NRC NORWEGIAN
REFUGEE COUNCIL

Explainer: Humanitarian Notification Systems (HNS)

This document is part of a series of explainers that aim to strengthen understanding of specific mechanisms used to advance the protection of civilians (PoC) and improve humanitarian access in situations of active conflict. They are designed primarily to inform NRC strategic decision-making and advocacy and are not intended to serve as an exhaustive operational guide.

While the explainers are informed by international legal frameworks, the way certain terms are used in practice is often distinct from how they were originally set out in international law. The explainers highlight these points of distinction where relevant, and they further recognize that these PoC and access mechanisms continue to vary and evolve from context to context. With that in mind, the explainers offer some general considerations for their use, without seeking to make a definitive judgment on when, where, and how a specific mechanism should be implemented.

What are humanitarian notifications?

Humanitarian notification systems (HNS) are a mechanism that are used to **inform parties to an armed conflict of the location of a select category of facilities and movements** that are entitled to protection under International Humanitarian Law (IHL): civilian objects that fulfill a humanitarian function, movements of humanitarian staff and supplies, and critical civilian infrastructure.[1] Notifications were in the past referred to as a "deconfliction" arrangement, but because the term "deconfliction" has military connotations, it is now generally avoided by humanitarian actors in favor of "notification."

Notification systems are not explicitly mentioned or called for in IHL, nor is there a standard operational model for their delivery. OCHA is currently working to develop common guidance based on experiences from recent notification systems in Syria, Yemen, and elsewhere. In practical terms, however, **notifications usually entail a three-step process**:

1. A humanitarian organization provides GPS coordinates and a description of the facility or movement to the UN (typically OCHA).
2. OCHA (or other coordinating UN entity) will share the information with the agreed upon focal point of the parties to the conflict.
3. The party or parties will (ideally) acknowledge receipt of the notification.

While parties to a conflict may seek to impose their own conditions on an HNS (more on this later), an HNS is not meant to be an approval system for humanitarian movements, and humanitarian actors are not required to participate in an HNS. Humanitarian personnel, relief items, and civilian objects remain entitled to protection regardless of whether they have provided a notification, and the onus remains on the party to the conflict to ensure they comply with these obligations. **The objective of any HNS is simply to enable parties to the conflict to fulfill these obligations more easily and effectively**.

---

[1] This draws on a definition used by OCHA in Yemen in 2021.

Notifications do not provide a humanitarian object or movement any additional legal protection, nor do they necessarily guarantee that the notification will be respected. Likewise, if a notified site does not maintain its civilian character (e.g. due to the presence of military personnel or infrastructure) or is in proximity to a military objective, it may become a lawful target of attack or be legally permissible collateral damage. In this context, an attack on a notified site cannot automatically be assumed to be unlawful. The specific characteristics of each incident must be investigated and adjudicated individually to determine whether a violation has occurred.

When and where might a humanitarian notification system be used?

An HNS is typically established at the request of an HCT and with the involvement of at least one party to a conflict. They are **generally used in contexts where there are significant military operations** and risks to humanitarian actors, relief items, or objects indispensable to the survival of the civilian population. Notifications can be either temporary or permanent.

Temporary notifications can include:

- Notifications of overland humanitarian movements;
- Notifications of venues used for the implementation of humanitarian activities, humanitarian premises, personnel and equipment;
- In some instances, humanitarian sea and air movements are also notified, depending on whether the HCT sees a need for this and what has been agreed with the parties to the conflict.

For temporary notifications, it is generally recommended to make the notification 24 hours in advance of a movement to ensure that the data can be included in the military and target planning of the relevant parties to the conflict.

Permanent notifications can include:

- Notifications of static humanitarian offices, warehouses, and guest houses, or objects indispensable for the survival of the civilian populations (e.g. water treatment facilities or hospitals).

Notifications, and particularly permanent notifications, are sometimes referred to as a "No Strike List." It is recommended to avoid using this term, however, as it can contribute to the misconception that premises that are not on the list are a legitimate target. It is therefore recommended to use the term "permanently notified sites" instead.

What are the drawbacks and risks?

While an HNS can be a helpful tool to help facilitate parties to meet their obligations under IHL, they also come with a number of risks.

- Where an HNS is in place, **parties to conflict may try to limit the scope of their protection obligations to only the sites on the notification list** – e.g. by arguing that if a site has not been notified, they cannot be expected to know that it is entitled to protection. This can weaken the overall protection environment and compliance with IHL more broadly.

- While an HNS can support parties to a conflict to uphold their IHL obligations, **notifications do not guarantee that a party to a conflict will refrain from attacks**. Where this risk is not understood, an HNS **can lead to a false sense of security** among humanitarian actors or the civilian population.
- In contexts where humanitarian actors have come under regular threat or attack, there is sometimes an overfocus on establishing or fixing the HNS even when parties show little commitment to respecting notifications. In such contexts, **the HNS can become a distraction when the problem is actually a more fundamental lack of compliance with IHL and accountability for violations.**
- As noted above, an HNS is not intended to be an approval mechanism – it is a mechanism for information sharing. Parties to a conflict are generally asked to acknowledge a notification but are not asked to approve the movement or facility. Parties to conflicts have, however, **instrumentalized notification systems in the past to try to treat them as approval systems** – namely, that a movement can only proceed if it has been notified through the HNS and approved. This can lead to a shrinking of humanitarian space.
- Where an HNS is treated or misinterpreted by humanitarian actors as an approval mechanism, and/or where the acknowledgement by parties takes a long time, it can lead to **self-imposed restrictions on humanitarian movements or activities**, further shrinking humanitarian space.
- Humanitarian organizations have at times requested the notification of an **extensive list of humanitarian and civilian facilities** (e.g. all schools, bakeries, food production points, or private households of staff members in a given country), based on the belief that the HNS would provide them with an additional layer of protection. This can create a number of risks:
  - o It can contribute to the misperception that humanitarian facilities or civilian objects or residences that have not been notified are legitimate targets of attack.
  - o Relatedly, it tacitly places the burden of facilitating compliance with IHL on humanitarian actors (e.g. to notify parties of all humanitarian sites and civilian facilities) rather than emphasizing the obligation of parties to the conflict to carry out their own due diligence when considering a strike.
  - o Humanitarian actors may have less ability to guarantee the civilian character of all the civilian objects on the notification list (and indeed, OCHA does not take responsibility for verifications), and if one of the notified sites is used by military actors, it can undermine trust in the entire system.
- While humanitarian actors are often proactive in making initial notifications, they are often **less proactive in removing sites from the notification list** that are no longer being used for humanitarian purposes – in part because there is often less urgency to do so, but also because of a fear that removal from the list will make the site more vulnerable to attack. Having a long and inaccurate notification list undermines the credibility of the HNS.
- There is a risk that **parties to a conflict may use the information provided through an HNS in bad faith** – at worst, to more effectively target humanitarian infrastructure and objects indispensable to the survival of the civilian population.
- In some past cases, parties to a conflict with knowledge of the locations of notified sites have **positioned key military infrastructure in the vicinity of notified sites** to decrease the likelihood of their infrastructure being targeted. This is not only a violation

of IHL and increases the risk for the specific humanitarian facility, but it also jeopardizes trust in the HNS as a whole.

What is required to establish a successful humanitarian notification system?

If humanitarian actors determine that the potential benefits of an HNS outweigh the risks and challenges, then a range of measures will need to be put in place to ensure the success of the system.

- **There must be an agreement with the party or parties to the conflict.** This should include clear language specifying that humanitarian actors' participation in the HNS is voluntary and that notifications are not a prerequisite for protection. It should then offer details on the types of sites and movements that will be notified, how notifications will be communicated and to whom, how notifications will be acknowledged, and if and how notifications will expire or be subject to renewal. The agreement should also include clear language around data protection and ensuring that the information shared is used only for the purposes of the HNS.
- **Protocols for humanitarian actors will need to be clearly communicated.** Humanitarian partners who choose to participate in the HNS will need to know the details of what has been agreed with the parties to the conflict and with whom to share notifications (normally an OCHA focal point). OCHA should also advise on how far in advance humanitarians should share notifications, based on their own processing time and considering (while not being bound to) the amount of time it generally takes for parties to conflict to acknowledge receipt.

What other considerations should be taken into account?

Given the risks associated with notification systems, there are a number of additional questions that should be considered before an HNS is established or before NRC decides to participate.

- Has an **agreement with the party or parties** to the conflict for the terms of the HNS been formalized? Is it with all relevant parties or only one? If only one, are there risks to perceptions of NRC's/humanitarian's neutrality?
- **Do the parties have a good track record** of adhering to these types of agreements or respecting commitments made during humanitarian negotiations? What is the level of chain of command?
- Have the **terms of the agreement been communicated** clearly to participating humanitarian actors? Have those actors committed to respecting the terms of the agreement?

How are HNS reflected in international law?

Humanitarian notifications are not explicitly mentioned in IHL. IHL does, however, include clear obligations to:

- Facilitate rapid and unimpeded passage of humanitarian relief for civilians in need (see CIHL Rule 55)
- Ensure the freedom of movement of authorized humanitarian relief personnel essential to the exercise of their functions (see CIHL Rule 56)

- Respect and protect civilians and civilian objects by complying with the principles of distinction, precaution, and proportionality (see CIHL Rules 1-24)

A fuller overview and analysis of IHL provisions on humanitarian access can be found from ICRC here.

In addition to IHL, UN Security Council Resolution 2286 further "calls upon States to ensure that their armed forces and security forces, within their respective competencies under domestic law, make or, where relevant, continue their efforts to **integrate practical measures for the protection of the wounded and sick and medical services into the planning and conduct of their operations.**" These "practical measures" have been interpreted by practitioners as notification mechanisms.

Do we have examples of HNS we can learn from?

HNS have been used in a range of contexts over the past decade, notably in Syria, Yemen, Afghanistan, Libya, Iraq, and Ukraine. In 2021, NRC consolidated some reflections from a few of these contexts, which NRC staff can access here. NRC's Secretary-General, Jan Egeland, also served on an Independent Senior Advisory Panel on Humanitarian Deconfliction in Syria, following a series of incidents in which facilities on the notification list or supported by the UN were destroyed or damaged as a result of military operations. Lessons from the Panel (while not public) were incorporated into the SOPs used in other countries, notably Yemen.

Recent interagency evaluations in some of these contexts have also commented on the notification systems. The 2022 Interagency Humanitarian Evaluation in Yemen, for example, noted that OCHA and the Saudi-Led Coalition established an HNS in 2015 to "ensure safe, timely and unimpeded humanitarian access." The evaluation found that despite the voluntary nature of the mechanism, failure to provide proof of notification had in many cases hampered access and movements, despite notifications not being required by IHL. The evaluation recommended that the response "eliminate notification protocols where unnecessary."

What steps should be taken if notification is being considered?

If the protection or access environment has deteriorated significantly and an HNS is either already being discussed or may soon be considered, it will be important for the NRC CO to **consult internally** and **coordinate with key actors in the humanitarian system at country level**. Where humanitarians are involved with an HNS it is almost always an interagency endeavor (agreed by the Humanitarian Country Team), and for that reason, internal and external coordination is essential.

Detailed guidance on steps that should be followed can be found in NRC's internal note on Promoting the Protection of Civilians in Situations of Conflict, and is summarized here:

- Identify who, at CO or field level, has information or expertise relevant to an HNS or to protection and access more broadly, and convene them as an informal strategy group.
  - At minimum, this should include someone from: PfV; H2R/Access; ICLA; Advocacy; and Health, Safety and Security (HSS) teams.
  - Where these positions don't exist, are vacant at CO level, or the relevant individuals are less familiar with this topic, consult relevant colleagues at regional or global level.

- With the abovementioned internal group of colleagues, carry out a light touch analysis of the protection risks civilian populations face and the access barriers, and what measures would be most effective in addressing them.
  - As part of this, assess whether broader protection and access tools have been tried and exhausted – this is essential in determining whether we have reached the point of last resort.
- Validate this analysis with the above-mentioned individuals, as well as with relevant external counterparts. This could include the Protection Cluster, OCHA, ICRC, or other peer organizations.
- Consult NRC regional and head office colleagues, including (at minimum) the global policy, access, and PfV leads. If the approach is endorsed by NRC regional and head offices, coordinate next steps with other actors (internal and external) at country level before proceeding.

In parallel with any advocacy efforts on an HNS, **NRC should always consider what we can do to strengthen protection and access through our operational and coordination work**. The abovementioned [internal guidance note](#) outlines options for addressing threats, reducing vulnerabilities, and supporting communities' coping capacities through NRC's core competency programming, access work, and coordination engagement.

Where can I find more resources?
- For examples of the protocols and tools used in one HNS, see the Yemen HNS details [here](#).
- For NRC's internal analysis of notification systems, see [here](#).
- [ICRC Q&A and lexicon on humanitarian access.](#)

Published: 12 April 2024