

HPG Research Briefing

Resetting the rules of engagement: trends and issues in military-humanitarian relations

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The relationship between humanitarian and military actors has changed considerably in the past decade. Military functions have expanded beyond traditional war-fighting to encompass a range of tasks related to humanitarian goals, including support for humanitarian and rehabilitation efforts and the protection of civilians. As a result, interaction between the military and humanitarian aid providers has grown, raising difficult questions about the relationship between the two.

The military's role in providing humanitarian assistance and protection to civilians in crises is not a recent phenomenon. One of the largest relief efforts in history, the Berlin Airlift, took place over half a century ago, in 1948. Since then, military forces have regularly been involved in crisis responses in countries as diverse as Afghanistan, Bangladesh, Indonesia, Iraq and Sudan. In addition, the Red Cross tradition and the foundations of international humanitarian law (IHL) are both based on a deal brokered between civilian and military actors in the mid-nineteenth century.

Relations have, however, changed considerably in the past decade. International responses to complex emergencies have increasingly called on peacekeeping and military-led missions, alongside more regularised military responses to natural disasters. Increased interventionism on the part of the UN, regional organisations and the

major Western powers in response to internal conflicts has led to new challenges to military and humanitarian interaction. These challenges are shaping relations between humanitarians and state and private military forces in new ways.

Changes in the relationship between military forces and humanitarian organisations pose important questions for both communities. Constructive common ground and agreement on core issues of responsibility and competence is needed. This will call for strategic engagement between humanitarian organisations and defence establishments, to reinforce humanitarian principles, improve both communities' understanding of their comparative expertise, and seek agreement that the core objective of humanitarian action is to save lives and maintain basic human dignity in the face of widespread threats to human survival – regardless of a population's strategic value.

About HPG

The Humanitarian Policy Group at the Overseas Development Institute is dedicated to improving humanitarian policy and practice. It conducts independent research, provides specialist advice and promotes informed debate.



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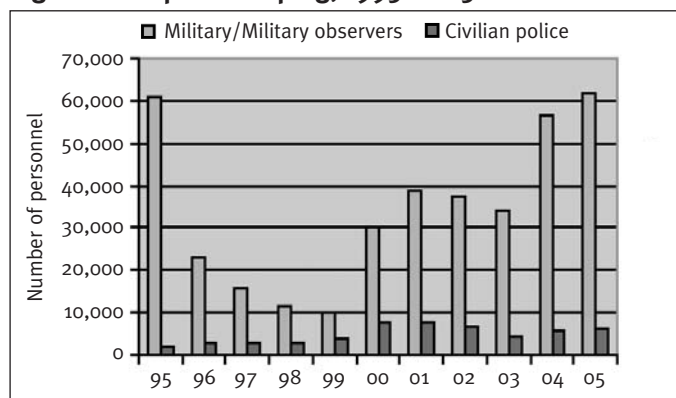
This HPG Briefing Paper reports on research exploring the changing nature of the relationship between military and humanitarian action in crisis states. Over the past decade or so, three trends can be discerned. First, military forces – public and private – have become increasingly engaged in activities and policy areas of humanitarian interest. Second, there have been corresponding structural and organisational changes within Western militaries and government bureaucracies in an attempt to combine civilian and military interests and assets in crisis response. Third, there has been increasing reliance on UN and regional missions to respond to international crises.

Key trends

The increased military engagement in crisis response

The structural drivers behind increased military involvement in aid delivery and reconstruction efforts include post-Cold War realignment, military downsizing and a search for new roles as ‘forces for good’ or ‘humanitarian warriors’. Concurrently, growing policy linkages between human and inter-state security meant that poverty, disease and conflict-related population movements, along with a host of other ‘soft’ security threats, were increasingly seen to be contributing to international instability – and, consequently, issues with which the UN Security Council, regional security bodies and national security planners should be concerned. More recently, the 9/11 attacks, the US-led ‘war on terror’ and a shift to countering the proliferation of weapons of mass destruction have seen major US-led military interventions in Afghanistan and Iraq. There has also been a clear expansion in the number, size and mandates of UN peacekeeping missions, and in missions directed bilaterally by governments. Private military forces have become increasingly common actors in crisis environments, notably in Iraq. Meanwhile, the roles of military forces have expanded beyond traditional war-fighting to encompass a range of tasks related to humanitarian goals, including support for humanitarian and rehabilitation efforts and the challenging area of protecting civilians under threat from violence.

Figure 1: UN peacekeeping, 1995–2005



Source: UN

The ‘civilianisation’ of crisis response

Governments have invested in structures to combine civilian capabilities with military assets to plan for and respond to crises. The US government, for example, has moved towards defence planning for ‘stability operations’, as well as cross-posting personnel between the Department of Defense and the US Agency for International Development (USAID). The British

government has established a cross-departmental planning capability (the Post-Conflict Reconstruction Unit) involving the Foreign Office, the Department for International Development and the Ministry of Defence. These structural changes have been matched by a growing emphasis on developing civil–military cooperation (CIMIC) skills and capacities in military bodies. Investment has increased in CIMIC policies, and more senior CIMIC specialists are acting as high-level advisors to military commands.

The expansion of regional capacities

Regional organisations – the African Union (AU), the European Union (EU) and NATO – have all, to varying degrees, become active military players in international crisis response, and may in the future be increasingly called upon to respond to crises that national (mainly Western) military forces are unwilling to undertake. Both the EU and NATO have engaged in peacekeeping and policing operations in the Balkans, and in 2003 NATO took command of the International Security Assistance Force (ISAF) in Afghanistan, the organisation’s first operation outside Europe. NATO’s first natural disaster relief mission in a non-NATO country took place in Pakistan at the end of 2005. The EU has set itself the goal of deploying up to 60,000 troops by 2010, and is developing capacities to deploy civilian experts to crisis areas, including police, civilian administration experts and civil protection resources. In Africa, the AU has a constitutional commitment to intervene in a member state in the face of war crimes, genocide or crimes against humanity. The AU mounted its first large-scale peacekeeping mission in Burundi in 2003, and has deployed several thousand troops to the Darfur region of Sudan.

Key challenges

The increased engagement of the military in policy and operational areas of humanitarian concern raises a number of key questions. Three in particular stand out:

- What does the promotion of combined military, political and humanitarian efforts mean for the integrity of humanitarian principles?
- What should the military role be in the protection of civilians from deliberate harm?
- What impact will the growing use of private military firms in providing security for assistance efforts have on humanitarian action?

Humanitarian principles, ‘hearts and minds’ and integrated missions

‘Hearts and minds’ tactics – the exchange of material rewards for information, cooperation and political support – have a long history in military practice. For military planners, these activities are deemed to have force protection benefits. However, they remain deeply contentious from the perspective of the impartiality of humanitarian assistance. In Afghanistan, the military’s delivery of assistance in civilian clothing and the conditionality placed on military aid in return for intelligence have been particularly controversial. These practices are seen as challenging the distinction between humanitarian and military action required by IHL, a distinction viewed as integral to the safety of humanitarian workers.

The risk of being associated with a potentially unwelcome military force, and thereby losing the protective patina of neutrality, has been a consistent theme within the humanitarian community for many years. At the same time, however, humanitarian agencies have themselves been inconsistent in maintaining the distinction between military and humanitarian action. For example, concern has been expressed over the use of military transport assets in situations where it was unnecessary, despite clear guidelines stating that agencies should only call on the military in exceptional circumstances of insecurity or inaccessibility.

The challenges of securing independence and neutrality also loom large in debates over association with UN integrated missions. These are missions in which all UN functions – military, political/developmental and humanitarian – report directly through one Special Representative of the Secretary General (SRSG). ‘Integrationists’ argue that such an approach results in less duplication of effort and better informed and more strategic approaches to operations. Others argue that integration subordinates humanitarian principles to the political or military priorities of a mission, with implications for humanitarian access and the safety of aid workers.

An equally fundamental question is whether integration will produce better humanitarian outcomes. Little data exists to systematically prove (or disprove) the benefits of integration in terms of saved lives, improved welfare or enhanced access to affected populations. This prevents progress on either side of the debate. In 2005, the UN’s Executive Committee for Humanitarian Affairs funded an independent study into ways to improve UN mission integration.¹ The study made several recommendations that seek to insulate humanitarian action within UN missions, including physically separating field offices of the UN Office for the Coordination of Humanitarian Affairs (OCHA), emphasising humanitarian principles in the mission’s Security Council mandate, and holding the SRSG and/or the Humanitarian Coordinator (HC) to account for ensuring adherence to humanitarian principles. These recommendations were taken up in part by the Secretary-General in early 2006.

Protection – a shared policy goal?

Efforts to protect people facing violent threat present one of the most difficult shared policy agendas between humanitarian and military actors. Concepts of the military role in protection are new and evolving. However, it is possible to identify a distinct move away from conceiving of protection in terms of restraint in the use of force during war (according to the laws of war) towards a more active concept which sees civilian protection as a principal aim of the intervention. This is in keeping with shifts in military-led protection operations, from protecting convoys and humanitarian actors to protecting people under imminent threat. Since the late 1990s, the UN Security Council has shown increasing willingness to mandate peacekeeping missions to use force to protect civilians, including in Burundi, Côte d’Ivoire, the DRC, Haiti, Liberia and Sudan. This is a significant change in the

¹ E. Barth Eide et al., *Report on Integrated Missions: Practical Perspectives and Recommendations* (New York: UN/ECHA, 2005).

object of protection, albeit a more difficult concept against which to measure success.

The UN Millennium Review Summit Declaration in 2005 indicates growing consensus regarding the international community’s responsibility to protect civilians where their own states cannot or will not do so. At a practical level, however, there is little agreement over what constitutes effective protection by third-party military forces, and little documented evidence to inform the discussion. It is unclear how operational measures affect efforts to strengthen local legal and governmental processes to protect civilians in the long term, and how far member states are prepared to support the UN in taking an increasingly ‘non-neutral’ stance against belligerents that target civilians.

Humanitarian agencies remain cautious about third-party military intervention to protect civilians. On the one hand, some see it as the only mechanism to deter violence directed at civilians. On the other, many see the use of force as exacerbating levels of violence and risk.

There remains a lack of clarity regarding the form military protection should take. It is not clear when the use of force in pursuit of civilian protection is justified, what degree of force should be applied, and when responsibilities for protection should be transferred to local authorities. Even where consensus is reached, approaches are inconsistent between national forces under UN or regional command.

Humanitarian action and private military interests

A third area of concern relates to the expansion of private security provision in conflict zones. The use of private military firms (PMFs) has been particularly striking in Iraq, though it is evident in many other theatres. In addition to supporting Coalition forces in the conduct of hostilities, PMFs have met many basic welfare needs, such as reconstructing and protecting infrastructure and providing services. The experience of Iraq has raised significant concerns regarding the status of PMF employees and the efficacy of international mechanisms to oversee their activities. Iraq has also highlighted important issues to do with the use humanitarian actors make of PMFs to provide security for their operations and staff.

Here again, lack of evidence is a significant impediment to analysis. Nevertheless, it seems reasonably clear that the humanitarian community’s links with the PMF industry are expanding, both as clients and as inhabitants of the same war zones. At the same time, however, there are no standard guidelines as to how humanitarians should relate to PMFs, or what their various rights and responsibilities properly are. Humanitarian actors tend to contract firms in an *ad hoc* manner, which means that knowledge networks and principles of good practice remain limited.

Conclusions and recommendations

There is evidence that the perceived ‘humanitarian bid’ by militaries may be overstated: commanders have little wish to see their forces lose basic war-fighting skills in the pursuit of

other tasks, and in practical terms commitments in Afghanistan and Iraq have left the major military actors overstretched. Nonetheless, governments have, and will continue to have, a clear interest in being able to deploy combined civil and military assets to crisis situations. National militaries will remain important in natural disaster response. Defence planners and commanders will continue to play important roles in setting strategic objectives and planning programme responses to crises. The reliance on regional and UN peacekeeping deployments to provide civilian protection will also continue to grow.

The increasing proximity between the military and humanitarian actors implies a need for the two communities to find agreement on core issues of responsibility and competence. In doing this, investment is needed to gather evidence to show whether the military's delivery of assistance (a marginal activity compared to their core operations) is inimical to good outcomes for local populations – even in the short term. Equally, greater consideration of the actual contribution 'hearts and minds' operations make to force protection would be valuable, recognising that any assistance mission should be conducted in accordance with needs-based criteria. In addition, investment in understanding the full costs of military options in comparison with civilian alternatives in non-conflict circumstances would help inform government decision-making. At the very least, if military efforts are directed towards implementing relief or rehabilitation efforts, these should concentrate on areas of comparative expertise. This implies understanding exactly where these areas are. This could involve agreement that militaries focus on providing assistance that humanitarian agencies cannot (in security and large-scale infrastructure work, for instance), and that both communities work together more effectively to define respective roles and objectives in the protection of civilians.

For their part, humanitarian actors need to acknowledge that the operating environment for humanitarian action has changed. At present, there appears to be a reluctance within the humanitarian sector to move beyond advocacy that insists on the preservation of 'humanitarian space', but which has not always been able to demonstrate its importance for the safety and well-being of local populations. Humanitarian agencies can no longer rely (if they ever fully did) on perceptions of neutrality to safeguard them, particularly in environments where they have become targets in and of themselves. In situations of such increased vulnerability, their relationship with, and influence over, those actors – private and public – that can provide security is of the utmost importance – not just for their staff, but also for the affected population.

Key recommendations

- All parties should continually reassert in debates over assistance strategies that the core objective of *humanitarian* action is saving lives and maintaining basic human dignity in the face of widespread threats to human survival – regardless of a population's strategic value.

- Humanitarian actors should invest in understanding the diversity of national military approaches and capacities in crisis response.
- Governments, the UN and military institutions should work at the highest professional level to standardise military approaches to civilian protection and assistance provision.
- Governments and their military organisations should invest in documenting the relative costs and impacts of different operational approaches to relief provision. This would aid in the design and delivery of assistance and protection missions.
- All parties should ensure ongoing joint attention from humanitarian and human-rights actors and military communities to designing and evaluating protection strategies that complement people's own efforts to protect themselves.
- Militaries should be prepared, trained, supplied and briefed in the use of force to save civilian lives when mandated to do so. For the humanitarian community, this may mean accepting that certain areas may become less safe for access, and indeed for civilians, at least in the short term.
- Governments should support more opportunities for military-to-military learning regarding CIMIC approaches and practices, particularly amongst major powers and major troop-contributing nations.
- Ongoing investment is needed in dialogue between NGOs, international organisations and the military. Given the developing role of regional organisations, there should be investment in efforts to communicate core humanitarian principles in the design of civil–military policies and operations – particularly within the AU, the EU and NATO.
- Humanitarian actors should continue to promote guidelines establishing rules of engagement between the military and humanitarian communities, tailoring each to suit particular contexts, and should demonstrate leadership in the field, in terms of sending consistent messages about the extent of their willingness to engage with militaries, and depend on their support.
- Humanitarian and other public actors (government and UN) should share more extensively their experiences in engaging PMFs – informally if necessary – to promote standards in their usage.
- Those governments committed to the Good Humanitarian Donorship (GHD) initiative should continue to promote GHD principles and good practice throughout all arms of government, including defence organisations, and with other donors and partners.

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