SCHR Position Paper on Humanitarian-Military Relations

January 2010

1   INTRODUCTION

In 2001 the SCHR issued a first position paper on 'humanitarian-military relations in the provision of humanitarian assistance'. At this time, military forces were becoming gradually more involved in the delivery of aid. In 2004, as the operating environment became increasingly complex, the SCHR revised its position paper, defining its members' recommended position depending on the mandate and type of armed forces and the type of armed conflicts encountered.[1]

Since the revised position paper was written in 2004, the operating environment for humanitarian organisations has undergone substantive changes, and is today perceived as more politicised and insecure for humanitarian actors and populations affected by crisis than ever before. The number of humanitarian workers killed, injured or abducted, and of humanitarian assets attacked, destroyed or stolen has indeed risen to unprecedented levels. Perceived associations between humanitarian organisations and political agendas in the 'global war on terror' have led to a decreasing level of acceptance of neutral, impartial, and independent humanitarian action by political and military authorities and armed opposition in situations of conflict. This has led to considerable restrictions in access to the people affected by conflict and in need of assistance and protection. The result is a failure to fulfil the obligation to provide humanitarian assistance wherever it is needed, and the right to receive humanitarian assistance – the core elements of the 'humanitarian imperative'.

The positions, actions and strategies of armed forces play an essential role in securing or endangering the scope for humanitarian action in situations of armed conflict, as do the positions, actions and behaviour of the humanitarian actors themselves. The relations between humanitarian and military actors thus play a key role in the future scope of humanitarian action.

In light of the above, the SCHR decided to review its 2004 position paper on humanitarian-military relations. The fundamental positions outlined in the 2004 paper remain fully valid. This paper however aims to provide SCHR members with a common understanding and overview of the more recent developments, their influence on the operating environment, and guidance on key issues to address internally and with outside stakeholders.

Like the previous position papers, this document looks primarily at how SCHR agencies consider relations with armed forces in situations of armed conflict, or natural disasters taking place in contested environments. This paper contributes to the current debate on humanitarian-military relations and fosters a better understanding of the respective roles and the necessity for humanitarian actors to commit to the positions elaborated herein. It is intended to inform and guide the internal policies and practical guidance of SCHR agencies.

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[1] SCHR Position Paper on Humanitarian-Military Relations in the Provision of Humanitarian Assistance, SCHR, 2004

2 KEY-FACTORS INFLUENCING TODAY'S HUMANITARIAN-MILITARY RELATIONS

Without any pretence at providing an in depth description or analysis of the different key factors – sufficient literature exists on each of them – this chapter highlights major trends and their influence on humanitarian-military relations, giving some indications of risk-factors which need to be taken into account and discussed with the relevant stakeholders.

2.1 TYPE OF SITUATION AND MANDATE OF THE ARMED FORCES

Whether the given situation is one of armed conflict and whether the armed force in question is party to the conflict and under what mandate should reasonably be determining factors in defining the extent and nature of humanitarian-military relations.

In a situation of armed conflict, whether international or non-international, International Humanitarian Law (IHL) applies and imposes obligations on the warring parties with regards to the protection of civilians and to the provision of humanitarian assistance. IHL establishes an obligation, with some restrictions[2], for the parties to allow and facilitate rapid and unimpeded passage of all relief consignments, equipment and personnel, even if such assistance is destined for the civilian population of the adverse party[3].

In a situation of natural disasters, where there is no conflict or situation of political violence, national or international armed forces can play an important role in supporting relief efforts and their involvement is usually less controversial.

International non-binding guidance suggests that <u>UN mandated forces</u> should only become involved in the provision of humanitarian assistance as a 'last resort', and overall control should remain civilian in nature and character.[4] The MCDA guidelines were developed in conjunction with NATO and the UN Department of Peacekeeping Operations (DPKO) and refer to relief personnel, equipment, supplies and services provided by foreign military and civil defence organisations for international humanitarian assistance.

UN mandated forces have, sometimes unwillingly, been perceived or become de facto parties to a conflict, regardless of the mandate.[5] Humanitarian organisations which have at one point in time chosen to cooperate more closely with these forces during a period of relief or recovery have found their positions and thus their operating environment compromised.

<u>International Humanitarian Law (IHL)</u> regulates the conduct of hostilities and the protection to be afforded to victims of armed conflict. It does not, as such, contain any provisions that would rule out the supply of relief assistance by the military. According to the 1949 Geneva Conventions and their Additional Protocols, the responsibility for the population's survival lies, in fact, with the relevant authorities, or in case of occupation, with the occupying power. If the occupying force has a duty to provide for the survival of the population, it is difficult to exclude the military. The phrase 'relief actions … of an exclusively humanitarian and impartial nature',[6] however, means that the military must not misrepresent itself , or allow itself to be perceived as a civilian humanitarian actor in order to carry out activities related to military operations (for example, intelligence collection). To do so would pervert the intention of the law, and lead to uncertainty as to the respective roles of civilian humanitarian actors and the military. Generally, military personnel have combatant status and, as such, constitute legitimate military targets; civilian humanitarian actors

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[2] E.g. technical arrangements, control of assignments, temporary restrictions in case of imperative military necessity.

[3] This applies to territories other than occupied territories. This summary does not reflect the full detail of the regulations under IHL, and should thus not be quoted as such.

[4] This is the spirit of the Guidelines on the Use of Military and Civil Defence Assets to support United Nations Humanitarian Activities in Complex Emergencies ('MCDA Guidelines'), March 2003, revised January 2006 and position taken within the Civil-Military Relations in Complex Emergencies – An IASC Reference Paper, June 2004.

[5] For example, DRC and North Sudan.

[6] Article 18, par 2, Additional Protocol II. A similar provision can be found in Article 70, par 1, Additional Protocol I.

do not.[7] Particularly in situations other than occupation, **the duty to provide for the population** is understood as being about **facilitating the work of** humanitarian actors (when they are present) to provide assistance rather than doing it directly, i.e. duty here as understood in IHL does not automatically translate into **direct** provision of assistance.

As a more general conclusion with regard to <u>all armed forces</u>, whether international, national forces or non-state armed groups, it is understood that using military forces to provide humanitarian assistance in an armed conflict can endanger civilians, and may in the long-run limit assistance to populations if military forces have to withdraw and humanitarian organisations are compromised.

2.2   COMPREHENSIVE OR WHOLE-OF-GOVERNMENT APPROACHES

Comprehensive or whole-of-government approaches have seen a rapid development within Western governments today. Although not an entirely new concept, lessons learned from the recent conflicts in Iraq and Afghanistan, namely that wars today cannot be won with military force alone, have reinforced the need to combine all means at a government's disposal – political, economic, military, development and humanitarian assistance – to achieve stabilisation. Humanitarian assistance has increasingly become subordinated to political and military objectives and strategies, which has defined the expectations of the political and military actors as to the role, contents and structure of humanitarian-military relations. Hence the pronouncements by some Western governments during the Iraq and Afghanistan wars that humanitarian assistance could be used as a 'force multiplier' and a source of valuable information.

Armed forces have also substantially reinforced their own capacity to provide humanitarian aid, in terms of integration of civilian personnel, cash resources and use of commercial private companies that are not bound by principles of independence and impartiality.

The comprehensive approach has led to increased demand for humanitarians to participate in joint trainings and pre-deployment military exercises. There is a risk of humanitarian organisations being used mainly to transfer technical expertise in humanitarian relief to armed forces, or being drawn into joint planning and cooperation. On balance, participation in such exercises is seen as positive, as long as it is understood as a way to disseminate the specific role of humanitarian organisations, clarify interaction between military and humanitarians and to preserve the integrity of humanitarian action and its principles.

SCHR agencies acknowledge the potential benefits of a more coordinated whole-of-government and comprehensive cross-donor approach to complex environments. SCHR also recognises that governments or political/military actors may wish to provide assistance to affected populations beyond their obligations under IHL. The scale of resources that the military can bring to bear in relieving acute suffering of civilians in areas under military control can be vital. Peace support operations may also have a vital role to play in creating an environment in which civilians are protected from (further) violence.

The SCHR is, however, gravely concerned that in some instances militaries and political actors are not taking sufficient care to distinguish themselves from humanitarian actors, or are even encouraging the 'blurring of lines'. Contributing to the confusion, further blurring the lines between civilians and armed actors, is the growing presence of armed private security companies, which 'enable' whole-of-government responses through their support to civilian government aid personnel.

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[7] This is supported by customary IHL, which does not leave any doubt either that parties to both international and non-international conflicts must allow the rapid and unimpeded passage of humanitarian relief, which is impartial and conducted without any adverse distinction, subject to their right of control. They must also ensure the freedom of movement of humanitarian relief personnel so that they can exercise this function.

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The resulting risks for humanitarian personnel and their access to the population has led to strong lobbying by the humanitarian community with governments and their armed forces to enforce distinction. Some progress has definitely been made, such as avoiding to refer to humanitarian action and actors as part of the military effort, or to distinguish military vehicles clearly from humanitarian ones[8]. Whilst these are rhetorical and symbolic improvements, the philosophy of subordination of humanitarian action to other objectives as part of a comprehensive approaches is still strong in the minds of policy makers.

While comprehensive approaches are an understandable choice, the humanitarian element should be accepted as separate, i.e. granted the ability to operate independently and – for organisations that subscribe to the principle of neutrality – to remain and be accepted as neutral. More recent formalisations of this debate, such as the European Consensus on Humanitarian Aid, recognise the need and the advantages of a fully independent humanitarian action[9]. Submissions to a 2009 Defence Committee Enquiry in the UK on behalf of humanitarian agencies operating in Afghanistan and Iraq also emphasise the need to return to the doctrine of separating humanitarian activities.[10] In the US context, on the other hand, developments seem to suggest a further integration of all instruments as part of their 'smart power'. From a funding perspective, the trend is also in the reverse, with defence departments becoming an increasing conduit for overseas development assistance.

Practical recognition of the separation between political and humanitarian activities is actually necessary if donors are to fulfil their obligations under the principles of Good Humanitarian Donorship.[11]

2.3   DEVELOPMENTS IN THE DOCTRINES OF ARMED FORCES

The practice of 'winning hearts and minds', which reflects the philosophy of a comprehensive toolkit, dates far back in military history. Modern military doctrines establish sophisticated guidelines on how the armed forces should relate to civilians, or undertake tasks typically civilian by nature. These elements of military doctrine are expected to serve stabilisation as well as force protection objectives, because the delivery of assistance or rehabilitation of infrastructure is seen as critical in the process of gaining the trust of local communities. Armed forces are prepared to engage in this activity themselves, but are often happy for humanitarian, development and private sector actors to conduct this task for them.

The concept of 'winning hearts and minds' is today less a purely 'military' tactic of Armed Forces, but more a 'political strategy' of governments. Today's CIMIC doctrines are the mere translation, in military terms, of the political notion of a comprehensive approach. CIMIC doctrines and policies thus often contain a number of concepts that are incompatible with the idea of neutral and independent humanitarian action. Amongst those, two are of particular concern:

- the subordination of humanitarian and development assistance to political/military goals;
- the assumption of a 'common goal' uniting political, military and humanitarian actors.

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[8] ISAF HQ policy, April 2009, requires all NATO-owned vehicles in Afghanistan to be clearly and obviously different in colour to the white vehicles used by humanitarian organizations. Operators of non-NATO-owned vehicles are encouraged to do the same.

[9] The European Consensus on Humanitarian Aid, Official Journal of the European Union, 30.1.2008. P.1 par 3 *"The 'humanitarian space' that is needed to ensure access to vulnerable populations and the safety and security of humanitarian workers must be preserved as essential preconditions for the delivery of humanitarian aid, …"*; P.2 par 15 *"EU humanitarian aid is not a crisis management tool."*

[10] NAO Defence Committee Enquiry into the UK's Comprehensive Approach (to be published, 2009)

[11] OECD DAC Principles on Good Humanitarian Donorship, June 2003.

Examples of these are found in the military doctrines of the Armed Forces most influential worldwide. They are present for instance in the NATO CIMIC doctrine (AJP-9), the NATO policy on CIMIC (MC 411/1), the U.S. joint doctrine for Civil-Military Operations, the French 'Concept et doctrine interarmées de la coopération civilo-militaire' and the British 'Joint Doctrine Publication 3-90 on Civil-Military cooperation'. UN DPKO doctrines, which define the military's expectations of their relations with the humanitarian actors, as well as their own role in humanitarian assistance, call for the assessment of population needs by the military as part of their strategy to defeat the enemy. Assessments tend to be carried out by CIMIC officers who are difficult to distinguish from humanitarian actors.

The respective CIMIC doctrines include reference to 'quick impact projects' (QIPs) and Provincial Reconstruction Teams (PRTs), which integrate humanitarian or development tasks into an overall military and security concept. Responding to the needs of the population becomes a constituent part of a strategy to defeat the enemy. Illustrative of this strategy are the sheer size of funds available to some military commanders to implement such programmes, sometimes higher than what is available for the civilian humanitarian response, as well as the stated objective of the major Armed Forces operating internationally to strengthen their civilian capacity, integrating civilian personnel into their ranks.

Some Armed Forces today recognise or concede that quick-impact projects neither achieve their intended outcome of 'winning hearts and minds', nor have a transformative effect on the communities concerned. Forces are recognising instead that people want freedom of movement, and hence a more secure environment, requiring their support to national forces and police.[12] Also recognised to some extent are the shortcomings of projects implemented by the military in terms of long-term rehabilitation or local capacity building, where experienced humanitarian organisations have clear comparative advantages. This possible shift in understanding appears most developed in the UK and in Europe in general[13]. Doctrines however still need to reflect this.

Another positive development is that the use of the term 'humanitarian' to describe the purpose of certain military combat operations appears to have been banned from the vocabulary of the major armed forces operating internationally. National armed forces however still like to refer to operations in internal armed conflicts as humanitarian. Problematic is also the use of the word 'humanitarian' in MoD TV commercials (e.g. UK and the Netherlands), reinforcing the public's understanding that military are humanitarian workers in uniform.

2.4   UN INTEGRATED MISSIONS

Despite UN DPKO's statement that 'the deployment of an integrated mission is just one among a range of possible options for the UN engagement',[14] integrated missions are the norm today for a UN response to complex conflict or peace-keeping situations. Based on the Secretary-General's decision N° 2008/24 (26 June 2008), the principle of integration applies to "all conflict and post-conflict situations where the UN has a Country Team and a multi-dimensional peacekeeping operation or political mission/office, whether or not these presences are structurally integrated." As of November 2009, there are 22 missions where this principle is in effect, all but two under DPKO or DPA lead.

In terms of the roles of the various components of an integrated UN mission, and their relations, much the same argument can be made as for governments' comprehensive approaches. The subordination of humanitarian action to political and military objectives, often reinforced by

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[12] This is particularly the case in Afghanistan. See NGO-Military Contact Group (NMCG) meeting January 2009.
[13] Meanwhile, the COIN approach by US General Stanley McChrystal stresses the value of winning over the population, amongst others by protecting them and providing them with aid.
[14] UN Department of Peacekeeping Operations (UN DPKO), United Nations Peacekeeping Operations – Principles and Guidelines (Capstone Doctrine), 18.01.2008, p.55.

combining the political, development and humanitarian coordination roles in one person (only Pakistan has a stand-alone Humanitarian Coordinator), has the same potential to undermine the neutrality and independence of humanitarian action. Whilst SCHR members believe there should be a space for engagement with the Integrated Mission Planning Process (IMPP) of the UN, existing mechanisms are not conducive.

Beyond the delivery of assistance, elements of protection of the civilian population are today routinely included in the mandates of peacekeeping missions (UN and other international forces). These go beyond obligations of the military to respect the civilian population (distinction between combatants and non-combatants), to include the creation and maintenance of a safe environment. The interpretation of such 'protection' mandates, assimilating them to a notion of protection as understood by humanitarian organisations[15], may create new areas where the lines between humanitarian and military are blurred.

The Capstone doctrine of UN DPKO goes some way to recognising the role of humanitarian action and the limits of integrated structures in some complex environments.[16] UN DPKO's civil-military doctrine is being elaborated, and will hopefully reflect the need to promote an understanding of humanitarian action as independent, as this will define the expectations, demands and rules of peace-keeping forces for their relations with humanitarian actors.

2.5   NATURAL DISASTERS

Over the past 8-10 years, there has been a notable increase in both the involvement of militaries in natural disasters (e.g. through use of military assets and logistical support) and the development of their disaster response capacities. These engagements often serve political purposes.

The Oslo Guidelines are currently the leading international instrument concerning the role of militaries in the response to natural disasters. It includes some important principles that deserve support, including that: military involvement should be seen as a last resort when there is no comparable civilian alternative; militaries should to the degree possible limit their work to "infrastructure" and "indirect" support as opposed to face-to-face delivery of assistance; and militaries involved in assistance should not also be used for security purposes. The Guidelines also, however, have a number of critical limitations, which are not always understood by humanitarian actors.   Two of these deserve special mention.

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[15] See e.g. Professional Standards for Protection Work, ICRC, 2009.

[16] Capstone Doctrine, Chap 5 par 5.1 *" Forcing integration where it is not needed may well be counter-productive… In situations where there is little or no peace to keep, integration may create difficulties for humanitarian and development partners, particularly if they are perceived to be too closely linked to the political and security objectives of the peacekeeping mission. In the worst case, integration may endanger their operations and the lives of their personnel. Integrated planning should also bear these worse case scenarios in mind and ensure appropriate dialogue, communication and contingency planning."*
Chap 7 par 7.2 *"Humanitarian actors, such as the ICRC, have as an institutional imperative to maintain a high level of visible independence from political-military structures to ensure the safety and feasibility of their actions and personnel. United Nations peacekeepers must be cognizant of the concept of "humanitarian space," which can be understood as the space created through respect for the humanitarian principles of independence and neutrality. It is in this space that humanitarian action takes place. As such, a clear distinction must be made between politically motivated actions to end conflict and move toward national development, and apolitical humanitarian assistance based exclusively on impartial response to assessed need, aimed at saving lives, alleviating suffering and maintaining or restoring the dignity of people affected by conflict. Maintaining this distinction better assures humanitarian agencies safe and secure access throughout a conflict zone."*

The Oslo Guidelines only apply to militaries acting outside their own countries ("use of foreign military and civil defence assets in international disaster relief operations"). They do not provide guidance with regard to relations with the military of the affected country itself, even though it is this latter relationship that is usually most problematic, particularly in unstable environments where national militaries are often perceived or actual parties to a conflict. In natural disasters in situations where there is no conflict or political violence, the involvement of the military is less problematic.

Recently, another set of guidelines with some relevance was adopted by a broader set of governments at the 30th International Conference of the Red Cross and Red Crescent (a body that includes all the state parties to the Geneva Conventions as well as the components of the International Red Cross and Red Crescent Movement). The 'Guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance' (also known as the 'IDRL Guidelines') has only a few provisions specific to military relief, but one important one is that '[m]ilitary assets should be deployed for disaster relief or initial recovery assistance only at the request of and with the express consent of the affected State, after comparable civilian alternatives have been considered'. While not as strong as the term "last resort" the latter part of this phrase applies to all foreign militaries, and was agreed after substantial negotiation including both 'troop contributing' and potential 'receiving' countries. Like the Oslo Guidelines, however, the IDRL Guidelines are non-binding.

From the military perspective, CIMIC doctrine and concepts are also a major guide for action in natural disasters, despite having been developed in conflict situations. There is a tendency for militaries to transfer lessons directly from complex emergencies to natural disasters, and focus on military or political objectives rather than unconditional support to the humanitarian response.

From the humanitarian perspective, organisations appear to be less inclined to advocate for their relations with the military to be guided by humanitarian principles in natural disasters, as compared to situations of conflict. In fact little attention is paid to the possible long-term consequences of close humanitarian-military relations during disasters (for the people affected by the crisis, ourselves, other agencies), namely in terms of the perception of the independence and possibly neutrality of humanitarian action in a potentially changing political environment. This applies to both national and foreign militaries.

2.6   NECESSITY OF COORDINATION

No humanitarian organisation is completely immune to the influence of military and other armed actors in field operations, and increasingly at headquarters in Western capitals. Military forces do and will continue to provide assistance to the population, either directly or through their civilian partners. In fact, as outlined above, the infrastructure and logistical support of militaries is increasingly used to manage the scale and nature of emergencies today. Accountability to the recipients of humanitarian assistance and to the donors of humanitarian funding demands a coordination to ensure the best use of available resources. Hence, humanitarian-military coordination is in general necessary and appropriate, as long as independent decision-making is preserved in the process, and humanitarian principles are respected.

The differentiation between coordination and cooperation is key to the civil-military relations debate. *Coordination* is a process to avoid duplication, ensure the best use of available resources and ensure the safety of the recipient population and humanitarian staff in the theatre of

operations of armed actors, whilst retaining independent operational decision-making. *Cooperation* involves a degree of joint planning, joint implementation and/or alignment of goals, objectives or strategies. In practice, this differentiation is not always clear-cut, and the military interpretation may be different from that of humanitarian organisations.

International NGOs have expressed the need for guidance in decision-making to manage the growing risks and complexities of today's environment. A number of initiatives aim to address this need, focussing on guidance and tools to balance what might appear as a dilemma between the respect of humanitarian principles and the realities of operations.[17] Some members of the SCHR are actively engaged in one or several of these initiatives, for instance testing the HISS-CAM tool in the field. These tools should help equip organisations and staff with the ability to determine appropriate levels of interaction with armed actors. Whilst co-existence and co-ordination should be the rule, exceptional circumstances may force a decision for temporary co-operation (last resort to save lives and alleviate suffering) or curtailing presence, i.e. the option to suspend engagement altogether.

For organisations whose operational decision-making processes are not already firmly framed by humanitarian principles in practice, the use of such tools could provide a means to achieving greater transparency in one's operations, accountability to principles (and by extension the recipients of assistance), consistency and better mutual understanding (including articulation of points of difference).

2.7   THE HUMANITARIAN ACTORS THEMSELVES

It is evident that the humanitarian organisations themselves, with their individual structures, policies, decisions and behaviour, are a key factor influencing humanitarian-military relations.

Multi-mandated organisations operate often simultaneously in the field of humanitarian action and of development. The same organisation may thus justifiably need a relationship of *cooperation* with the military and political authorities for some reconstruction/development operations[18], whilst needing independence for its humanitarian work. Decision-making on relations with the military based on a differentiation of the type of activity concerned is complicated by the fact that is difficult to draw a clear and definite line between emergency and development activities. It is recognised however that in general, different levels of engagement may affect the perception of the operational role of any one organisation in one particular context, possibly leading to mistrust by some parties to a conflict. Transparency of purpose and accountability, as well as integrity and credibility in ones operations can contribute to mitigating negative effects on perception.

 At times it is the humanitarian imperative which drives certain decisions that run contrary to some of the principles of humanitarian-military relations.[19] These situations require a solid risk assessment, including not only an evaluation of short-term security risks, but also possible longer-term effects on the perception of humanitarian action and actors. Inter-agency consultation and, wherever possible, agreement, are essential elements of this assessment.

Coherence in decision-making over time as well as coherence between policy on humanitarian-military relations and other stated objectives and ambitions are essential to creating predictable behaviour and perception, a cornerstone of security in humanitarian action. This predictability is

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[17] World Vision International (2007) 'HISS-CAM: A decision-making tool'. IASC roundtables on humanitarian space. ICVA learning events on humanitarian principles. ODI/HPG "Dilemmas and Principles of Humanitarian Action in Situations of Conflict: Supporting Decision-Making in Practice".

[18] In practice, few situations in development work require direct cooperation with the military. the perception may stem more from a closer contribution to government development plans and thus association with the system overall, than from a direct association with the military.

[19] The HISS-CAM trial to date indicates that the humanitarian imperative often trumps the other principles, including an agency's perceived impartiality and staff safety.

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equally important to foster understanding and acceptance from military actors, and thus ultimately to influence the military's attitude to humanitarian-military relations. Engagement with the military already during the elaboration of preparedness plans can increase mutual predictability.

The principles underlying existing guidance (e.g. OCHA's suggested policy on the use of military or armed escorts for humanitarian convoys, and the Oslo Guidelines, which oblige agencies to consult with other humanitarian actors in the field prior to decisions on the use of military assets) are meant to ensure that decisions take into consideration the consequences *not only* for the individual organisation, but for the wider humanitarian community in-country. Whilst they are non-binding guidelines for UN organisations, they do provide sound guidance for policy decisions of all humanitarian organisations.

In competing for access and funding, some organisations may more easily accept armed escorts or are happy to be (or are ignorant of being) 'force multipliers' in their closer cooperation with the military. How to mitigate the effect of the decisions of these actors on the perception of the entire humanitarian operation is an unresolved challenge.

A further issue is related to funding opportunities. In a tight fiscal environment, contributions from the US Department of Defence or similar donors are tempting, possibly influencing the assessment of whether proposed programmes are in alignment with the organisation's strategies and goals. Hence economic rationale does occasionally overrule the principle of independence, where country programmes take advantage of available programme specific funding to maintain their presence, or where an individual programme represents an essential part of an organisation's overall operations and funding base. Such decisions may lead to closer relations with the military and loss of independent operational decision-making, if the specific programmes demand it. In turn, this can negatively affect the perception of the humanitarian action as a whole or that of individual organisations.

3   THE IMPORTANCE OF PERCEPTION

As the 2004 position paper points out, one of the most influential factors determining a humanitarian organisation's ability to work safely in today's conflicts is *acceptance* by the parties to the conflict and the population. Acceptance is earned through the appropriateness of humanitarian activities in target communities and the avoidance of unintended harm – factors based on strong assessments of need and impact on conflict dynamics.[20]

Acceptance is first and foremost a function of how parties to a conflict or situation and the population *perceive* individual humanitarian organisations or the overall humanitarian action. This perception is shaped by the decisions and statements of each individual humanitarian organisation, and above all by the visible humanitarian action and the behaviour of humanitarian staff on the ground.

The distinction of humanitarian presence and action from political processes or military actors and objectives can be an essential element of such perception. If humanitarian assistance is perceived, rightly or wrongly, as associated with military activities, being supportive of, or as being partisan to one party to the conflict, humanitarian actors at best lose the acceptance necessary to operate safely, and at worst become deliberate targets of attacks. This evidently restricts the ability of humanitarian organisations to work with all populations affected by the conflict, impacting on those most in need.

Perception is shaped over time and space. An action perceived as politically motivated or tainted at one time, in one context, by one part of an organisation, risks to define the perception of future actions of a given actor for some time to come, beyond that context. Negative perceptions, often

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[20] These are key considerations of the Do No Harm concept.

leading to mistrust, tend to be difficult to change. Consistency in positions on humanitarian action thus remain key in influencing the perception of individual actors or of the humanitarian action overall[21]. Perception also goes beyond individual organisations, the actions of one influencing the perception of the humanitarian action as a whole, and thus of other organisations. This is particularly the case where all organisations assert adherence to one and the same set of principles.

4   POSITIONS

This section is divided into four main areas requiring attention in today's environment, and includes various agreed positions that should help guide individual policy.

4.1   ROLE AND RELATIONS WITH THE MILITARY

The members of SCHR recognise that the military may have an important role to play and responsibilities to shoulder in crisis response in armed conflict situations or in response to a natural disaster. Particularly in situations of armed conflict or other situations of violence however, primacy for humanitarian response should be given to civilian actors.

SCHR members recognise the necessity for a consistent, structured engagement with the military, to ensure safety of humanitarian staff and recipient populations, impartiality of humanitarian action, best use of available resources and efficiency of the humanitarian action. This engagement with military actors should however not affect independent decision-making of the humanitarian actors and should respect humanitarian principles.

Humanitarian action should never be subordinated to military or political action, goals or objectives. The respective roles of the military and the humanitarian actors should be clearly distinct, in their objectives as well as in their implementation and public image. In particular with regards to military led reconstruction activities, a clear demarcation of roles and responsibilities, separating the civilian domain of development and reconstruction from the military domain of peace keeping and, if needed, peace enforcement is necessary.

Participation of humanitarian actors in training exercises of the military can be beneficial, as a way to disseminate the specific role of humanitarian organisations, clarify interaction between military and humanitarians and to preserve the integrity of humanitarian action and its principles.

4.2   PRINCIPLES

SCHR members recognise that the actions of their staff and partners have the potential to influence the safety and perception of other humanitarian organisations. SCHR members therefore take individual responsibility for their humanitarian-military relations, and strive for adherence to humanitarian principles as their common standard. The decision-making processes at policy as well as operational level need to be designed to take into account the demands of a principled approach.

SCHR members will be transparent in their decisions on cooperation with military forces and the relative importance of humanitarian principles to their operations, in bilateral as well as public statements.[22] The danger tends to lie not in the diversity of actors, but in a lack of clarity about the positions, roles and objectives of individual actors.

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[21] Humanitarian organisations in Afghanistan which are, for instance, seen to have cooperated with the international and national authorities after peace was declared, have found it difficult to regain acceptance as independent and impartial.

[22] In particular, if SCHR members choose not to take a neutral position in general or in a given context, as this does constitute a risk to the individual organisation. Separation must thus be made from neutral and independent humanitarian action, to avoid risk transfer to other organisations.

In addition to public positioning, SCHR members commit to ensuring that the principles of humanitarian-military relations are translated into practice and institutionalised at the operational level within their organisations. These should refer closely to the non-binding guidance on issues such as information sharing, use of military assets and armed escorts, and staff behaviour.

4.3   INDEPENDENT DECISION-MAKING

Some humanitarian actors will, with difficulty, retain their distance from political and financial pressures to integrate into broader efforts. Others will simply accept that they are not neutral or independent, and adapt their modus operandi to the realities of the context.

The SCHR upholds that organisations referring to their policies and operations as principled should resist funding that places political pressures on their independence or incurs cooperation with military actors.

Instead, the funding policies and operational decision-making of SCHR organisations more generally should reflect the acceptance of humanitarian action as neutral and fully independent from comprehensive government, political, and/or stabilisation strategies, particularly in situations of conflict.

Where SCHR organisations provide assistance, they should ensure that they retain their perceived impartiality and independence from armed forces who are – or are perceived as – party to the conflict, both for purposes of security and humanitarian access. They strive to avoid becoming part of one or another force's military strategy and will condemn the use of humanitarian assistance for political means.

4.4   COORDINATION

SCHR organisations should promote the spirit of existing humanitarian-military guidance, such as that contained in the Oslo/MCDA Guidelines and the UN CMCoord Officers' Handbook, despite its non-binding nature.

While coordination is necessary, it should never translate into subordination of humanitarian objectives to political aims.

SCHR agencies that work through local partners must take responsibility for ensuring that those members comply with the spirit of this Position Paper.

SCHR believes that the cluster approach – introduced by the UN humanitarian reform to strengthen humanitarian coordination – is not the right forum for humanitarian-military relations. Military presence in cluster meetings (in particular protection) may inhibit the free exchange of information amongst humanitarian organisations, and give rise to the perception of a common strategy and objectives between humanitarians and the military.

In the future, SCHR members hope that there is a mechanism at the field level that increases the coherence and consistency of INGO positioning. Until this is possible, SCHR members commit to sharing this Position Paper with those managing in-country mechanisms that actively coordinate activities, and in particular humanitarian-military relations, in a given context.