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**Iraq: The Relationship between Humanitarian Agencies and Military and Civilian  
Representatives of the Coalition in Iraq (REVISED)**

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**A) Introduction:**

The purpose of this document is to address Civilian-Military relations in the context of present-day Iraq. As such it focuses on a number of areas and topics that require coordination between military and humanitarian actors, presenting possible approaches and their respective consequences. The guiding principles of humanitarian action are included for reference, however this document is not intended to be an all-inclusive policy paper on Civilian-Military relations, nor is it meant to replace existing guidelines. And while this document addresses the need for advocacy it is not meant to be an instrument of advocacy per-se. Last but not least, this document assumes that foreign military forces will remain in Iraq for the foreseeable future, and that independent of their legal status as spelled out in future Security Council Resolutions the role and status of these forces as perceived by the local population will not change.

**B) Background:**

Traditionally in complex emergencies, there has been a distinction between the military and the non-military domains. In recent history, 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 by military forces on a case-by-case basis. Thus, practical realities on the ground have gradually necessitated various forms of civil-military coordination for humanitarian operations.

This development has led 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. Furthermore this development necessitates increased communication, coordination and understanding between humanitarian agencies and military actors, and requires knowledge of each other's mandates, capacities and limitations. Nowhere is this change more evident than in the context of Iraq.

### **C) Principles:**

Any coordination between humanitarian agencies and military actors should be guided by the following principles:

- 1) Operational independence of humanitarian action: Humanitarian agencies must retain full control of their humanitarian operations. Agencies must ensure that their operational independence is guaranteed at all times, e.g. on issues involving freedom of movement, recruitment of national staff, non-integration into military planning, or access to communications. Humanitarian operations have to be separate and clearly distinguished from military led relief operations.
- 2) Access to all vulnerable populations: Humanitarian agencies must maintain their ability to obtain and sustain access to all vulnerable populations in all parts of a country and to negotiate such access with all parties to the conflict. The principle of humanity requires that suffering must be addressed wherever it is encountered.
- 3) Neutral and impartial aid distribution: Humanitarian agencies must ensure that all vulnerable populations receive aid in an equitable, neutral and impartial manner and without any political conditions attached. Humanitarian assistance must be provided on the basis of “needs only”; i.e., without outside interference with needs assessments and responses.

### **D) Interaction with the Coalition in Iraq:**

For those humanitarian organizations that interact and/or coordinate with the military and/or civilian representatives of the Coalition in Iraq it is important to emphasize the constraints and limitations they are facing in this respect. Their adherence to the key humanitarian principles mentioned above is crucial for their credibility as a humanitarian actor and of immediate practical and security relevance for their personnel on the ground, e.g., in obtaining access across combat lines, and being able to guarantee equitable aid distribution to all vulnerable populations in Iraq. The following paragraphs are intended to lay out the questions that have to be addressed by humanitarian actors while interacting with the military and civilian representatives of the Coalition. They should also provide some practical considerations that have to be taken into account for this engagement.

- 1) General considerations:
  - Strategies and procedures adopted by one humanitarian agency / organization might have implications for all the others, i.e. if one agency is perceived as cooperating closely with the military, or if one agency is seen to have armed guards this might also be assumed of all the others;
  - The military is highly hierarchical, and while advocacy is important at a policy level it might actually be counter-productive on the lower levels of coordination;
  - The higher a person is within the military hierarchy the more likely he / she will be able to make a decision. Issues like access should therefore be taken up with the respective commander on the ground and not with the soldier manning a check-point. However, it is equally important that decisions taken at the higher level filter down to low ranking levels within the military so to avoid contradictory orders.
  - Major decisions are usually made at a policy level but there is always scope for improvement on the ground as long as both sides can see a benefit;

- Complaints about the military should be addressed in a constructive manner to the person / unit concerned if one is to expect issues and concerns to be addressed;
- While it may be perceived that the military has encroached on humanitarian space the humanitarian community has to acknowledge that the military has assumed a number of responsibilities due to lack of other organizations willing or capable to do so;
- Liaison / coordination rely primarily on skills, resources and personal relationships.

2) Security of humanitarian personnel: Traditionally humanitarian organizations try to adopt a security protocol which includes each of the three elements of the security triangle; acceptance, protection and deterrence. An effective protocol must balance all three elements, with a strong acceptance strategy with supportive protection and deterrence elements. Given that humanitarian organizations in Iraq have been and will be targets for at least some of the armed elements for the foreseeable future the traditional acceptance strategy of “showing the flag” is not sufficient. On the contrary, it might even attract attacks. Therefore, many humanitarian organizations, in particular NGOs, have chosen to rely on a combination of acceptance and deterrence in the area they work and live in, while at the same time adopting a “low profile” approach paired with protective strategies when traveling between those areas (i.e. unmarked local vehicles; no armed protection; minimal, if at all, interaction with the Coalition, etc.). Obviously a “low profile” approach is only acceptable for organizations that can distance themselves sufficiently from the Coalition and their partners. Therefore organizations that are implementing partners of the Coalition or are otherwise engaged in close coordination/interaction with them will either have to accept security provided by the Coalition or by a third party or severely limit their operations. The same also applies to organizations that are prevented from adopting such a “low profile” approach due to their own mandate or security guidelines, e.g., the UN. Yet, still under such circumstances it is important to maintain a clear separation between the roles of the humanitarian and military actors, by distinguishing their respective spheres of competence and responsibility. In any event, since humanitarian work in Iraq is now largely rehabilitation and reconstruction, humanitarian agencies should carefully weight the immediate needs that they are addressing against the security risks and the political implications of cooperating too closely with the Coalition.

3) Use of Military or Armed Protection for Humanitarian Agencies: The use of military or armed protection for humanitarian agencies or specific humanitarian activities 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 military or armed protection 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 such protection it should be guided by the principles endorsed by the Inter-Agency Standing Committee (IASC) in September 2001. Options / considerations include:

- Coalition forces: Coalition forces are a party to the conflict and therefore a major target themselves;
- Iraqi forces: They are also perceived as a party to the conflict and therefore a target themselves. In addition there are problems of reliability, loyalty, training and equipment;
- International forces specifically designated for the protection of humanitarian agencies inside Iraq (i.e. blue helmets): Currently unavailable, but it is an option that should be considered for the future structure of the UN Mission;
- Private security providers: They are increasingly also becoming a target. In addition there are problems of operational control;

- Local guards: Employing local guards (possibly also from among the beneficiaries) might enhance the acceptability and security of humanitarian agencies in the local community. Attention must be given to their reliability, training and equipment.
  - Coalition and local Iraqi Forces are currently the primary targets in Iraq, therefore protection provided by these entities should only be considered where there is a limited political threat, but a considerable level of criminal threat (e.g., currently at the Iraqi-Kuwaiti border).
- 4) Liaison arrangements: For any interaction and coordination with the Coalition liaison arrangements and clear lines of communication have to be established at all relevant levels to guarantee the timely and regular exchange of information. Possible approaches include:
- As a general rule liaison to the military should be conducted through local authorities wherever possible;
  - Regular direct liaison should be conducted through coordinating bodies like the UN CmCoord or NGOs groupings (e.g. NCCI) in order to reduce the exposure of humanitarian actors;
  - Only designated persons (e.g. Focal Points) to liaise on behalf of an agency or a group of agencies on a regular basis;
  - Other interaction (e.g. security information) preferably through e-mail or phone;
  - If possible liaison meetings to be held at “neutral” venues, e.g., in local authority premises;
  - No humanitarian liaison staff to be physically permanently co-located within COALITION facilities;
  - Transparency towards national staff on why liaison is conducted and who is conducting it.
- 5) Advocacy: While it is realized that advocacy is most effective at the policy level, coordination meetings at the working level can and should be used to address a range of advocacy issues. These may include:
- The need to preserve Humanitarian Space;
  - Access to vulnerable populations;
  - The military’s responsibilities under the Geneva Conventions and existing Humanitarian and Human Rights Law;
  - The military’s use / non-use of civilian type clothes and vehicles;
- 6) Information Sharing: As a matter of principle any information gathered by humanitarian agencies in fulfillment of their mandate that might endanger human lives or compromise the impartiality and neutrality of humanitarian actors should not be shared. However, to provide protection and humanitarian assistance to populations in need, information sharing with the Coalition may at times become necessary. In particular, information that might affect the security of civilians and/or humanitarian staff must be shared with appropriate entities. Information sharing may include:
- Security information: information relevant to the security of civilians and humanitarian staff including the coordinates of humanitarian staff and facilities inside military operating theatre;
  - Identified humanitarian needs;
  - Humanitarian activities: the humanitarian plans and intentions, including routes and timing of humanitarian convoys and airlifts in order 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 movements of civilians;

- Relief activities of the Coalition: 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;
- In addition assistance may be sought from the military to facilitate the movement of personnel and humanitarian goods across borders, including customs and airport clearances.

7) Assessment of humanitarian needs: While humanitarian agencies may be able to benefit from the findings of assessments conducted by civilian or military representatives of the Coalition, too close an affiliation with their assessments may undermine the perception of the agencies' neutrality and impartiality. Therefore humanitarian agencies should not join needs assessment missions of the Coalition. Rather, they should conduct their own independent humanitarian assessments and use their own assessment and monitoring capacities. Humanitarian agencies may however evaluate and consider as appropriate findings of military assessment missions for their own planning, and they may in turn share the results of their own needs assessments with the Coalition.

8) Use of Military Assets for Humanitarian Operations: The use of military assets in support of humanitarian operations has to be exceptional and only as a last resort. However, it is recognized that where civilian capacities are not adequate or cannot be obtained in a timely manner to meet urgent and life threatening humanitarian needs, military and civil defence assets, including military aircraft, can be deployed in accordance with the guidelines on 'The Use Of Military And Civil Defence Assets To Support UN Humanitarian Activities In Complex Emergencies', issued in March 2003 ("MCDA Guidelines", for more details go to [www.reliefweb.int/mcdls/mcdu/mcdu.html](http://www.reliefweb.int/mcdls/mcdu/mcdu.html)). Possible approaches in the context of Iraq include:

- If at all, military assets and resources should only be used for indirect assistance (transportation of relief goods or personnel), or infrastructure support (funding or providing general services, such as road repair, airspace management and power generation that facilitate relief);
- The Coalition is a party to the conflict, therefore their military assets should be used inside Iraq for humanitarian operations only under extreme and exceptional circumstances, and only if civilian assets or assets of non-belligerent forces cannot be used. This situation may occur when highly vulnerable populations cannot be assisted or accessed by any other means;
- In the event that a non-belligerent state (i.e. a state that is not a member of the Coalition in Iraq) wishes to contribute military logistical means to support humanitarian operations within Iraq these means should be consigned as humanitarian assets and clearly marked as such.
- Military 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.

9) Joint Relief Operations with the Coalition: Any operations undertaken jointly by humanitarian agencies and representatives of the Coalition may have a negative impact on the perception of the humanitarian agencies' impartiality and neutrality as well as on their security. In addition one must be aware that the Coalition as a political/military actor has different objectives, interests, schedules and priorities from the humanitarian community. Their relief operations could be conditional, based on the needs and goals of the military and its mission, rather than the needs of the local population. Hence, any joint civil-military cooperation should be seen as a last resort in order to save life. To the extent that joint relief operations are the only possibility to respond to urgent humanitarian needs, they must adhere to the principles and guidelines mentioned above.

10) Separate Relief Operations of the Coalition: Relief operations carried out by civilian or military representatives of the Coalition, even when the intention is humanitarian, may jeopardize or seriously undermine the overall humanitarian efforts and the security of humanitarian agencies in Iraq. The other parties to the conflict and the beneficiaries may neither be willing nor able to differentiate between assistance provided by the Coalition 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 potential 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, politically driven and/or partial. In addition assistance provided by the Coalition is susceptible to political influence and objectives and the criteria used in selecting the beneficiaries and determining their needs may differ from those held by humanitarian organizations. Possible approaches include:

- Only extreme and exceptional circumstances require relief operations to be undertaken by the military. This might be the case when they are the only actors on the ground or the humanitarians lack the capacity and/or resources to respond to critical and life threatening needs of the civilian population.
- The Coalition should be made aware of the serious concerns of the humanitarian community regarding relief operations carried out by them. A dialogue should be established to address this unease of the humanitarian agencies, e.g., through a clear division of labour: humanitarian agencies provide humanitarian assistance and the military to provide security, infrastructure and reconstruction assistance.

11) General Conduct of Humanitarian Staff: The independence and civilian nature of humanitarian assistance has to be emphasized at all times. A clear distinction must be retained between the identities, functions and roles of humanitarian personnel and those of Coalition representatives – i.e., humanitarian agencies should not be co-located within military or civilian facilities of the Coalition, weapons should not be allowed on the premises or transportation facilities of humanitarian agencies, humanitarian personnel should not travel in military vehicles or aircraft (except as a last resort or for security reasons), humanitarian workers should not wear any military-uniform-like clothing, etc. 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.