

The ICRC and civil-military relations in armed conflict

by

MEINRAD STUDER

Part 1 Civil-military relations in armed conflict: theory and practice

The relationship between humanitarian and military activities, and cooperation between those engaged in them, occupy an important place in the current international debate on crisis management. Generally speaking, the developments which today enable military and humanitarian organizations to operate in concert and coordinate their respective activities in connection with an increasing number of conflicts should be welcomed.

Alongside the more frequent involvement of the military in managing crises since the end of the Cold War, there is a political trend towards widening the scope of activities for military missions. This merits careful consideration and analysis. So-called *multidimensional peace-support operations* may encompass or even focus on tasks in the civilian and humanitarian domain. Such an extension could lead to potentially problematic relations and even competition between the military and humanitarian organizations. More importantly, if the dividing line between humanitarian and military action is blurred, the very concept of humanitarian action, which is at the heart of the ICRC's mandate and activities, risks being undermined.

MEINRAD STUDER is a diplomatic adviser to and member of the ICRC's International Organizations Division.

The Independent Commission on Kosovo neatly summarized the problem when it noted in its recent report: “The central humanitarian mission of protecting civilian life and safety is precisely what is under siege in military engagement. How can humanitarian organizations develop closer and more continuous working relationships with military organizations without compromising their mission?”¹

The ICRC believes that the simultaneous presence of humanitarian organizations in situations of armed conflict or internal violence and internationally mandated peace-keeping or peace-enforcement forces requires a complementary, two-pronged approach: on the one hand, a contribution to the political resolution of the conflict that takes into account its underlying causes, and on the other, the alleviation of the civilian population's suffering due to the crisis. The fundamental principles of impartiality, neutrality and independence, upon which the ICRC's work is based, reflect this necessary distinction between political action — from which military action is derived — and humanitarian action, which should be determined solely by the needs of people affected by conflict.

Significant developments which may have major consequences for civil-military relations are currently taking place within NATO, the European Union (EU) and the United Nations. NATO is creating new civil affairs units and rewriting its doctrine on *Civil-Military Cooperation (CIMIC)*. The EU has recently established several committees to deal with the civilian and military aspects of crisis management. A European Union-led “Rapid Reaction Force” (60,000 military personnel) has been planned to be operational by 2003 for the accomplishment of the so called “Petersberg tasks”, which refer to “humanitarian and rescue tasks, peacekeeping tasks, and tasks of combat forces in crisis management, including peacemaking”, in accordance with Article 17 of the Treaty on the European Union (TEU). It remains to be specified what kinds of actions these tasks will encompass in practice.

¹ *Kosovo Report of the Independent International Commission on Kosovo*, Oxford University Press, 2000, p. 208

The United Nations, for its part, is considering how to implement recommendations by the *Brahimi Report* of August 2000, which examined in depth several aspects of peace-keeping operations.² Among other things, the report calls for a more comprehensive approach to peace-keeping, one that takes into account the humanitarian aspects of such missions.

The present article attempts to place these developments in perspective and to put forward and analyse the main options available to the ICRC at strategic and operational levels. In the light of these considerations, we shall present an outline of the ICRC's position with regard to relations and cooperation between the ICRC and international military missions.

In this article, references to involving the military in humanitarian action relate exclusively to multinational military involvement in situations associated with armed conflict. It does not deal with the military's involvement in providing humanitarian aid in natural or technological disasters, or the involvement of domestic armed forces for humanitarian purposes.

The role of the military in post-Cold War crisis management

Over the past decade, several interrelated factors have combined to encourage increased military involvement in crisis management. All these factors have resulted from the end of the Cold War:

- *Reforms in the armed forces* — The military in several countries are in the midst of transition. At a time when the risk of outside aggression has greatly diminished, the traditional emphasis on ensuring territorial defence has to some extent shifted to other functions, including *peace-support operations* — as military missions in situations of conflict are often called — and emergency aid in natural disasters. States are thus seeking ways to devote their military capabilities to new tasks. To dispatch armed forces to crisis regions and

² *Comprehensive Review of the Whole Question of Peacekeeping Operations in all their Aspects*, UN Doc. A/55/305-S/2000/809, 21 August 2000.

assign humanitarian activities to them is considered, at least in some situations, a viable and even desirable option providing them with a new and additional sense of purpose.

- *The changing nature of conflicts* — Geopolitical developments over the past ten years have triggered a new type of conflict. The end of the Cold War brought several proxy wars to a close, but it also means that weak States have become more vulnerable to internal strife and, in some cases, have disintegrated into failed States torn apart by armed combat between a host of local power centres. One of the most disturbing features of these new conflicts is that, very often, civilians are no longer “caught in the crossfire” but are deliberately targeted on account of their group identity. The high price paid by the civilian population and the destabilization of entire regions have given rise to a greater need for military intervention to restore peace and security.
- *Developing role of the United Nations Security Council* — The United Nations Security Council has taken on new importance. The Permanent Members are much more likely now than during the Cold War to reach a consensus in favour of military intervention on humanitarian grounds, or at least to abstain from using their veto. This has provided greater scope not only for peace-keeping but also for peace-enforcement. Especially since the 1991 Gulf War, the Security Council has consistently expanded the range of what it regards as a “threat to the peace, breach of the peace or act of aggression” within the meaning of Article 39 of the UN Charter. It has thus dealt with civil war and emergencies *inter alia* in Iraq, Somalia, Angola, Liberia, the Central African Republic, the former Yugoslavia and East Timor.

When considering options for crisis management, humanitarian work appears to be an area in which States can reach a consensus more easily than they can on a political or purely military intervention. Indicative of this trend is the fact that the word “humanitarian” has featured in more and more Security Council resolutions dealing with the effects of war. Often under pressure from media-driven public opinion, political bodies frequently feel that “something must be done”.

In the early 1990s the United Nations put forward the view, in particular in its *Agenda for Peace*, that it would henceforth no longer be possible to separate humanitarian issues from the wider problem of peace and security.³ It is with this consideration in mind that the UN Security Council is attempting to address matters of humanitarian concern, owing to their extent and potential repercussions.

Such views and their implications have led the United Nations to devise an *integrated approach* and have had a bearing on the trend in peace-keeping toward combined military and humanitarian action.

Development of peace-keeping

Traditionally, peace-keeping operations have obeyed the principles of consent (meaning the consent of the belligerent parties to the operation in question), and the use of force only in cases of legitimate self-defence. Such missions have included monitoring and supervising cease-fire or armistice agreements, observing border areas, acting as a buffer between belligerents, assisting in troop withdrawals, and monitoring or even running elections. Some of these operations, which have all been launched at the invitation of sovereign governments, have included tasks of a humanitarian nature, locally and as an accessory measure (Golan, Western Sahara, Gaza, Cyprus, Congo, etc.). They have not, however, resulted in a close relationship with the humanitarian organizations, which often were not operating in the same area or had only a limited presence there.

Faced with the emergence of new and particularly deadly types of conflicts between warring factions within individual States, the concept of peace-keeping operations began to change during the 1990s. Starting with the intervention in northern Iraq in 1991, and more particularly with the collapse of the government in Somalia later that year, peace-enforcement operations made their first appearance. These operations were a response to events that did not necessarily

³ *An Agenda for Peace*, Report of the Secretary-General, UN Doc. A/47/277-S/24111, 17 June 1992.

threaten international security, but warranted intervention under Chapter VII of the UN Charter (peace-enforcement) in order to solve a “humanitarian crisis”. Security Council resolution 794 (Somalia) expanded the notion of “threat to the peace, breach of the peace or act of aggression” to include intervention for the purpose of humanitarian assistance.

The drift of the operational concept towards one of *peace-enforcement* has thus coincided with the more direct involvement of the military in humanitarian work. In fact, some of the tasks assigned to peace-keepers (for example delivering relief supplies) have no longer been clearly distinct from humanitarian work. In some cases, this blurring of responsibilities has been compounded by the fact that the political objectives of the peace-keeping/peace-enforcement operations have been unclear and their mandates ill-defined.

The ICRC saw from the start the danger of humanitarian efforts becoming integrated into a political process and thereby themselves becoming politicized. The need for political efforts aimed at conflict resolution (and the requisite military support) to be clearly separated from humanitarian action, which cannot be subordinated to the political aims of peace-keeping operations, consequently had to be reaffirmed. For that reason the ICRC began, in the early nineties, to advocate the concept of an *espace humanitaire*: i.e. scope for neutral and impartial humanitarian action in the midst of conflict.

In implementing broader mandates in connection with armed conflict, UN forces have been faced with entirely new problems such as those related to methods and means of combat, the detention of prisoners and protection for the civilian population. The question of the applicability of international humanitarian law to peace-keeping forces therefore arose as a matter of concern. It has spurred the ICRC and the UN Secretariat, with the advice of former commanders of UN peace-keeping missions, to draft guidelines on this matter for UN military missions.⁴

⁴ “Observance by United Nations forces of international humanitarian law”, published in *IJRC*, No. 836, December 1999, pp. 812-817.

In the mid-1990s a number of tragic peace-keeping failures, notably in Mogadishu, Kigali and Srebrenica, dampened the enthusiasm of United Nations member States for an involvement in these kinds of peace-enforcement operations. UN peace-keeping entered a new phase marked by a general mood of reluctance and diminished political will. As a result of waning UN peace-keeping ambitions, one of the major challenges facing humanitarian organizations — particularly on the African continent — has been the tendency for humanitarian aid to feature as a substitute for political and military action in the framework of peace-keeping operations, thus risking the mixing of humanitarian and political mandates and roles. New efforts to step up regional peace-keeping (for instance under ECOMOG in Sierra Leone) have not been enough to compensate for this broad lack of enthusiasm.

While this change was taking place, NATO burst into the peace-keeping arena following the signature of the Dayton agreement in 1995. The Stabilization Force (SFOR) in Bosnia-Herzegovina, which succeeded the Implementation Force (IFOR) in December 1996, and the Kosovo Force (KFOR), are currently by far the largest “peace-support operations” (there are some 22,000 SFOR soldiers and some 40,000 KFOR soldiers). Well-staffed and resourced, and endowed with a strong mandate, these missions have the necessary ingredients to succeed. They provide an extraordinary laboratory for civil-military relations at a time when, as stated earlier, the scope and form of military involvement are key subjects of the international discussion on crisis management.

The current United Nations (UNMiBH and UNMIK) and NATO-led (SFOR, KFOR) missions in the Balkans and several of the on-going UN peace-keeping missions are sometimes referred to as “third-generation” or “peace-building” operations. They more closely resemble the original peace-keeping missions (in the sense that they enjoy the parties’ overall consent), but also add something new in that they actively contribute to the rebuilding of State and social structures. Security Council resolution 1029 (1995), for example, gave the UN Assistance Mission for Rwanda an active role in the repatriation of Hutu refugees. SFOR in Bosnia is involved to varying degrees in

supervising police forces, setting up new administrative structures, arresting war criminals, monitoring elections, rebuilding roads and bridges, clearing mines, restoring the infrastructure, etc. In Kosovo, KFOR is currently carrying out similar tasks based on its predominantly “peace-building” mandate, as is the International Force for East Timor (UNTAET).

Humanitarian work by the military

It is somehow paradoxical that in several tragic situations over the past decade, when the need for military force to restore peace was critical owing to the manner in which conflicts were developing, the military (implementing mandates assigned by their political masters) were more involved in activities of an essentially humanitarian nature. The most prominent example is the UN Protection Force in Bosnia (UNPROFOR).

In such situations of ongoing hostilities, humanitarian work carried out by the military brings with it several types of danger:

- the forces concerned risk being perceived as, or actually becoming, parties to the conflict. As soon as their mission requires them to use force, humanitarian action may be compromised. There is also a temptation to make humanitarian assistance dependent on compliance by the warring parties with political conditions set by political bodies;
- involvement in humanitarian activities may divert the military from their principal objective — there is a real danger of soldiers being used to treat the symptoms rather than the disease itself.

This is perhaps the ICRC’s main concern, in particular the risk of weakening the concept of impartial humanitarian action in the eyes of the belligerents. This concern is due less to the limits of military involvement in humanitarian action *per se* than to the “contagious” effect that it may have on civilian humanitarian activities, because any association with military missions — real or perceived — is likely to affect the way in which the population gauges the neutrality of the civilian humanitarian workers, insofar as they are — or are judged to be — no longer “innocent bystanders” but rather potential parties to the conflict. Mixing mandates risks turning humanitarian

workers into perceived enemy agents and thus jeopardizing their personal safety.

In a post-conflict situation, on the other hand, the “humanitarian” role of the military should be looked upon with fewer reservations. In situations where peace has been restored or is in the process of stabilization (Cambodia after the Paris agreements and Bosnia after Dayton), the provision of direct aid by the military poses fewer problems since there is no risk of soldiers being identified or confused with this or that party to the conflict (the parties concerned having consented to the presence of the peace-keeping force). However, it should be pointed out that, even in these situations, humanitarian action associated too closely with military action risks projecting an image which may cause problems if hostilities are renewed.

A particularly striking example was the handling of the Kosovo crisis by NATO in 1999, which left the humanitarian community pondering the dual role of armed forces simultaneously engaged in a war and in humanitarian assistance. While NATO warplanes struck targets in Yugoslavia, the same military alliance committed massive resources to sustaining refugees arriving in Macedonia and Albania. Although in that situation the use of military logistics to assist hundreds of thousands of refugees was widely welcomed, it also caused anxiety about the militarization of humanitarian aid. Moreover, it gave rise to fears that this would set a precedent for the allocation by governments of resources for relief by the military at the expense of civilian channels.

Policy debate

Two arguments relevant to the current policy debate appear to be gaining ground:

- The greatest contribution that the military can make to humanitarian action is to restore order and security, which will help create a situation conducive to humanitarian activities while at the same time dealing with the causes of the crisis. Though acknowledging that the military may well have a humanitarian role to play in one respect or another, humanitarian missions should never be the

main reason for deploying troops. Nor should they serve as a fig leaf to conceal political inaction.

- Humanitarian endeavour can have a bearing on the dynamics of a conflict. As has often been observed in recent years, while such activity can help create conditions favourable to resolving a conflict, it can also inadvertently prolong it. It is equally clear that matters of humanitarian concern arising in connection with armed conflict do not arise by themselves, and that the origin of conflicts is above all to be found in political, social, economic, ethnic or ideological problems. As even a document from the NATO Ad Hoc Group on Peacekeeping states, the “labelling of a crisis as humanitarian must not obscure the political roots of the crisis”.⁵

These arguments provide a sound basis for a policy discussion of relations between humanitarian organizations and the military.

Policy-making level — A reappraisal, in particular following the failure of UNPROFOR, has resulted in a new tone being adopted in military circles concerning their involvement in humanitarian work. Thus the revised Civil-Military Cooperation (CIMIC) doctrine being prepared by NATO declares the organization's intention to adhere to the dogma of “mission primacy”, according to which the military aspect of a mission should always take precedence over any humanitarian action. As General Briquemont has commented, “the military cannot take the place of humanitarian organizations, which have their own objectives and methods and their own know-how; it is clearly useless to try to outdo the ICRC or UNHCR.”⁶

As a result of increased contacts between military missions and humanitarian organizations, there is growing awareness in the military of the specific nature of humanitarian action. In the minds of mission planners and commanders both in the Balkans and at NATO headquarters, the view that a soldier should dedicate himself above all to his primary role appears to be regaining ground.

⁵ *Compendium of Views and Experiences on Humanitarian Aspects of Peacekeeping*, NATO Ad Hoc Group on Peacekeeping, 1999.

⁶ ICRC/UNPROFOR Seminar, 23 February 1995.

At the political level, however, there is, as stated earlier, a marked trend toward defining policies for more direct involvement of the military in civilian and humanitarian tasks.

Although the UN's "Strategic Framework" experiment in Afghanistan is still unfinished and has prompted a degree of scepticism, this concept, which is currently being applied more successfully in Kosovo and East Timor, could in time serve as a means of integrating into an overall political strategy the requirements of everyone involved — whether political, military or otherwise, with the association of the humanitarian community — at an early stage. Moreover, suggestions for reform of the UN and regional organizations are regularly put forward in order to encourage greater involvement by humanitarian organizations in the policy and conflict-resolution realms of the decision-making process.

Operational level — Even if the situation at the level of military doctrine appears to be growing clearer, problems in the relationship between the humanitarian and military organizations may still appear at the operational level. There are increasing attempts to bring humanitarian organizations and the military closer together in the field, in particular in the form of active military support for humanitarian work. The challenge for the humanitarian organizations is to create a framework in which the scope for humanitarian action can be clearly demarcated from that for military action, enabling humanitarian endeavour to benefit from the advantages of closer cooperation with the military.

In Bosnia-Herzegovina, for example, the UNHCR and SFOR have established a close coordination system whereby liaison officers and military advisers are present in UNHCR offices at regional and local levels. The reason for this is the crucial importance UNHCR attaches to its security in its activities, in particular its support for the return of refugees and displaced persons; and SFOR's explicit mandate from the international community to participate in the implementation of civilian aspects of the peace plan.

Civil-Military Cooperation (CIMIC) — CIMIC (Civil-Military Cooperation), a concept often referred to in the current debate, merits special attention. Traditionally, the military have used it

to refer to the gaining of support from the civilian population for their mission (NATO has defined this as a combat-support function). Today CIMIC is widely interpreted as an interface between the military and the civilian population, including humanitarian organizations. It nevertheless remains a very broad concept under which the various national contingents of NATO deployed in the Balkans, for example, undertake a wide variety of tasks ranging from simple liaison with the civilian population and authorities to information- and intelligence-gathering, and extending to humanitarian activities.

A degree of caution should therefore be exercised when referring to CIMIC. In whichever way the concept is interpreted, it conveys first and foremost a military function. It is thus not an appropriate term for describing the ICRC's relations with the military, or for describing the function of a delegate whose essential role is liaising with the military. The inherent danger of CIMIC is that it could induce the military to go beyond their (military) mandate and focus more on humanitarian activities than on peace and security tasks.

Areas of cooperation between humanitarian organizations and the military

There are two main reasons why the military do not wish to be entirely dissociated from humanitarian action:

- The military believe that an essential ingredient for the success of a military operation, whatever the nature thereof, is to establish and maintain good relations with the local population. Thus, while being engaged in humanitarian work is not regarded by the military as a main task, it is nevertheless considered an ancillary activity within the wider objective of "mission acceptance". Those responsible for military doctrine sometimes express this view of humanitarian action.
- A widely held opinion within the military is that, irrespective of their mandate, the local population will expect peace-keepers to help meet their needs, particularly in situations where humanitarian organizations alone cannot cope.

There is also a marked desire of some governments to promote a positive image of their military involvement in peace-keeping

operations by highlighting the humanitarian character of such missions. To quote from a recent article on civil-military relations: "The image of a soldier with a child in his arms will attract more sympathy back home than the coverage of most military actions he might undertake. It will generate support in public opinion that can considerably ease possible opposition against overseas military deployment. At a time when the media (the so-called 'CNN factor') plays a central part in shaping foreign policy, governments can be tempted to encourage the active participation of their soldiers in humanitarian operations."⁷

This political factor needs to be taken into due account in the debate on civil-military cooperation.

Different coordination levels and mechanisms

The need for coordination mechanisms is regularly stressed in discussions on the relationship between humanitarian and military action. Indeed, a lack of coordination has sometimes been responsible for serious security incidents.

In NATO's *Compendium of Views and Experiences on Humanitarian Aspects of Peacekeeping*, cooperation between civilian and military organizations is described as "the development of mutual understanding with a view to clarifying responsibilities of the actors, reducing overlap, avoiding waste of resources and realizing unity of effort".⁸

Structures for operational cooperation — The military are generally eager to set up coordination mechanisms as soon as possible for the crises in which they are involved. Less clear, however, is the role of these mechanisms and their actual usefulness once the laudable but ambiguous declarations of intent regarding duplication of labour have been made. Though there is recognition of the need for a more "holistic", i.e. all-inclusive, approach to crisis management, with better coordination at the operational level, it appears that the various entities

⁷ Joelle Jenny: "Civil-military cooperation in complex emergencies: How far can we go?" (to be published)

⁸ *Op. cit.* (note 5).

involved may hold different, indeed opposing, viewpoints as to what form that coordination should take. The military tend to assume that since they are responsible for security, they should play the lead role in coordinating operations.

Coordination as sought by the ICRC: do better, separately —

The ICRC is somewhat reluctant to closely coordinate its activities with those of the military. This reluctance to become overly involved in joint activities with them is due to the ICRC's special mandate, principles and "culture". Two arguments of an operational nature support this attitude:

- *The military may become part of the problem rather than the solution:*
This occurred, for example, in Somalia in 1992. It would, moreover, be wrong to suppose that troops operating under the United Nations (or NATO or ECOMOG, etc.) flag are necessarily more respectful of international humanitarian law than the parties to the conflict. All ICRC efforts to ensure that international humanitarian law is applied to UN peace-keeping operations must be viewed in this context. They have been successful to some extent in that directives entitled "Observance by United Nations forces of international humanitarian law" were issued by the UN Secretary-General on 6 August 1999.⁹ However, the applicability of these directives is still questioned by several member States of the UN Committee on Peace-Keeping, and the UN has so far been very cautious in using them for training purposes.
- *The military may need the ICRC as a neutral intermediary:*
This was the case in Somalia, where ICRC delegates visited persons detained by UNOSOM II and prisoners held by Aidid. More recently the ICRC stepped in to assist UN troops captured by the RUF in Sierra Leone, and is currently visiting detainees held by KFOR in Kosovo. The above argument is repeatedly put forward by the ICRC.

Intelligence work and communication — UN armed forces are under growing pressure by those who frame their mandates to exchange information with humanitarian and other civilian organiza-

⁹ *Loc. cit.* (note 4).

tions, largely as a result of the criticism levelled against UNOSOM and UNAMIR for their inability to systematically gather military and political information. To what extent should the ICRC be able to benefit from information provided by military sources? Conversely, what type of information could the ICRC give the military if so requested? The NATO Ad Hoc Group on Peacekeeping insists on the importance of transparency, failing which “the tension between political, military, humanitarian and other components of a civil-military relationship will inevitably lead to confusion and misunderstandings at times”. NATO realizes that “a crucial element in establishing a working mechanism for co-ordination between military forces and all other organisations is information sharing (...)”. However, “the reluctance of some agencies/organisations to pass information/conduct intelligence gathering could be an obstacle to this”.¹⁰

Generally speaking, the question of information-gathering is a central issue in the relationship between military and humanitarian work. As the military sometimes put it, “an officer is first and foremost an intelligence officer”. But for the ICRC, confidentiality naturally constitutes a limiting factor when it comes to providing information. This is generally well understood and accepted by the military.

Armed escorts

Should the military provide armed escorts for humanitarian agencies? The humanitarian community is divided on this question. The standpoint of the ICRC, which has been debated on several occasions in recent years — in particular in the light of its experience in Somalia — is that it should not itself use armed escorts, not even protection by UN soldiers.

The ICRC’s concern about using armed escorts is mostly one of perception: ICRC staff might be perceived as allied with some of those bearing weapons, an impression that could endanger their own safety and also — perhaps even more importantly — the safety of those whom the ICRC is supposed to help. It could also set a dangerous precedent that would run counter to the very idea of the Red Cross.

¹⁰ *Op. cit.* (note 5).

It should be recalled that in 1995 the 26th International Conference of the Red Cross and Red Crescent adopted a resolution entitled "Principles and action in international humanitarian assistance and protection" which as a general rule excludes recourse to armed protection of humanitarian operations. The guidelines, which also set out the exceptional conditions under which armed protection may be requested, are binding for all components of the Movement.¹¹ Despite a clear policy stand on armed escorts, exceptional circumstances may warrant a departure from the principle of non-use, such as in the northern Caucasus, where the ICRC has been left with no other choice than to accept armed protection provided by Russian security forces to safeguard and render possible the movement of its delegates.

Armed protection of ICRC equipment and facilities by peace-keeping troops or security personnel is a different matter. For a number of years it has been put in place in several situations in which it is considered indispensable. Such protection is intended first and foremost to protect property against banditry and petty crime. It should not jeopardize the perception that the ICRC is neutral and impartial.

Using military assets for humanitarian operations

Military equipment was widely used by the ICRC in several emergencies during the 1980s and early 1990s. At that time, it had adopted a relatively flexible position on the use of military resources, namely that there were no grounds for dogmatically ruling this out, provided that they were placed under its direct control. For example, the airlifts organized in Ethiopia in 1985 and 1988 were largely carried out by military aircraft provided by the Swedish, British, Belgian, Canadian, German, Soviet and Polish armed forces. In several emergency operations the military have also rendered invaluable services to humanitarian organizations by taking control over the use of airspace and airport runways.

With regard to the use of military assets for its own operations (apart from the services mentioned above), the ICRC has

¹¹ Text published in *IRRC*, No. 310, January-February 1996, p. 69. See in particular para. G.2.(c).

grown increasingly wary, in particular because of the simultaneous use of a different nature which could be made of them in conflict. As Rafael Olaya stated, “military assets have been simultaneously utilized for peace enforcement, peace-keeping and humanitarian activities, at some places within identical geographical perimeters. As a result the ICRC has become cautious in recent years of using military assets for its operations in such contexts. In Somalia, for example, it became virtually impossible for the ICRC to use military aircraft which had been carrying military equipment the day before or after within the framework of peace enforcement objectives.”¹²

Despite such experiences, the ICRC has not completely excluded the use of military resources, especially where the conditions in which they are offered would clearly be conducive to its work, or where comparable civilian resources are not available.

Training

Both the humanitarian organizations and the military agree that cultural incompatibility is frequently one of the main obstacles to effective cooperation, although, as Hugo Slim has pointed out, “in many ways military and humanitarian organizations find themselves as much connected as separated by their common roots in war”. He points to the perceived nobility both of dying for one’s country and of saving life. One major difference, however, is that while soldiers generally find it easy and morally acceptable to be humanitarian on occasion, the reverse (i.e. humanitarian workers taking part in military activities) is much less likely to be the case.¹³

The bringing together of two essentially different cultures is a recurrent and prominent theme at most conferences and workshops dealing with civil-military relations. As Joelle Jenny noted: “An army and a humanitarian organization work with fundamentally different rationales. While soldiers respond to clear lines of command, sets

¹² Training for Peace Workshop, Pretoria, 21 November 1995.

¹³ Quoted from Tim Laurence, “Humanitarian assistance and peacekeeping: An uneasy alliance?”, *Whitehall Papers Series*, 1999.

of rules and operational orders, aid workers are generally independent-minded and retain considerable decision making power at field level.”¹⁴

There is an emerging consensus on the need to prepare for coordination, before conflicts arise, by better training that gives the military an insight into the ways in which humanitarian workers operate and familiarizes humanitarian workers with the military approach. To know and respect each other’s mandates can help prevent misunderstandings. Training is, moreover, a means of fostering predictability. This is very important for the military, for whom the world of humanitarian action is one of perplexing diversity.

Training in advance also provides an additional opportunity to spread knowledge of international humanitarian law, and especially its particular implications for peace-keeping operations, among national troops. Knowledge of the UN Secretary-General’s guidelines on international humanitarian law should be promoted, too, by the UN and by the governments themselves.

The ICRC takes part in several of these courses, giving exposés on international humanitarian law and operational or conceptual aspects of its work. It has also been participating in some of the growing number of military exercises which deal with civil-military relations.

Conclusion

To sum up, it is possible to discern three policies between which the ICRC has oscillated in recent years:

Isolationism

For the ICRC, this consists in entrenching itself behind the Red Cross and Red Crescent Movement’s Fundamental Principles and its own mandate under international humanitarian law, and thus avoiding any contact with the military at the operational level.

This is clearly an untenable position, especially when the United Nations deploys a peace-keeping force operating in the same crisis as the ICRC. The ICRC cannot simply stand completely aloof

¹⁴ *Op. cit.* (note 7).

from what the military (and other humanitarian agencies) are doing, hoping that the warring parties and all others involved in the crisis will understand its approach and principles. Its very mandate compels it to foster relations with all those involved in an armed conflict.

Proselytism

For the ICRC, this means attempting to rally all humanitarian organizations around its own principles by making neutrality, impartiality and independence the foundation of all humanitarian action. The question is whether it is realistic, or even desirable, to seek to “win” the debate on the fundamental nature of humanitarian action.

Converting UN personnel, for example, to a strictly neutral form of humanitarian action would be a project as vain as it was presumptuous, since it would be contrary to the very nature of the United Nations. For its humanitarian agencies, being neutral would imply independence from the rest of the United Nations system, thus from their own political and institutional framework. Even if they wished to distance themselves from the political aspect of a crisis, the UN bodies responsible for humanitarian action do not have the institutional and legal means to do so. Moreover, even if such humanitarian agencies were able to set themselves apart, for instance from UN peace-keeping operations, the parties to the conflict would no doubt remind them that they belong to the same organization. In the perception of people as a whole, it is practically impossible to *separate military operations completely from activities in the name of humanitarian principles when both are carried out under the UN flag*.

It would be equally unrealistic for the ICRC to attempt to win non-governmental organizations over to its own principles and institutional culture, as they remain free to choose their own standpoint. Similarly, the question may be asked whether proselytism might not ultimately prove detrimental to the ICRC's message that humanitarian endeavour should be kept entirely separate from political motives.

Ecumenism

Ecumenism — a policy we prefer — constitutes a sort of third way, frequently followed by the ICRC as a matter of course. It more clearly acknowledges the existence of a tendency towards closer cooperation between military and humanitarian action, in particular within the UN framework, which attempts to accommodate rather than to thwart or ignore such cooperation and thus comes half way between “damage control” and “constructive engagement”. The ICRC should be tolerant of other approaches and resist the temptation to believe that its humanitarian policy alone is correct. The differences in perception pose a conceptual challenge to the ICRC, namely to determine what is the essence of humanitarian action and what is merely a pragmatic choice depending on the context.

One view prevalent among humanitarian agencies, for example, is that the sole and absolutely fundamental principle for humanitarian action is impartiality. In other words, only partiality in the choice of beneficiaries and the manner in which they are helped appears to clash fundamentally with the very idea of humanitarian action.

The ICRC should declare its willingness to cooperate with the military and other humanitarian agencies, while maintaining its own identity. It must be recognized that the idea of “pure” and neutral humanitarian work represented by the ICRC on one side, and politicized humanitarian action and perhaps also military action — which is far from humanitarian or neutral — on the other is misleading. Rather, what we find are (1) humanitarian action leaning systematically toward neutrality, (2) humanitarian action which is more or less neutral depending on the circumstances, and (3) the military, who are above all responsible for restoring peace and security and whose mission is dependent on politically motivated decisions. When it is a matter of saving lives, a pragmatic approach must be taken. It is not inconceivable that in certain situations the military may be in a better position than the ICRC to carry out certain humanitarian tasks. Their (military) role in the humanitarian domain should, however, always be subsidiary in nature. The word which should govern these complex relations is *complementarity*.

Part 2 ICRC guidelines for civil-military cooperation

The general framework

The ICRC's starting point in defining its relationship with the military are the Fundamental Principles of the Red Cross and Red Crescent as well as the relevant provisions of international humanitarian law. These provide the general framework for the nature and scope of this relationship.

The ICRC works independently of any objective of a political or military nature. Its activities include not only assistance to the victims of armed conflict and internal violence but also — fundamentally — their protection, on the basis of both humanitarian law and principles.

The following three points are important for the ICRC. They concern the respective nature of military intervention and ICRC humanitarian action as well as the relationship between the two and possibilities for cooperation:

- The objective of the ICRC's humanitarian action is not to settle conflicts but to protect human dignity and save lives. ICRC humanitarian activities cannot in any way be subordinated to political and/or military objectives and considerations.
- The primary objective of multinational military missions should, in the ICRC's view, be to establish and maintain order and security and to facilitate a comprehensive settlement of conflict.
- The ICRC must maintain its independence of decision-making and action, while consulting closely with international military missions which are deployed in the same theatre of operations. There should be consultation at every stage, at both strategic and operational levels.

Within the International Red Cross and the Red Crescent Movement, the ICRC seeks to exercise leadership regarding the policy and operational aspects of civil-military relations in armed conflict. In particular, it provides clear directives for the relationship between National Red Cross and Red Crescent Societies working as "Participating National Red Cross or Red Crescent Societies" (i.e.

contributing to a Red Cross / Red Crescent operation on foreign soil) and the military contingents of their respective countries. Should such a relationship be problematic in terms of respect for the Movement's Fundamental Principles, appropriate action will be taken by the ICRC, in accordance with the Movement's Statutes¹⁵ and the Seville Agreement.¹⁶

Cooperation in practice

Dialogue with political and military policy-makers and decision-makers

The ICRC seeks to establish and/or maintain a dialogue with the political and military circles that formulate the policy for military intervention in emergencies arising from armed conflict. Particular attention is paid to developing dialogue between the relevant agencies and bodies of the United Nations, NATO and the European Union. The primary aim of such a dialogue is to promote the ICRC's view of humanitarian action and, where necessary, to foster and maintain contacts useful for operational cooperation and for enhancing respect for international humanitarian law.

Moreover, the ICRC seeks such dialogue outside the Western world as well, especially in regions where there is a marked desire to "regionalize" peace-keeping.

Operational cooperation with peace-keeping forces

When possible, the ICRC fosters contact with a view to exchanging relevant information, especially in situations where it is operating in the same theatre as military forces. Where necessary, the ICRC assigns one or more persons to be in charge of liaison with the military command in the field and others, at headquarters, with the supreme military command concerned.

¹⁵ Statutes of the International Red Cross and Red Crescent Movement, 1986.

¹⁶ Agreement on the Organization of the International Activities of the Components of

the International Red Cross and Red Crescent Movement, 26 November 1997, published in *JIRC*, No. 322, March 1998, p. 159.

The ICRC also maintains contacts with the relevant political and military authorities, urging them to define the mandate of peace-keeping forces clearly in terms of its humanitarian implications so as to avoid any ambiguity with its own mandate and role. It tries to ensure in particular that military action does not impinge on the impartiality, neutrality and independence of its work. It endeavours, too, to make sure that international humanitarian law is respected by international military missions.

Without resorting as a rule (which may be waived in exceptional circumstances) to armed protection for its own operations, including relief convoys, it welcomes any efforts by international military missions to create a safe environment for humanitarian activities.¹⁷

Protection of ICRC equipment and facilities by armed guards

The ICRC does not rule out the protection of its equipment and facilities by armed guards in situations where such protection is considered indispensable (for example, because crime is rife). However, the impact of such arrangements on the perception of the ICRC's neutrality and impartiality is regularly assessed.

Use by the ICRC of military or civil defence resources

In general, the ICRC is wary about using military or civil defence resources, considering that such use should be impelled by needs rather than prompted by availability. The ICRC does not object to their use by other humanitarian organizations, provided that its own activities are not impeded thereby.

In cases where the ICRC does use such resources (because they are offered on conditions that provide a clear advantage or because comparable civilian assets are not available), it makes sure that their use poses no threat to it being perceived as neutral and impartial and is in keeping with its operational strategy and principles.

¹⁷ See note 11.

The ICRC's contribution to training

By means of courses on international humanitarian law and the basic principles governing humanitarian action, the ICRC seeks to influence or be directly involved in the training of military personnel participating in military missions abroad. To this end it establishes and maintains organization-to-organization relations with military academies and other facilities that train military and civilian personnel for such missions. It provides the measure of cooperation which it finds appropriate, ranging from ad hoc contributions to formal and long-term cooperation (such as that in the programme launched with SHAPE).

The ICRC also endeavours through its training programmes to familiarize its staff with international military missions and the various concepts of civil-military cooperation applied in the field.

ICRC participation in conferences on the relationship between military and humanitarian action

By taking an active part in multilateral and other conferences dealing with the relationship between military and humanitarian action, the ICRC aims to promote its view of crisis management and to share its operational experience. It also seeks to develop and maintain a network of contacts among those who deal with issues of international security.

The participation of the ICRC in such events is determined by the possibilities it is given to contribute to the debate and/or the relevance for it of the subject matter to be discussed.

ICRC participation in military training exercises

The ICRC takes part — selectively — in military training exercises when invited to do so and when such exercises are intended as a vehicle for training in the military management of crises which includes the humanitarian/military relationship. Its aim on such occasions is to make its mandate and activities better known and to spread knowledge of international humanitarian law; its contribution should begin at the planning stage. Priority is given to international exercises.

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Résumé

Le CICR et les relations entre intervention militaire et action humanitaire en situation de conflit armé

par MEINRAD STUDER

Dans un nombre croissant de conflits les forces armées et les organisations humanitaires sont appelées à agir parallèlement. Leur objectifs sont toutefois distincts: contribuer à la résolution politique et militaire du conflit, d'une part, et alléger les conséquences du conflit sur les populations victimes, d'autre part. En conséquence, l'action humanitaire du CICR est régie par les principes d'impartialité, de neutralité et d'indépendance. Il doit mener ses activités indépendamment de tout objectif et considération politique ou militaire, avec pour seul critère les besoins des victimes. Les forces armées de leur côté demeurent soumises au pouvoir politique qui fixe le cadre de leur mission et les objectifs à atteindre, y inclus le recours à la force. — L'auteur arrive aux trois conclusions suivantes:

- *L'objet premier des opérations militaires doit être d'instaurer et de préserver la paix et la sécurité, et de contribuer ainsi à un règlement politique du conflit.*
- *L'action humanitaire n'a pas pour objet de régler le conflit, mais bien de protéger la dignité humaine et de sauver des vies. Elle devrait se dérouler parallèlement à un processus politique qui, en prenant en compte les causes sous-jacentes du conflit, cherche à déboucher sur un règlement politique.*
- *Les organisations humanitaires doivent préserver leur indépendance de décision et d'action, tout en maintenant une consultation étroite avec les forces armées.*

