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Military-Humanitarian Interface: Discussion Paper

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CIVIL-MILITARY RELATIONSHIP IN COMPLEX EMERGENCIES
- DISCUSSION PAPER -

PART 1   INTRODUCTION

1.   **Initial Remarks**

Traditionally, international humanitarian law has sought to build on the distinction between the military and the non-military domains. Since the early 1990s, however, military forces have become increasingly involved in operations other than war, including provision of relief and services to the local population. At the same time, due to the changing nature of modern complex emergencies, the humanitarian community has faced increased operational challenges as well as greater risks and threats for their workers in the field, which at times have left them no other choice but to seek the support or protection from military forces on a case-by-case basis[1]. Thus, practical realities on the ground have gradually necessitated various forms of civil-military coordination for humanitarian operations.

2.   This development may lead to an erosion of the separation between the humanitarian and the military space, and may threaten to blur the fundamental distinction between these two domains. It also raises significant concerns associated with the application of humanitarian principles and policies as well as operational issues, and asks for increased communication, coordination and understanding between humanitarian agencies and military actors.

3.   The humanitarian community therefore felt it necessary to examine the broad spectrum of issues arising from civil-military relations, and to come up with an over-arching framework for guidance that extends beyond the guidelines already developed to cover either particular aspects of civil-military relations[2] or the civil-military relationship in a specific complex emergency[3].

4.   **The Goal and Purpose of this Paper**

This paper has thus been prepared, following the request of the Working Group of the Inter-Agency Standing Committee (IASC)[4], with the overall goal to enhance the understanding on civil-military relations, including its difficulties and limitations. While numerous complicated questions arise out of this relationship, what remains vital for the humanitarian community is to develop a clear awareness of the nature of this relation, as well as a common understanding on when and how (as well as how not) to get involved with the military in serving humanitarian objectives.

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[1] In the last two years alone, military support and/or protection for humanitarian operations has been provided in various complex emergencies, including Iraq, Afghanistan, Cote d'Ivoire, Eritrea, Liberia, Northern Uganda, and Sierra Leone.

[2] Existing guidelines on particular aspects of civil-military relations include: "*Guidelines on the Use of Military and Civil Defence Assets to Support United Nations Humanitarian Activities in Complex Emergencies*" of March 2003 (see *http://www.reliefweb.int/mcdls/mcdu/GuidelinesCE/March% 202003.htm*) and "*Use of Military or Armed Escorts for Humanitarian Convoys – Discussion paper and Non-Binding Guidelines*" of September 2001 (see *http://www.humanitarianinfo.org/iasc/MCmilescort.doc*).

[3] Existing guidelines on civil-military relations in a specific complex emergency include: "*General Guidance for Interaction between United Nations Personnel and Military and Civilian Representatives of the Occupying Power in Iraq*" of 8 May 2003 (see *http://www.reliefweb.int/mcdls/*) and "*General Guidance for Interaction Between United Nations Personnel and the UN-Mandated Multinational Force in Liberia*". (The latter document is still in draft form).

[4] The Inter-Agency Standing Committee Working Group (IASC-WG), at its 52nd Meeting in March 2003, requested OCHA to prepare "…a concept paper on the issue of military and humanitarian interface upon analyzing thoroughly the current state of interface."

5.   The purpose of this paper is three-fold. First, it attempts to highlight, in a generic manner, the nature and character of civil-military relations in complex emergencies. Secondly, it reviews some fundamental humanitarian principles and concepts that must be upheld when coordinating with the military. Thirdly, attention is given to practical key considerations for humanitarian workers engaged in civil-military coordination. It is hoped that the paper would serve as a general reference for humanitarian practitioners: a basic tool to which they can refer when formulating strategic operational guidelines that are tailored specifically for civil-military coordination in a particular complex emergency, such as the ones developed for Iraq and Liberia in 2003[5].

6.   The relationship elaborated in this paper concerns those between the humanitarian organizations and the officially '*structured*' military, be it armed or unarmed, national or international. Such military presence may include a wide spectrum of actors such as the local or national military, civilian representatives of armed forces, multi-national forces, UN peacekeeping troops, international military observers, foreign occupying forces, regional troops and other officially organized foreign troops. The different mandates, characteristics and nature of these military actors may necessitate the humanitarian community to relate to different groups with varying degrees of sensitivity or even with a fundamentally different approach at times. For example, interaction with foreign occupying forces[6] would have to entail some very different considerations from that required *vis-à-vis* national or local forces[7] or unarmed international military observers[8]. Any such situation-specific guideline requires sensitivity to the special circumstances of the particular operation and hence has to be developed on a case-by-case basis. The present paper, however, is an attempt to address the subject of civil-military relations at a generic level, and therefore will not distinguish between the various military elements.

7.   The relationship between humanitarian organizations and non-state armed groups, private military, security companies and mercenaries, as well as any national or international police presence, although highly relevant in today's conflict situations, are excluded from the analysis of this paper to avoid dilution of focus. Issues of general security, including operational challenges faced under increasing threats of global terrorism, are also excluded for the same reason.

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[5] For details, see footnote 3 above.
[6] For example, such as the Coalition Forces of the Occupying Powers deployed in Iraq.
[7] Such as the Government Forces in Northern Uganda that assist in the delivery of humanitarian assistance.
[8] For example, those deployed under a Chapter VI mandate authorized by the UN Security Council.

8.   **Definition of Key Terms**

In order to facilitate the understanding of the concepts elaborated herein and to avoid confusion arising out of a variety of possible definitions entailed in terminology, some key terms used in this paper are defined as follows:

Civil-Military Coordination: [9]
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. Basic strategies range from coexistence to cooperation. Coordination is a shared responsibility facilitated by liaison and common training.

Complex Emergency:
A complex emergency, as defined by the IASC, is "a humanitarian crisis in a country, region or society where there is total or considerable breakdown of authority resulting from internal or external conflict and which requires an international response that goes beyond the mandate or capacity of any single and/or ongoing UN country programme."

Civil Actor:
Civil actor refers to organized humanitarian actors, whether national or international, UN or non-UN, governmental or non-governmental.

Military Actor:
Military actor refers to the officially structured military presence, armed or unarmed, whether national or international. This may include a wide spectrum of actors such as the national or local military forces, civilian representatives of armed forces, multi-national forces, UN peacekeeping troops, military observers, occupying forces and other officially organized foreign troops.

9.   **Background**

Different Institutional Cultures of Civil and Military Actors

At the center of any civil-military relationship stands the need to bridge the fundamentally different institutional thinking and cultures between the distinct chain-of-command and clear organisational structures of the military and the diversity of the humanitarian community. It is important for military actors to understand the complex network of humanitarian assistance, which is not only comprised of international organizations and NGOs but is also largely dependent on the collaboration with national staff and local partners. Most of these local actors engaged in humanitarian work are present on the ground long before the arrival of international personnel and will continue their functions after their departure. Susceptibility towards local sensitivities and adherence to the perception of impartiality and independence are therefore pivotal assets of any humanitarian operation.

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[9] The definition of 'Civil-Military Coordination' is identical to that used in the "*Guidelines On The Use of Military and Civil Defence Assets to Support United Nations Humanitarian Activities in Complex Emergencies*".

10.   **Civil-Military Coordination, Cooperation and Co-existence**

Within the context of civil-military relations, there are a number of situations where civil-military *coordination* may become necessary. As defined above, such coordination is a shared responsibility of the humanitarian and military actors, and it may take place in various levels of intensity and form. Where cooperation between the humanitarian and military actors is not appropriate, opportune or possible, or if there are no common goals to pursue, then these actors merely operate side-by-side. Such relationship may be best described as one of *co-existence*, in which case civil-military coordination should focus on minimizing competition and conflict in order to enable the different actors to work in the same geographical area with minimum disruption to each other's activities. When there is a common goal and all parties accept to work together, *cooperation* may become possible, and coordination should focus on improving the effectiveness and efficiency of the combined efforts to serve humanitarian objectives.

11.   **Features of Civil-Military Coordination**

A clear separation of the roles of military and humanitarian actors, by distinguishing their respective spheres of competence and responsibility, is important. Such distinction is recognized by international humanitarian law and is crucial to maintaining the independence of humanitarian action. This should not be interpreted, however, as a suggestion of non-coordination. Effective conflict management often requires early coordination and possibly an eventual cooperation between humanitarian and military actors, both at HQ level and in the field. Features of civil-military coordination include information sharing, a careful division of tasks, and when feasible and appropriate, collaborative planning. The military can have practical comparative advantages to offer in the delivery of humanitarian assistance, such as rapid deployment of large numbers of personnel, equipment, logistics and supplies. However, humanitarian expertise – including beneficiary identification, needs and vulnerability assessment, impartial and neutral distribution of relief aid, and monitoring and evaluation - will remain essential to an effective and successful humanitarian operation.

PART 2   PRINCIPLES AND CONCEPTS

12.   For the planning and implementation of any form of civil-military coordination, the following key principles and concepts must be taken into account:

13.   **Humanity, Neutrality and Impartiality**
Any civil-military coordination must serve the prime humanitarian principle of *'humanity'* – *i.e.* human suffering must be addressed wherever it is found. In determining whether and to what extent humanitarian agencies should coordinate with military forces, one must be mindful of the potential consequences of too close an affiliation with the military or even the perception of such affiliation, especially as these could jeopardize the humanitarian principles of *'neutrality'* and *'impartiality'*. The concept of non-allegiance is central to the principle of *'neutrality'* in humanitarian action; likewise, the idea of non-discrimination is crucial to the principle of *'impartiality'*. However, the key humanitarian objective of providing assistance to populations in need may at times necessitate a pragmatic approach, which might include civil-military coordination. But ample consideration must be given to finding the right balance between an effective and a principled response, so that coordination with the military would not compromise humanitarian imperatives.

14.   **Humanitarian Access to Vulnerable Populations**
Humanitarian agencies must maintain their ability to obtain and sustain access to all vulnerable populations in all areas of the complex emergency in question and to negotiate such access with all parties to the conflict. Coordination with the military should be considered to the extent that it facilitates and secures, not hinders, humanitarian access.

15.   **Perception of Humanitarian Action**
The delivery of humanitarian assistance to all populations in need must be neutral and impartial – *i.e.* it must come without political or military conditions and the humanitarian staff must not take sides in disputes or political positions. This will have a bearing on the perception of the seriousness and independence of humanitarian efforts in general. Any civil-military coordination must be mindful not to jeopardize the longstanding local network and trust that humanitarian agencies have created and maintained.

16.   **Needs-Based Assistance Free of Discrimination**
Humanitarian assistance must be provided on the basis of needs of those affected by the particular complex emergency as well as the local capacity already in place to meet those needs, without outside interference with the assessment of such needs. The assistance must be given without adverse discrimination of any kind, regardless of the race, ethnicity, sex/gender, religion, social status or nationality of the recipients, in an equitable manner to all populations in need.

17.   **Civil-Military Distinction in Humanitarian Action**

At all times, a clear distinction must be maintained between combatants and non-combatants – *i.e.*, between those actively engaged in hostilities, and civilians and others who do not or no longer directly participate in the armed conflict (including the sick, wounded and prisoners of war). International humanitarian law protects non-combatants by providing immunity from attack. Thus, humanitarian workers must never present themselves or their work as part of a military operation, and military personnel must refrain from presenting themselves as civilian humanitarian workers.

18.   **Operational Independence of Humanitarian Action**

In any civil-military coordination humanitarian actors must retain the lead role and direction of humanitarian activities. The independence of humanitarian action must be reserved both at the operational and policy levels at all times. Humanitarian organisations must not implement tasks on behalf of the military nor represent or implement their policies. Basic requisites such as freedom of movement for humanitarian staff, freedom to conduct independent assessments, freedom of selection of staff, freedom to identify beneficiaries of assistance based on their needs, or free flow of communications between humanitarian agencies as well as with the media, must be guaranteed.

19.   **Security of Humanitarian Personnel**

Too close an affiliation with the military or even the perception of such an affiliation may impact negatively on the security environment for humanitarian staff as well as on the ability of humanitarian actors to access and assist vulnerable populations.

20.   **Do No Harm**

Considerations on civil-military coordination must be guided by a commitment to 'do no harm'. Humanitarian agencies must ensure that any potential civil-military coordination will not contribute to further the conflict nor harm or endanger the beneficiaries of humanitarian assistance.

21.   **Respect for International Instruments**

Both humanitarian and military actors must respect international humanitarian law as well as other international norms and regulations, including human rights instruments.

22.   **Respect for Culture and Custom**

Respect and sensitivities must be maintained for the culture, structures and customs of the communities and countries where humanitarian activities are carried out. Where possible and to the extent feasible, ways shall be found to involve the intended beneficiaries of humanitarian assistance and/or the local personnel in the design, management and implementation of assistance, including in civil-military coordination.

23.   **Consent of Parties to the Conflict**

The risk of compromising humanitarian operations by cooperating with the military might be reduced if all parties to the conflict recognize or agree in advance that humanitarian activities might necessitate civil-military coordination in certain exceptional circumstances.

24.   **Avoid Reliance on the Military**

Humanitarian agencies must avoid becoming dependent on resources or support provided by the military. These resources are often only temporarily available and when higher priority military missions emerge, this support may be recalled.

PART 3   PRACTICAL CONSIDERATIONS

25.   Hereafter the main practical considerations for humanitarian workers engaged in civil-military coordination are listed:

26.   **Establishment of Liaison Arrangements**
Liaison arrangements and clear lines of communication should be established at the earliest possible stage and at all relevant levels, between the military forces and the humanitarian community, to guarantee the timely and regular exchange of information, before and during military operations. However, these activities should be conducted with caution. Either mentioning or concealing to the public the existence of direct communication between the humanitarian and military actors could result in suspicion and/or incorrect conclusions regarding the nature of the communication. Due to its possible impact on the perception of humanitarian operations, at times, it may be reasonable not to publicize the liaison arrangements between the humanitarian community and the military.

27.   OCHA's Military and Civil Defence Unit (MCDU) conducts training programmes on UN Civil-Military Coordination and can draw on graduates of this programme to act as civil-military coordination liaison officers in complex emergencies. The Unit may also conduct pre-deployment training and workshops that are tailored to a particular content and mission.[10]

Issues arising:
  o   How should the liaison arrangements between the humanitarian community and the military be conducted: in confidence or in transparency?
  o   What would the implications be of public knowledge of such liaison arrangements on the perception of the neutrality and impartiality of humanitarian activities?
  o   How can transparency of the civil-military liaison arrangements be ensured while maintaining the understanding of a clear distinction between the military and humanitarian actors?
  o   How can incorrect conclusions be prevented regarding the nature and purpose of civil-military liaison arrangements?
  o   Which circumstances call for formal liaison arrangements? When is it better to maintain liaison on an *ad-hoc* basis?
  o   What is the appropriate size and structure of the civil-military liaison component?
  o   When, if ever, should the liaison officers of the humanitarian and military communities be co-located in the same facility?

28.   **Information Sharing**
As a matter of principle, humanitarian organizations shall not engage in the gathering and/or dissemination of information of a political, military or economically sensitive nature. Any information that may endanger human lives or compromise the impartiality and neutrality of humanitarian organizations should not be shared.
29.   However, in carrying out humanitarian assistance and in ensuring the security for humanitarian workers, information sharing with the military forces may become necessary.

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[10] Further information on MCDU can be found at *http://www.reliefweb.int/mcdls/mcdu/mcdu.html.*

Provided that such information will not conflict with the above-mentioned principle, information sharing with military forces may include:

- *Security information:* information relevant to the security situation in the area of operation;
- *Humanitarian locations*: the coordinates of humanitarian staff and facilities inside military operating theatre;
- *Humanitarian activities:* the humanitarian plans and intentions, including routes and timing of humanitarian convoys and airlifts in order to coordinate planned operations, to avoid accidental strikes on humanitarian operations or to warn of any conflicting activities;
- *Mine-action activities*: information relevant to mine-action activities;
- *Population movements*: information on major population movements.
- *Relief activities of the military*: information on relief efforts undertaken by the military;
- *Post-strike information*: information on strike locations and explosive munitions used during military campaigns to assist the prioritization and planning of humanitarian relief and mine-action/UXO activities.

Issues arising:
  o What kind of information should/could be shared, with whom and when?
  o How can information that may be important for humanitarian purposes be differentiated from information that is politically, militarily or economically sensitive?
  o How do we determine which information might serve purposes other than those which are strictly humanitarian? For example, how do we ensure that information on population movements or aid beneficiaries will not be misused for military purposes?
  o Should information that is shared with one military group be shared with all other military and/or political groups as well? How should we ensure that no side is favored over another while being mindful of sensitivities involved in information?
  o When and how should we verify information provided by the military?

30.   **Use of Military Assets for Humanitarian Operations**
The use of military assets in support of humanitarian operations should be exceptional and only on a 'last resort'. It is recognized, however, that where civilian/humanitarian capacities are not adequate or cannot be obtained in a timely manner to meet urgent humanitarian needs, military and civil defence assets, including military aircraft, may be deployed in accordance with the "*Guidelines on the Use Of Military and Civil Defence Assets to Support United Nations Humanitarian Activities in Complex Emergencies*" ("MCDA Guidelines") of March 2003.[11] In addition to the principle of 'last resort', key criteria in the MCDA Guidelines include: (1) *unique capability* – no appropriate alternative civilian resources exist; (2*) timeliness* – the urgency of the task at hand demands immediate action; (3) *clear humanitarian direction* – civilian control over the use of military assets; (4) *time-limited* – the use of military assets to support humanitarian activities is clearly limited in time and scale.

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[11] For the full text of the MCDA Guidelines, go to *http:www.reliefweb.int/mcdls/mcdu/mcdu.html.*

31.   As a matter of principle, the military and civil defence assets of belligerent forces or of units that find themselves actively engaged in combat shall not be used to support humanitarian activities[12].   While there are ongoing hostilities, it will be necessary to distinguish between operations in theatre and those outside. In theatre, the use of military assets should generally not be undertaken.   Only under extreme and exceptional circumstances would it be appropriate to consider the use, in theatre, of military assets of the parties engaged in combat operations. Specifically, this situation may occur when a highly vulnerable population cannot be assisted or accessed by any other means. Outside the theatre, military assets of the parties engaged in combat operations may be used in accordance with the above-mentioned principles and guidelines but preference should first be given to military assets of parties not engaged in combat operations.

32.   Military and civil defence assets that have been placed under the control of the humanitarian agencies and deployed on a full-time basis purely for humanitarian purposes must be visibly identified in a manner that clearly differentiates them from military assets being used for military purposes.

Issues arising:
- o   Who defines last resort and what are the exact criteria for last resort?
- o   How can we ensure the credibility and security for a humanitarian operation that uses military assets and how can we maintain the confidence of the local population for such operations?
- o   How can we ensure that humanitarian actors retain the lead role and direction of humanitarian efforts even when military assets are used?

33.   **Use of Military or Armed Escorts for Humanitarian Convoys**
The use of military or armed escorts for humanitarian convoys or operations is an extreme precautionary measure that should be taken only in exceptional circumstances and on a case-by-case basis. The decision to request or accept the use of military or armed escorts must be made by humanitarian organizations, not political or military authorities, based solely on humanitarian criteria. In case the situation on the ground calls for the use of military or armed escorts for humanitarian convoys, any such action should be guided by the principles endorsed by the IASC in September 2001.[13]

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[12] See Paragraph 25 of the MCDA Guidelines.

[13] See IASC Discussion Paper and Non-Binding Guidelines on the "*Use of Military of Armed Escorts for Humanitarian Convoys*" of September 2001. This paper was approved by the IASC and reviewed by the UN Office of Legal Affairs. It can be found at: *http://www.humanitarianinfo.org /iasc//MCmilescort.doc.*

Issues arising:
- o Who should provide the escort (UN forces, other international forces, government forces, forces of non-state actors, armed guards provided by security services companies)?
- o How can we ensure that humanitarian operations will not become dependent on military escort - to the extent that it becomes impossible to operate without them?
- o How can the capability, credibility and deterrence of an escort be determined?
- o How do we determine if the escorts themselves are a potential source of insecurity?

34.   **Joint Civil-Military Operations for Humanitarian Relief**

Any directly joint humanitarian operations between humanitarian agencies and military forces may have a negative impact on the perception of the humanitarian agencies' impartiality and neutrality and hence affect their ability to operate effectively and throughout the complex emergency. Therefore, any joint civil-military cooperation should be determined by a thorough assessment of the actual needs on the ground and a review of civilian humanitarian capacities to respond to them in a timely manner. To the extent that joint operations with the military cannot be avoided, they may be employed only as a means of last resort, and must adhere to the principles provided in the above-mentioned "MCDA Guidelines".

35.   One must be aware that the military may have different interests, schedules and priorities from the humanitarian community. Assistance rendered by military forces could be conditional and could cease when the mission of the military forces changes, the unit moves or if the assisted population becomes uncooperative. Such action by the military can also be conducted primarily based on the needs and goals of the force and its mission, rather than the needs of the local population.

Issues arising:
- o How can the impartiality and neutrality of a humanitarian action be preserved when it is carried out as a joint civil-military operation?
- o What are the implications of a joint civil-military operation regarding access to all civilians in need and the safety of humanitarian staff?
- o What happens if the military is suddenly redeployed to another mission or location, after the start of the joint operation?

36.   **Separate Military Operations for Humanitarian Purposes**

Relief operations carried out by military forces, even when the intention is purely humanitarian, may well jeopardize or seriously undermine the overall humanitarian efforts by non-military actors. The other parties to the conflict and the beneficiaries may neither be willing nor able to differentiate between assistance provided by the military and assistance provided by humanitarian agencies. This could have serious consequences for the ability to access certain areas and the safety of humanitarian staff, not to mention the long-term damage to the standing of humanitarian agencies in the region and in other crisis areas if humanitarian assistance is perceived as being selective and/or partial. Assistance provided by the military is more susceptible to political influence and the criteria used in selecting the beneficiaries and determining their needs may differ from those held by humanitarian organizations. For these reasons, military forces should be advised not to play the role of the humanitarian aid providers. If need be, diplomatic efforts should be used to explain and

reiterate to political and military authorities the concern of the humanitarian community in this regard.

Issues arising:
- o What are the means and possibilities of humanitarian agencies to discourage separate military operations for humanitarian purposes?
- o In what circumstances should exceptions be recognized? For example, if the belligerent forces were the only ones who could reach vulnerable populations and therefore alleviate extreme human suffering? Should the humanitarian community advocate for the involvement of military forces in such cases?

37. **General Conduct**

The independence and civilian nature of humanitarian assistance should be emphasized at all times. A clear distinction must be retained between the identities, functions and roles of humanitarian personnel and those of military forces – i.e., travel in clearly marked vehicles, clearly mark offices and relief supplies, etc. Weapons should not be allowed on the premises of humanitarian organizations. Humanitarian personnel should not travel in military vehicles, aircraft, etc., except as a last resort and/or for security reasons. Humanitarian workers should not wear any military-uniform-like clothing. Failure to observe this distinction could compromise the perception of neutrality and impartiality of humanitarian activities and thereby negatively affect the safety and security of humanitarian staff.

Issues arising:
- o How should differences of opinion regarding civil-military coordination be settled between humanitarian and military actors? Who decides?
- o How should public appearances (TV, radio, ceremonies, events, social functions, events sponsored by the military, etc.) be handled, in view of the sensitivity required in fostering the appropriate public images and perceptions?