



Statement from humanitarian NGOs, members of VOICE On civil-military cooperation in the field

(Originally drafted with reference to: “Civil-Military Cooperation Concept for EU-led Crisis Management Operations: Co-operation with Relevant External Civil Humanitarian Organisations – Generic Guidelines (Draft)”)

Current developments in the CFSP and the ESDP raise concerns for European humanitarian NGOs, especially now that EU military forces have begun missions (Bunya, FYROM). The Petersberg tasks directly associate “humanitarian and rescue tasks” with the EU military forces. On the other hand, for the last decade EU humanitarian aid has been carried out by European NGOs and international organisations supported by ECHO according to a needs-based mandate and the principles of independence, neutrality and impartiality. Many civilian humanitarian actors are now concerned about the possibility of future instrumentalisation of EU aid under the objectives of the CFSP. Another concern is related to the impact in the field of new humanitarian actors whose relief activities may be guided by other objectives than international humanitarian principles.

What is and what is not “humanitarian”

Frequent blurring of the term “humanitarian” contributes to the difficulty of drawing lines between the activities of military forces and those of humanitarian organisations. In the view of VOICE members, anyone who has a political mandate cannot be humanitarian. The terms “humanitarian action” and “humanitarian intervention”; the Petersberg imperative to perform “humanitarian and rescue tasks”, even the term “humanitarian war” as used in Kosovo do little to bring us closer to determining who should do what. For example, campaigns undertaken by military forces aimed at winning the ‘hearts and minds’ of the local population, in order to gain local acceptance of their military operation or occupation, and in line with their military objectives, is incorrectly termed “humanitarian”. But this looks very similar to aid delivery carried out where, due to security or access limitations, no civilian organisations might be able to provide help. Although the abuse of this term is widespread, appearing in the media and public consciousness as well as in political rhetoric, the CIMIC policies of military forces might benefit from setting down what is meant by the term.

Humanitarian principles and guidelines

The mandates of most civilian humanitarian organisations are informed by international humanitarian principles – the principles underlying international humanitarian law. It can also refer to sets of principles devised to guide the work of relief agencies in conflict. The Code of Conduct for The International Red Cross and Red Crescent Movement and NGOs in Disaster Relief is one example. Another example is the Humanitarian Charter of the Sphere Project, which is broader in that it contains statements of support for non-combatant immunity alongside principles concerning the manner in which aid is delivered. Most European humanitarian NGOs work by codes of conduct of this kind, and more than 260 humanitarian agencies have signed up to the Red Cross / NGO Code of Conduct.

Given certain conditions, the relief provisions in the Geneva Conventions and their Additional Protocols oblige parties to allow the delivery of relief. Legitimate relief

activities are qualified by three principles (also appearing in the Red Cross/ NGO Code of Conduct): “humanitarian, “impartial” and “without adverse distinction”. The official ICRC Commentary to the Conventions defines “humanitarian” as “being concerned with the condition of man considered solely as a human being, regardless of his value as a military, political, professional or other unit”, and “not affected by any political or military consideration” (Pictet, 1958: 96). This refers more to the motivation for humanitarian assistance than to the way it is implemented.

Concerning the definition of “impartiality” the Commentary isolates three elements:

- Non-discrimination: the absence of objective discrimination on the basis of a social “group”;
- Proportionality: that relief be provided according to need;
- No subjective distinctions on whether the recipient is innocent or guilty, good or bad, or deserving or undeserving of assistance on any basis other than need.

Neutrality is another principle often used in relation with humanitarian aid. Despite not being mentioned in the Geneva Conventions it is a fundamental principle for civilian humanitarian organisations. It includes two aspects relevant to humanitarian actions: ideological neutrality and the non-participation in hostilities, direct or indirect. This principle is especially important for civilian humanitarian agencies since it is closely related to the issues of access to populations in need and the security of aid workers.

An NGO position on the interplay of civilian and military humanitarian actors

Following from these general principles about humanitarian work, three fundamental principles on the interplay of military and civilian humanitarian actors exist as a consensus among aid organisations. First, humanitarian organisations should have primacy in humanitarian work: humanitarian work should be done by humanitarian actors who have an impartial obligation to assist all those in need. Second, civilian humanitarian agencies can never operate under the command of the military: this violates their core principle of independence. Lastly, the primary aims of military interventions should be to establish order and security, to protect civilians, and to facilitate a comprehensive settlement of the conflict.

Why the military should not deliver humanitarian aid

For VOICE members, there is an inherent contradiction in humanitarian aid carried out by the military. Humanitarian assistance is aimed at alleviating human suffering; it is given in an impartial manner without regard to race, religion, or political affiliation. Military forces, on the other hand, are an extension of political will. They are not deployed to assist all the areas of the world that face humanitarian crisis, but only to intervene in areas of political or strategic importance. Military involvement in a relief operation raises the possibility that political or military objectives could influence or determine how humanitarian needs are assessed and met. Due to the inherently political aspect of their mandate and mission, the overarching principle remains that military actors should not themselves administer humanitarian aid. For practical reasons as well – including experience and skills in aid delivery, and avoiding “mission creep” – this work should normally be left to professional humanitarian organisations.

What the military can do to support civilian humanitarian work

Access and security are the most obvious areas where humanitarian NGOs may need to call on the support of military forces. In most cases humanitarian organisations rely on non-forceful security mechanisms like acceptance and early warning mechanisms by the host or beneficiary community, and acceptance of their neutrality by combating parties. In

exceptional cases humanitarian organisations cannot themselves create the necessary conditions for carrying out their work. However, it should be noted that while access and other services provided by military forces may serve to increase the security for a humanitarian organisation's operation, military provision of access may also work against the security of the humanitarian organisation. If associations between the military and civilian humanitarian workers are established in the eyes of the local populations or warring parties, the humanitarian workers and their missions may be placed at risk. Therefore, avoiding to provide access and security for humanitarian organisations can be a valuable means of support.

Plurality and added value of NGOs

CIMIC policies of military forces could benefit from taking into account the wide variations in NGOs and also the special advantages that NGOs bring to the field. Since NGOs may vary widely in terms of size, resources, specialization, and organisational structure, military forces should, in their CIMIC policies, outline a flexible approach to these variations. This could also help to reflect the differences between NGOs, the UN, the Red Cross, or other civilian humanitarian actors which military forces may have to deal with in the field. For NGOs in particular, military forces in the field should consider their adaptability, their proximity to the local populations, their professionalism, and their adherence to codes of conduct which imply a strictly needs-based approach, as special characteristics that bring added value to humanitarian operations.

What is and what is not "CIMIC"

There is some confusion between the humanitarian/civil and the military sides as to the definition of the CIMIC concept. While from the perspective of humanitarian NGOs it was over many years the process of dialogue between the military and civilian humanitarian actors there seems to be a need for a common definition when dealing with this topic. In military circles CIMIC appears to be the military's cooperation with any civilians, including local governments, public utilities, and other authorities that could concern the military operation. As such it is considered a tool to achieve military objectives. In some contexts it seems to relate to the set of liaison structures itself. In its current state it seems that both sides would benefit from a clarification of what is understood under the EU CIMIC concept and whether it differs from other military contexts.

References:

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