Major at the highest. Officers are predominantly drawn from Pakistan's middle classes; indeed, employment as an officer is the predominant profession of the middle and, increasingly, lower-middle classes. Selection is highly competitive, but once recruited members of the military and their families enjoy extensive support, including medical care at well-equipped facilities and a patronage network. According to Lieven (2011), the military forms a separate 'giant kinship group' that 'sees itself as a breed apart, and devotes great effort to inculcating in new recruits the feeling that they belong to a military family different from (and vastly superior to) Pakistani civilian society'. Regionally, the north-west Punjab and KP and Punjabi and Pashtun/Pathan ethnicities respectively have provided the majority of military recruits, particularly for the Army (Lieven, 2011). Moves are being made to make the military a more national institution; recruitment initiatives have focused on Sindhi, Mohajir and Baloch in an effort to increase their numbers in the forces, and new cantonments have been built in Sindh and Balochistan. What effect this is having on the ethnic make-up of the forces is impossible to say as statistics are not made available.

Preparing for disaster response has long been part of military training. When called on to support civil authorities, military assistance has predominantly been channelled into less secure areas, with civilian actors responding in the more accessible locations. The military provides relief and rescue, logistical support, engineering expertise, emergency health provision and basic reconstruction of infrastructure. The armed forces also have a disaster preparedness role, for example by coordinating with the civil authorities in maintaining water channels, in joint inspections of flood defences and participation in pre-monsoon coordination

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<sup>1</sup> Pakistan has a long history of contributing troops and police to UN peacekeeping operations and has consistently been in the top three of contributor nations.

meetings. In relation to complex emergencies, the Army feels that it has a legitimate interest not only in responding to terrorism but also in rebuilding after security operations. Given Pakistan's longstanding commitment and experience as one of the principal contributors of troops and police to UN peacekeeping operations, it is conceivable that the security services consider themselves to be the best organisation to address both disaster and conflict. The experience and expertise the Pakistan military brings is recognised by the humanitarian community, and the Army is considered to be a significant player, with the ability to provide personnel, logistics and key skills in response to disasters. A cross-section of respondents were either comfortable with the military role in disaster response, or felt that the armed forces were obliged to act due to the high level of state funds and government resources they received.

The Army's counter-insurgency operations against Taliban militants began in the Federally Administered Tribal Areas (FATA) in 2001, and continue today at various points along the Afghan–Pakistan border (the Durand Line). Pakistan's counter-insurgency strategy has been described as 'engage, destroy, and negotiate', the inverse of the 'clear, hold, build' strategies of the International Security Assistance Force (ISAF)/NATO military forces in Afghanistan (Zaidi, 2010). Local populations are evacuated before overwhelming force and heavy firepower is used to attack militants head-on; this is followed by the negotiation of a ceasefire. Collateral damage, mass internal displacement and the destruction of infrastructure have been the result. A lack of reconciliation and reconstruction initiatives following these offensives has exacerbated the conflict and generated increasingly negative opinions of military activities among local populations.

Western governments, especially the US, have been supportive of Pakistan's counter-insurgency operations. Foreign aid for disaster response operations, most notably from the US, has been used to promote stability and gain local and national support for international counter-terrorism and stabilisation objectives (see for example Gul, 2010; Wilder, 2010; Whittall, 2011). This has had an impact on the provision of humanitarian aid, with the Pakistan military controlling and in some cases blocking aid flows. As discussed in the sections that follow, the response to the 2005 earthquake was seen as a large-scale 'hearts and minds' opportunity by national and international military forces, to improve local perceptions of military forces and their respective

governments.<sup>2</sup> An essential objective from the national military perspective was to decrease local opposition to security operations in the mountainous region of South Waziristan on the Afghan–Pakistan border. For the US, the response was seen as a way to reduce vitriolic anti-American sentiment amongst local populations, which had been compounded by drone attacks against Taliban militants. With the international drawdown from Afghanistan scheduled for 2014, Pakistan is facing increasing pressure to reform its security strategy. In an attempt to stem insurgency and unrest during the transition, it is likely that Pakistan will step up counter-insurgency operations along the border, with significant implications for the humanitarian response in this highly troubled region.

## 2.3 The relationship between the military and Islam

Islam has long played an important role in the military, much as it has in the broader government and nation. It has served as a unify factor across ethnic, political and other divides. The association of Pakistan itself with Islam has also had a rallying purpose, making the Army not only a defender of the country but also of the Muslim faith. This association has been used to bolster morale and create a 'higher purpose', particularly with regard to the conflict with India: 'to defend Pakistan is to defend Islam' (Fair, 2011).

As Haqqani (2005: 3) points out, the relationship between Islam and the military has waxed and waned over time, and 'its character has changed with the twists and turns in Pakistani history'. Although Islam's role in the military traces its roots further back (arguably to the country's second military commander, General Agha Mohammad Yahya), it came to the fore with General Zia-ul-Haq's rise to power in the 1970s. Islamic training was introduced in the curriculum of the Command and Staff College and religious groups were allowed to distribute materials to officers. Secular officers were either forced to adopt Islam or retire (Gondal, 2011).

Islamic organisations have played a major role in relief efforts. In the aftermath of the 2005 earthquake,

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2 A World Bank study identified a measurable change in the public perception of donor countries based on the humanitarian support provided during the 2005 earthquake (Andrabi and Das, 2010). However, Wilder (2010) has argued that these positive perceptions were not sustained.

jihadi and Islamist groups were the first to provide assistance (Qureshi, 2006; Wilder, 2010). As Wilder (2010) observes, ‘members of jihadi groups, many of whom had been trained at camps for Kashmiri militant groups in the earthquake-affected areas of the NWFP and PaK, had the tremendous advantage

of knowing the terrain and the people, and of having close ties with and support from the Pakistan Army’ (Wilder, 2010: S417). By contrast, Pakistan’s civil administration was slow to respond, a consequence of years of budgetary neglect and military dominance (Bamforth, 2006).



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# 3 The development of the Humanitarian Country Team guidelines

Pakistan has suffered a series of catastrophic natural events in recent years, with earthquakes in 2002, 2005, 2008, 2011 and 2013 and devastating floods in 2007, 2010, 2011 and 2012. In addition, conflict and counter-insurgency operations have triggered mass displacement, notably in the Swat Valley following security operations against the Taliban in 2008–2009. Drawing on examples from the 2005 earthquake response and 2008/09 IDP crisis, this section looks at how these experiences demonstrated the need for structured guidance and prompted the subsequent development of the Humanitarian Country Team (HCT) guidelines.

## 3.1 The need for structured guidance: the 2005 earthquake and the 2008/9 displacement crisis

### 3.1.1 The earthquake response

On the morning of 8 October 2005 a devastating earthquake measuring 7.6 on the Richter scale struck Pakistan, its epicentre located near Muzaffarabad in Azad Jammu and Kashmir (AJ&K). The earthquake flattened towns and villages along its fault line, affecting both AJ&K and NWFP and killing over 73,000 people. A series of aftershocks followed, causing landslides that compounded the effects of the disaster. The devastation left in the earthquake's wake was acute; for example, the town of Balakot in NWFP was destroyed, with only 15% of its 40,000 inhabitants surviving. Hospitals, communication infrastructure and homes were decimated. Over 3.5 million people throughout the region were affected, many of them located in hard-to-reach mountainous areas with poor infrastructure and road access. With winter approaching it was imperative that disaster response was provided quickly (Khan, 2006).

### Box 1: The Federal Relief Commission and the Earthquake Rehabilitation and Reconstruction Authority

The lack of an overarching framework governing the plethora of actors offering assistance led the Pakistan government to create the Federal Relief Commission (FRC), with funding assistance from the UN Development Programme (UNDP), and the Earthquake Rehabilitation and Reconstruction Authority (ERRA) (Cochrane, 2008). The FRC had both national military and civilian components, with the military side focusing on initial search, rescue and relief efforts, and the civilian side looking after 'inter-department and inter-agency issues' (Khan, 2006: 2). The ERRA became more active in the later stages of the response, through 'consequence management', recovery, rehabilitation and reconstruction (*ibid.*: 3). Neither the FRC nor the ERRA was established with the sanction of the Pakistan parliament, and each was led by an Army general.

In the aftermath of the earthquake, the Pakistan Army, as has been the case in the majority of natural disasters, stepped in and took control of the initial relief response. It became the backbone of the relief effort, along with international military logistic support to reach isolated areas using military aircraft. International humanitarian agencies were faced with conflicts of interest and dilemmas relating to humanitarian obligations, either through direct association with the Army or indirectly through the military-dominated Earthquake Reconstruction and Rehabilitation Authority (ERRA). To be awarded reconstruction contracts it was necessary to engage with the ERRA, and the national military was heavily involved in reconstruction work. As a result, local authorities were weakened and their legitimacy

was undermined (Bamforth, 2006). The majority of humanitarian actors accepted that, in order to gain access to vulnerable populations, interaction and pragmatic cooperation with the military was unavoidable, and the politics of the Pakistan military and its involvement in counter-insurgency and counter-terrorism activities was set aside.

The earthquake response and subsequent coordination process facilitated collaboration between the international humanitarian community and the military-dominated national government. This resulted in 'one of the rare cases where national and international coordination set-ups for emergency response coincided' (Péchéayre, 2011: 5). In 2007, alongside seven other countries, Pakistan volunteered to pioneer the 'One UN' initiative. The initiative's objective was to streamline processes by designating one lead coordinating agency, one operational support system and one budget framework (IASC, 2007). However, floods in 2007 hit the country when the main stakeholders were in the process of implementing the 'One UN' initiative, and an underfunded and understaffed UN meant that extra reliance was placed on the national military. This, coupled with the development of a close working relationship with the Pakistan government during the emergency phase of the earthquake response, compromised the UN's ability to advocate for humanitarian standards and undermined the trust and support of many aid agencies. Thus, while there were 'strong programmatic arguments for government involvement in the clusters, to avoid duplication and facilitate impact, there was little discussion of the implications of the Pakistani military's heavy involvement in coordination mechanisms'. In turn, this made it 'difficult for humanitarians to address some of the more obvious drawbacks in not adhering to the principles of humanitarian action' (HPG, 2009: 4).

Meanwhile, many religious groups were not part of these discussions or coordination mechanisms. Wilder points out that '[t]he failure actively to encourage Islamist organisations to participate in UN-led coordination meetings, and at times the active discouragement of their participation, was perceived [by some] as an important shortcoming of coordination efforts' (Wilder, 2010: S419). Except in cases where there were contractual obligations stemming from funding relationships, none of these bodies had any enforcement mechanisms, and

the wide spectrum of views on a variety of issues, including civil–military interaction, made it difficult to arrive at and enforce cohesive policies.

### 3.1.2 The 2008/9 IDP crisis

The Pakistan Army has carried out offensives against the Pakistani Taliban, predominantly in FATA, since 2001. Operations escalated in 2007, and between mid-2008 and 2009 the Army led a series of major offensives against Taliban militants in both the NWFP and FATA. In 2008 these offensives triggered the displacement of 500,000 people. In April and May 2009 the Pakistan Army attacked Taliban militants occupying the town of Mingora in the Swat valley, displacing a further three million people at very short notice. Although slow to react, a national and international humanitarian response was instigated at a number of points during the Army offensives. Relatives sheltered the majority of IDPs, and many others settled in camps set up across NWFP. While the worst of the fighting had subsided by July 2009, allowing some IDPs to return home, an estimated one million were still displaced in 2013.<sup>3</sup>

A number of coordination problems arose during the IDP crisis. Issues ranged from national military control of access to affected populations, determining the phases of the disaster response based on military priorities, influencing needs assessment processes,<sup>4</sup> engineering the return of IDPs, for example by cutting electricity and water supplies, and military discrimination against those considered to be supportive of militant factions (Péchéayre, 2011). There have also been allegations of exclusion; one example cited concerned access to cash grants, an entitlement under the government's flood response scheme: 'although the government pledged to give each displaced family a cash grant of approximately \$300, many have been excluded [by the national military], reportedly for reasons of financial, cultural and political expediency' (HPG, 2009). Shah (2011: 17) noted that, during the security operations in 2008/09, 'the military [acquired] land for cantonments under compulsory land acquisition laws. The price offered to the owners [was] much lower than the market rate, but owners have no option but to accede. Compensation payments are inadequate to meet losses'.

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3 See '2014 UNHCR Country Operations Profile – Pakistan', <http://www.unhcr.org/pages/49e487016.html>.

4 HPG interview with senior humanitarian worker.

## 3.2 The guideline development process

The 2005 earthquake and the 2008–2009 IDP crises demonstrated the need for clarity in civil–military coordination, both in terms of leadership and written guidelines. In 2009–10, before the onset of the 2010 floods, the Humanitarian Country Team led by the UN Office for the Coordination of Humanitarian Affairs (OCHA) developed a series of guidelines in an attempt to provide this clarity.<sup>5</sup>

While the humanitarian community recognises the need for some form of interaction with national and international military forces and the important role played by Pakistan’s military in disaster response, the 2005 earthquake and the 2008–2009 IDP crisis highlighted a significant lack of discussion around the implications of extensive national military involvement in relief response. The conflated and interwoven roles of the national military – as belligerent, first responder, leader in coordination and gatekeeper in terms of access, in addition to the strong national military influence over civilian affairs – has made it difficult for the international humanitarian community to negotiate

the tricky and complex boundaries between pragmatic and principled approaches (HPG, 2009: 4). The 2005 earthquake response showed an overwhelming propensity among many humanitarian actors (national and international) to informally adopt pragmatic approaches at the expense of the humanitarian principles of impartiality, neutrality and independence. Despite the Pakistan government’s reluctance to allow international engagement in stabilisation operations in Pakistan, this still demonstrates the pervasiveness of wider international ‘stabilisation’ agendas and associated political and military objectives. The shift towards complex emergencies and increasingly critical debate around the civil–military balance in Pakistan has forced a shift from pragmatic towards more principled approaches.

The guidelines evolved to provide clarity and unity for all actors involved in civil–military coordination, increase awareness of civil–military cooperation principles during natural disasters and complex emergencies and act as a tool for the international humanitarian community to help address challenges to principled approaches as they arose. Other influential drivers included increasing national military regulation of access to disaster-stricken areas and populations, growing concern from the humanitarian community about the slow progress of aid efforts, the need for the maintenance of professional standards and the initial willingness of the Pakistan government to engage in conversations around civil–military interaction.

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<sup>5</sup> Guidelines for a number of complex operating environments have been developed by the international humanitarian community, including Iraq, Afghanistan, Sudan, Chad, the Democratic Republic of Congo (DRC) and Haiti.





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# 4 The impact of the guidelines

The guidelines were produced in 2009/10 by an Islamabad-based Humanitarian Country Team comprising a working group of key UN agencies (including OCHA, the UN High Commissioner for Refugees (UNHCR) and the World Food Programme (WFP)) and NGOs and observed by the International Red Cross/Red Crescent Movement. The working group was chaired by the Humanitarian Coordinator and led by OCHA. As Metcalfe and Berg (2012: 4) outline, ‘The process in Pakistan was comprehensive both in terms of scope and participation ... OCHA initially conducted a survey of the key actors on civil–military issues and thematic groups addressing issues highlighted in the survey results were created to review the draft guidelines’.<sup>6</sup> Each thematic group comprised a UN representative, a national NGO representative and an international NGO representative, ‘thereby ensuring a more comprehensive and inclusive process’.

The resulting Draft Guidelines for Civil–Military Coordination in Pakistan are informed by three broader sets of civil–military guidelines. The first is the *UN Guidelines On The Use Of Military And Civil Defence Assets To Support United Nations Humanitarian Activities in Complex Emergencies*, otherwise known as the MCDA Guidelines. Developed by a consortium of international agencies in 2003, these are used predominantly in complex emergencies. The second, the Oslo Guidelines (also known as the *Guidelines for the Use of Foreign Military and Civil Defence Assets in Disaster Relief*), was developed in 1994 and updated by a collaboration of 45 UN member states and 25 international organisations in 2006 (and revised in 2007); they are used in peacetime only. Finally, the Inter-Agency Standing Committee (IASC) provides a selection of policy frameworks to help coordinate civil–military interaction. The 2008 IASC volume, *Civil–Military Guidelines & Reference for Complex Emergencies*, draws together the updated MCDA guidelines in addition to *Civil–Military*

*Relationship in Complex Emergencies* (an IASC Reference Paper, June 2004) and *Use of Military or Armed Escorts for Humanitarian Convoys* (IASC Discussion Paper and Non-Binding Guidelines, September 2001).

The resulting country-specific guidelines for Pakistan were approved by the HCT on 5 March 2010. They are built around nine key objectives:

- Humanitarian actors must be able to provide assistance in accordance with the basic principles of humanity, neutrality and impartiality.
- Humanitarian assistance is extended with full respect for state sovereignty.
- Humanitarian actors must retain their ability to access vulnerable people in all crisis-affected areas.
- At all times, a clear distinction must be maintained between humanitarian and military actors.
- The independence of humanitarian action and decision-making must be preserved both at the operational and policy levels.
- Considerations of civil–military coordination must be guided by a commitment to ‘do no harm’.
- Humanitarian assistance occurs with the ownership of the civil government and disaster management organisations.
- The use of military assets, armed escorts, joint humanitarian–military interventions and any other actions involving visible interaction with the military must be the option of last resort, where there are no comparable civilian alternative to meet a critical humanitarian need.
- Respect must be maintained for the culture, structures and customs of the communities where humanitarian activities are carried out (Draft Guidelines, 2010: 4).

The guidelines differentiate between ‘coexistence’ during complex emergencies and ‘cooperation’ in times of peace, as the degree of interaction and the ramifications for the safety of local populations and humanitarian agencies and secure access will differ depending on the level of conflict and armed violence. To assist the humanitarian community in negotiating the use of national and international military assets

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6 These included groups on information-sharing and liaison, humanitarian access, use of military assets, distinction between military and humanitarian interventions, joint civil–military interventions, mine action, training and awareness-raising, civil–military coordination in early recovery responses and civil–military coordination in disasters (Metcalfe, 2012).

(for example helicopters and boats) and safeguard the concept of ‘last resort’, the guidelines outline a series of checks. As Bennett (2011: 12) summarises:

1. Use of the asset is based solely on humanitarian criteria.
2. It is a last resort, when a highly vulnerable population cannot be assisted or reached by any other means and there is no appropriate civilian alternative.
3. The urgency of the task at hand demands immediate action.
4. Use of the asset is clearly limited in time and scale.
5. Use of the asset is approved by the HCT.

To facilitate civil–military coordination the guidelines recommend the establishment of four forums: a Civil–Military Coordination Steering Committee; Provincial Civil–Military Coordination Working Groups; Field Liaison Arrangements; and a Humanitarian Working Group on Civil–Military Coordination. The Pakistan guidelines give more detail than comparable country guidelines on the relationships between government, military and humanitarian actors, while also providing guidance for the military in relation to information-sharing (Metcalf and Berg, 2012).

Expectations varied between participants on what the guidelines could achieve. Although not mutually exclusive, some (many local and INGOs, and WFP and the International Organisation for Migration (IOM) among the UN agencies) saw them as a way of engaging on access issues; others (including OCHA and some of the more outspoken INGOs such as Oxfam, ActionAid and the International Rescue Committee (IRC)) saw them as a mechanism to expand humanitarian space and safeguard humanitarian principles by defining roles and boundaries; and actors such as OCHA, Oxfam and the IRC were keen to establish a basis to engage with foreign militaries and governments that were considered to be subsuming humanitarian aims beneath larger political and military objectives. As Bennett (2011: 12) has pointed out, while the HCT guidelines aimed to establish a unified position to guide operational practice, the experience also ‘revealed a selective regard for agreed principles among certain stakeholders (both within and outside of the humanitarian community), and has raised questions about humanitarian agencies’ actual understanding of basic civil–military principles’.

On the government’s part, several informants (the former head of the NDMA General Nadeem Ahmed; the head of the PDMA in Punjab; and a civil–military expert who provides consultancy services to governments, the UN and INGOs based in Pakistan) said that it was never the intention of the government to endorse the guidelines. Government officials interviewed were of the opinion that the guidelines were unlikely to be endorsed. As one senior government official put it:

*Yes, I am aware of the guidelines OCHA put together. That does not affect us but it is, as I understand, to govern the relationship between the military and the international actors. We go by our national laws and regulations and periodic circulars on dealing with the military. Civil–military coordination for us therefore means a different thing to that which the guidelines are concerned with. The UN has used it to ensure that the meetings are not held in military camps. The Government mechanism does not take the guidelines on civil–military interactions as a formal document. It is unlikely that it will be endorsed by the Government of Pakistan and communicated to us in the form of a circular.*

However, there was an expectation from the international humanitarian community that they would be agreed jointly, or at least be a formally recognised instrument with the backing of the Pakistan government. Metcalf and Berg (2012: 4) note that the process of developing the guidelines ‘faced serious challenges. Gaining agreement on the need for such guidance and then building consensus on its content was problematic, requiring difficult and protracted negotiations’. A more detailed and clearer definition of the need for the guidelines may have helped in developing consensus. While using the global template ensured that the guidelines were consistent with the basic principles of civil–military interaction, a well-defined scope of work for their development could have encouraged more open engagement with a broader group of actors. As it was, developing consensus was hindered by the limited engagement of national government bodies and the military in the process, although a draft was shared with both the NDMA and the military to inform them of developments.

Although the topics covered by the working groups were comprehensive, participation was limited to

a core group of INGOs. Despite the process being open, it was apparent that some INGOs did not participate. In addition, a lack of involvement of local organisations (NGOs) as well as some of the larger national organisations was a significant drawback. These actors felt that they were outside of the guideline development process: ‘They were not involved and they did not care. They think it is for regulating INGOs’ interaction with military on their security, NOC [No Objection Certificate]<sup>7</sup> and access’.<sup>8</sup> However, those interviewees who had been involved, either as part of a working group or the HCT, indicated that awareness was raised to the importance of humanitarian principles among international humanitarian actors. It is unclear whether a more inclusive approach, with appropriate representation from the national

government, military and international and local NGOs during the developmental stage, would have increased overall buy-in.

The fact that neither the government nor the military endorsed the HCT guidelines affected their contribution to overall interaction in the response to the devastating floods in 2010. Flooding began in Balochistan in late July, followed in August by flooding in KPK, parts of FATA, Punjab and then finally Sindh. By September Manchar Lake in Sindh had overflowed and floodwater was being pushed further into the province. In total, an area equivalent to one-fifth of the country was under water. The floods displaced over 20m people, one-tenth of Pakistan’s population. Key infrastructure was either

## Box 2: NDMA policies and frameworks

The NDMA has produced a range of documents to outline policies, frameworks, guidelines and ‘lessons learned’ in Pakistan’s response to disaster. The most influential are the *National Disaster Response Plan (NDRP)* (March 2010), *Pakistan Flood 2010 – Learning from Experience* (September 2011), *Disaster Risk Management Needs Report* (2012) and the Disaster Risk Reduction (DRR) policy (forthcoming). The NDMA’s *Pakistan Flood 2010* document lists four recommendations in relation to ‘Civil–Military Cooperation and Complementarity’ (2011: 95):

1. NDMA, in conjunction with relevant partners (such as UN OCHA, international Civil–Military Centres of Excellence and others), should regularly conduct civil–military/multi-agency training courses for military, humanitarian, police, and relevant Government agencies. This should also include training on SPHERE standards for humanitarian response, which some stakeholders felt were compromised at some stages of the response.
2. A guide to roles and responsibilities, including SOPs [standard operating procedures], should be prepared by NDMA as a ‘road-map’ to inform all stakeholders of the expectations

and operational parameters operating in relief efforts.

3. Discussion on civil–military issues should be a permanent agenda item of a Stakeholder Strategic Leaders Group.
4. NDMA must enhance its role in coordinating the flow of information between civil and military responders. PDMA [Provincial Disaster Management Authorities] and DDMA [District Disaster Management Authorities] should play a similar role at provincial and district level to ensure prompt resolution of any civil–military communication issues that arise in the field. (NDMA, 2011: 97).

Issues identified ‘related to adherence to international civil–military guidelines, and the need for more specific guidelines for Pakistan to bring clarity, define the parameters of interaction, and ensure humanitarian principles are respected in disaster response’ (NDMA, 2011: 95). Given the NDMA’s acknowledgement of the need for more specific guidelines for Pakistan and its recognition of humanitarian principles, an NDMA-led guideline development process could provide a more inclusive set of guidelines with greater buy-in across the breadth of actors involved

7 All relief, humanitarian and early recovery programmes or projects require a ‘No Objection Certificate’ (NOC), issued by the government of Pakistan. The certificate represents

the culmination of a series of government checks to ensure adequate project coordination with the government.

8 HPG interview with a senior INGO staff member.

obliterated or severely damaged, with bridges and roads washed away. Thousands of people became marooned as the floodwaters rose. Over 1,900 lives were lost, 1.7m homes were damaged or destroyed, 200,000 livestock were killed and vast quantities of agricultural produce perished.

Despite the aim of establishing new coordination mechanisms, the Civil–Military Coordination Steering Committee and the Humanitarian Working Group on Civil–Military Coordination were the only coordination mechanisms formerly established in the flood response. Other civil–military coordination forums envisaged in the guidelines operated on an ad hoc basis without any regularity. Instead, government forums were used. The lack of engagement from national institutions, local organisations and some INGOs has influenced the degree to which the guidelines were used, in terms of ‘training, in operational decision-making, advocacy [and] policy development’ (Metcalf and Berg, 2012: 5). While some agencies were conversant with the global guidelines governing these situations, many others were not. The guidelines were also criticised for being inaccessible in terms of length and conceptual language (many interviewees said that they were not aware if the guidelines had been translated into local languages), suggesting the need to develop concise and accessible operational annexes. The annexes that have been produced, for example in relation to ‘last resort’, have been useful.

Frequent turnover of military and humanitarian staff and insufficient staff training on the guidelines have reinforced a lack of general awareness. One key challenge is the unrealistic expectations from humanitarian actors with respect to what civil–military coordination or the guidelines could do. For example, it was not possible or within their mandate for coordination bodies to ensure that the military provided relevant information about its assistance. Whether the guidelines will be dropped or referred to again remains to be seen, though some interviewees for this study were optimistic about the use of the guidelines in the future and an OCHA review of the guidelines in 2012–2013 found them to be relevant and recommended their continued use.

Many local organisations partner with international NGOs or the UN to implement projects. While international organisations are heavily involved at the operational level – through clusters and working groups with the scope to influence policy

– government restrictions mean that tactical implementation is primarily undertaken by local organisations. Three years after the guidelines were developed, many local organisations were either unaware of their key features and principles, or believed that they were not relevant to them. This is not surprising given local organisations’ very limited exposure to the debate and their absence from the guideline development process: ‘For them this exercise has remained irrelevant, they have remained outside the process of guideline development and roll out’.<sup>9</sup> As Shah (2011: 18) has highlighted, ‘International organisations look at things in black and white in light of humanitarian principles’, highlighting that what is needed is understanding that ‘matters at the local level are most often played out in shades of grey’.

Although the great majority of local organisations interact with military forces, levels of engagement depend on the politics of each NGO. Socio-cultural and political realities mean that local organisations have some form of interaction with the military, most of which is informal, for survival, safety, access and mobility, and to get work done. During interviews some international staff observed that it was at times difficult to engage with local NGOs as they were seen to be too close to the military. Indeed, at times the military would insist on using particular local NGOs as implementing partners. Local organisations are acutely aware of the risks involved in engaging with military forces, but have little influence over Pakistan’s civil administration and military and receive less considerate treatment than their international counterparts. For local organisations, ‘Advocating and lobbying for the rights of people ... is a dangerous undertaking, and many who have tried to do so have been silenced or killed. This makes it very difficult for civil society organisations, whose main objective is to ensure that ordinary people’s voices are heard, to highlight issues involving the army’ (Shah, 2011: 18). International organisations need to develop greater understanding of the ways in which their local NGO implementing partners work, in order to assist in influencing national military forces.

The authority to allow access principally rests with the host country government and is enforced by the military. The Army’s 11th Corps based in Peshawar has been in charge of providing ‘No Objection Certificates’

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9 ODI interview with a senior humanitarian worker.

(NOCs), which are required for travel (providing a form of security clearance) and all humanitarian projects. NOCs are valid for three months, but can be extended for six and then nine months. Access is tightly controlled and restricted, and NGOs, especially INGOs, must demonstrate to the authorities that they are trustworthy, transparent and open. Respondents noted that it is easier to convince the military of an NGO/INGO's benefit when activities were limited to humanitarian assistance rather than civilian protection. The civilian authorities seem to find it difficult to make and enforce a consistent policy regarding visas and residency permits for international NGO personnel. The process is haphazard, and left largely to the discretion of consular officials abroad. Similarly, there is no discernible pattern in the renewal of Memoranda of Understanding (MoUs) for NGOs active in Pakistan, or to the granting of NOCs to their staff in certain problem areas (OCHA, 2013).

Following the 2008–09 IDP crisis, concerns surrounding accessibility increased amongst INGOs. One informant referred to the government holding up the issuing of NOCs as a way of restricting

access. Since the 2010 floods, access has gradually improved (although not for expatriate workers) in many parts of the country, except in more insecure areas. Again, it was not clear how much of this was attributable to the HCT guidelines, and how much was a direct result of the situation improving on the ground. If current obstacles to humanitarian action are deliberate, as opposed to mostly accidental, political lobbying through diplomatic pressure on Islamabad may generate the required policy changes. However, the levers for exerting this kind of influence are at present limited, and in any case civilian leadership of humanitarian responses in Pakistan is largely nominal. For contacts with external actors, the military as first responder defers to civilian authorities, which tend to act as a buffer against outside interference in the humanitarian and stabilisation spheres. Alternatively, humanitarians can opt to approach the problem at the working level, and seek to address issues through a more operational dialogue geared towards streamlining current regulations and processes. This more pragmatic approach tends to be favoured as it is politically less contentious. The question remains as to how well this is working.



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# 5 Conclusion

While global and country-specific guidelines on civil–military interaction have a strong preference for a predominantly civilian character to assistance, the ubiquitous role of the military in Pakistan means that working with the government indirectly involves working with the military as a key political player with large budgetary control and influence over the civil administration, and a constitutional obligation to respond to both complex emergencies and natural disasters. The government and military remain in control of access and the distribution of aid to vulnerable people in crisis-affected areas. This is in part due to the fragility of the civilian government and the need for local people to see both government and military responses as quick and effective.

The majority of aid workers and civilian administrators interviewed for this study indicated that relations with the Pakistan military had improved over the last two years. This improvement was attributed to increasing familiarity, humanitarian workers accepting the rules of engagement, greater clarity in approval processes (such as NOCs) and coordination mechanisms gradually becoming streamlined. Despite numerous criticisms, interviewees felt that the draft civil–military guidelines had established humanitarian principles as a cornerstone of discussions with the military. Although agencies had been raising these issues in KPK and FATA for years, clearly elaborating them in the guidelines appeared to carry more weight with the military.

The presence of guidelines is not a solution, but a means to a solution. It is imperative that the guidelines are revisited during crises, and that functional channels of communication and a working relationship exist between the critical actors (namely OCHA, government interlocutors and the military). For instance, it was mentioned that military officials ‘who were negotiating operational arrangements and taking decisions around foreign military assistance did not have civil–military guidelines as one of their concerns at that time. It became an issue only after the go ahead was given. There wasn’t the required working relationship either, which had to do with

the leadership and personnel at these institutions’.<sup>10</sup> This lack of proactive communication in relation to principles and criteria was also noted by OCHA, and it was emphasised that early communication would have helped reduce the misunderstandings and disagreements that arose during the 2010 floods (Bennett, 2011).

The timing of further guideline development is crucial. The current draft was developed at a time when relations between the military, the government and the humanitarian community were at a very low ebb. With improving relations it is possible that further guideline development could result in broader buy-in. The guidelines should form part of an overarching civil–military engagement strategy that outlines the objectives the humanitarian community hopes to achieve through civil–military interaction.

Based on their experiences, most international agencies consider interaction with the military in Pakistan a necessity. Guidelines lose their salience as they pass down the chain of practitioners to local operational actors primarily concerned with getting the job done. They must be anchored in a strategy that local organisations can relate to, and must be widely disseminated. The humanitarian community must develop a more proactive and positive set of objectives for civil–military engagement which takes into consideration the expected impact on the affected community and the different conditions in different areas of the country. Regular and structured meetings and forums at strategic, operational and tactical levels, which bring together the range of actors involved in civil–military coordination issues, are much needed. If possible, this should form part of the guidelines.

Interviews for this study also suggested tactical measures that were useful in improving civil–military coordination. These included requests for a committed regional military liaison officer who was accessible (by phone and in person) and the development of courses based on humanitarian principles. The mandate, scope

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<sup>10</sup> HPG interview with senior humanitarian worker.

of work and principled basis of interaction should be publicised at local level among all those engaging in humanitarian work, enabling local NGOs and agencies to channel concerns on a non-attributable basis to civil–military coordination fora. However, while there is a need for local NGO involvement, it is unclear how best to establish relations at the local level.

Within the constraints of their foreign policy aims, the question remains whether the key international players are really doing all they can to advance – or at least not to hold back – the application of humanitarian principles in Pakistan. A robust, concerted stance on this is unlikely from external players – regional developments and related security goals leave little scope for this at the moment. Nonetheless, within the limits in place, and under the broad label of good humanitarian donorship, a fair amount of latitude does exist for bilateral actors to help firm up the humanitarian community’s compliance with its own principles. This involves funding projects that measurably contribute to operationalising humanitarian standards, such as the IDP Vulnerability Assessment and Profiling (IVAP) project, and making explicit the essential prerequisites for financial support to programmes. By and large, this is what DFID and other European donors are attempting to do. The UNDP’s early recovery programme for KP/FATA stalled and was finally subsumed under the UN’s larger

Humanitarian Operational Plan for that region largely due to concerns among some donors over the risk that it might abet forced IDP returns. More recently, at the instigation of ECHO in Islamabad, a number of donors called on the HCT to follow its own guidelines in the course of its response to population displacement from Tirah Valley.

The UN’s lack of leadership in humanitarian advocacy in Pakistan also requires further attention. Pakistan is a priority context for the roll-out of the Transformative Agenda, which should in principle enable better overall compliance with humanitarian principles at the operational level. However, the UN’s humanitarian operations in KP/FATA continue to be largely indistinguishable from the government’s broader stabilisation agenda. In the more straightforward context of natural disasters, its independence in assessing needs remains minimal. The UN’s lack of assertiveness towards the Pakistani government is a defining trait of its humanitarian operations in Pakistan. Comparably, another trait of the local context is a near-seamless continuum between counter-insurgency, stabilisation and substantive recovery warranting legitimate UN support. It takes dedicated resources and considerable expertise to work with a host government while maintaining independence. However, that policy-level expertise and the dedication to instil it in operational decisions seem to be lacking in Pakistan.



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Cover photo: Pakistan Army soldiers unload supplies from a truck in Khyber Pakhtunkhwa as part of the response to the 2010 floods.

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