

Introduction

Doctors Without Borders/Médecins Sans Frontières (MSF) welcomes the engagement of humanitarian actors in the Defence Policy Review and the opportunity to contribute to the Government of Canada's development of a new National Defence Policy. Since its founding in 1971, MSF has been providing medical assistance to people affected by armed conflicts, natural disasters, disease epidemics, malnutrition crises and other emergencies. As an international humanitarian organization that provides impartial medical assistance to people in nearly 70 countries, MSF hereby wishes to provide its perspectives on the themes contained in the public consultation paper related to the security environment and the role of the Canadian Armed Forces (CAF) in humanitarian and disaster relief operations and in contributing to global peace and security.

The Security Environment

MSF is extremely concerned about the crossing points between state security interests and humanitarian imperatives, and the use of national security agendas and frameworks as a trigger mechanism for the deployment of armed forces in non-combat or conflict settings, where they operate outside of the realms of agreed upon international humanitarian law (IHL) and responsibilities. There is a worrying trend of the use of militaries to respond to humanitarian crises under national security or anti-terrorism agendas, including displacement/refugee emergencies and in the response to epidemics, and the erosion of humanitarian principles when this occurs. National security interests of states are being used to justify wars without limits, particularly where the enemy is defined as a "terrorist" and are using this as a means to circumvent the long-agreed upon laws of war.

In Europe and elsewhere, refugees are being treated as a threat to security, rather than as asylum seekers in need of protection and assistance. Refugee laws are flouted, and legal and physical obstacles erected to keep refugees out. Epidemics such as Ebola are framed as a threat to global health and viewed through a global health security lens, rather than a patient-centered lens, as militaries intervene in large-scale responses, while smaller outbreaks of measles, cholera, and others that do not threaten the security of richer states are left to simmer with little to no response. Regardless of the context, when the CAF are deployed, the way that operations are conducted must preserve humanitarian space, principles, and action, in line with existing international obligations.¹

Canada's National Defence Policy must clearly articulate that security, political, and military objectives cannot override Canada's existing obligations under international law, which establish minimum rights to international assistance and protection for every person when they are in danger.

Contributing to Global Peace and Security

MSF recognizes that the CAF can play a role in the response to humanitarian emergencies, for instance in the mobilization and provision of heavy equipment and in providing logistical support. However, this is not the primary purpose/role of the CAF and practical considerations (e.g. the need to establish status of forces agreements prior to deployment) preclude the CAF from becoming an efficient first responder to many humanitarian crises.

¹ For example, United Nations Security Council resolution 2286 (2016) on the protection of civilians in armed combat

More problematic has been the “blurring of the lines” when military actors become engaged in relief or development initiatives in contexts to which they are a warring party. The securitization of the aid agenda conflates political, military, and humanitarian objectives, placing humanitarian actors at risk when they cannot be distinguished from warring parties. When these objectives become intertwined and delivered by the same actors, humanitarian aid becomes subordinated to political interests in unproductive ways, too often resulting in a blending of the roles of humanitarian and military actors in the minds of beneficiaries and armed actors, resulting in diminished access for humanitarians and increased risks for civilian populations and humanitarian actors. MSF values a consistent dialogue between belligerents, including militaries, to facilitate our safety and understanding of our medical humanitarian mission at headquarters and in the field; these dialogues must, however, respect the independence of humanitarian action and the protection of the medical humanitarian space.

Canada has signalled its intention to re-engage in multilateral institutions such as the United Nations Security Council (UNSC) and in United Nations peacekeeping operations. In so doing, Canada must recognize that the protection of civilians (PoC) has been prioritized as a central component of the UNSC’s mandate. It is not possible for the CAF to champion peacekeeping operations that place at their core the protection of civilians while simultaneously engaging in military actions that, for example, interdict refugees seeking legal protections guaranteed to them through international law or in counterterrorism activities that fall outside of the boundaries of the rules of war.

As a signatory to the Geneva Conventions and the Additional Protocols, Canada has a legal obligation to respect and ensure respect of international humanitarian law (IHL). While engaged in war operations, the CAF are obliged to follow the rules of IHL, an obligation that Canada has taken seriously. It is essential that the fundamental principles that underlie IHL, including respect for human dignity and the right of patients to seek and receive medical care without interference, be applied in all CAF operations. Beyond abiding by IHL, the CAF’s defence diplomacy must include explicit efforts to raise the political stakes for states who violate the rules of war by attacking civilians or protected structures (such as hospitals). MSF expects that forces and belligerents will fully respect IHL, including principles of distinction and proportionality. In both their training and operations, the CAF must focus on the protection of the medical and humanitarian mission.

Conclusions

As Canada looks to develop a new National Defence Policy while increasing Canada’s engagement in various multilateral institutions, it is essential that this Policy explicitly recognizes and prioritizes the protection of human dignity and of the medical and humanitarian mission over other competing, yet related, agendas where the CAF may be engaged. The growing use of a security agenda in the response to humanitarian crises cannot be used as an excuse to ignore the fundamental rights of individuals to seek and obtain medical care, nor can they be used as an excuse to knowingly ignore the protected status of medical and humanitarian organizations who provide this care. As Canada seeks to continue to champion principles such as a respect for human rights and the rights of refugees seeking asylum, these must be given centrality and primacy in the formulation of a new National Defence Policy, regardless of the context in which the CAF is engaged. Canada must raise the political stakes for those who knowingly violate the rules of war, and must lead the world by example, ensuring that the country’s obligations to protect the rights of all people are placed at the center of defence policy.