GUIDELINES FOR HUMANITARIAN ORGANISATIONS ON INTERACTING WITH MILITARY AND OTHER SECURITY ACTORS IN IRAQ

20 OCTOBER 2004

A) INTRODUCTION:

This set of guidelines was developed by the Office of the Deputy Special Representative of the Secretary-General (DSRSG) of the United Nations Assistance Mission for Iraq (UNAMI) / Resident and Humanitarian Coordinator, with the advice of the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), and in consultation and collaboration with a wide range of humanitarian actors working on Iraq, including the United Nations Country Team in Amman, non-governmental organisations and others.

Its purpose is to address civilian-military relations for humanitarian action in the context of present-day Iraq. As such, it focuses on a number of areas and topics that might require coordination between humanitarian, military and other security actors, presenting possible approaches and necessary considerations. The guiding principles for humanitarian action are included for reference. This paper also addresses the need for advocacy, but it is not meant to be an instrument of advocacy per-se. Lastly but not least, these guidelines are premised on the current assumption that foreign military forces and other foreign security actors will remain in Iraq for at least the near future, and that independent of their legal status and mandate as spelled out in Security Council Resolutions (SCR) 1511 (2003), 1546 (2004) and possible subsequent resolutions, their role and status perceived as belligerents by armed elements that target them will not change, so long as the ground situation remains similar to the current circumstance.

These guidelines replace all pre-existing United Nations guidance on civil-military relations for humanitarian action in Iraq. The guidelines, in part or as a whole, will be reviewed and updated as necessary through an appropriate mechanism as the situation in the country evolves, including, in particular, the potential formation of a security structure to protect the United Nations presence in Iraq.

B) DEFINITION OF KEY TERMS:

In order to facilitate the understanding of the concepts elaborated herein and to avoid confusion arising out of a variety of possible definitions entailed in terminology, the following key terms are defined for the purposes of this paper:

1)   **Civil-Military Coordination**: The essential dialogue and interaction between civilian and military actors in humanitarian emergencies that is necessary to protect and promote humanitarian principles, avoid competition, minimize inconsistency, and when appropriate pursue common goals. Basic strategies range from coexistence to cooperation. Coordination is a shared responsibility facilitated by liaison and common training.

2)   **Complex Emergency:** A complex emergency, as defined by the IASC, is "a humanitarian crisis in a country, region or society where there is total or considerable breakdown of authority resulting from internal or external conflict and which requires an international response that goes beyond the mandate or capacity of any single and/or ongoing UN country programme."

3)   **Humanitarian Actor:** Humanitarian actors are civilians, whether national or international, UN or non-UN, governmental or non-governmental, which have a commitment to humanitarian principles and are engaged in humanitarian activities.

4)   **Military Actor:** Military actors refer to official military forces that are subject to a hierarchical chain of command, be they armed or unarmed, governmental or inter-governmental. In present-day Iraq, this includes all components of the Iraqi Armed Forces including the Army, the Air Force, and the Coastal Defense Force; the members of the multinational force (MNF) established under SCR 1511 (2003) and reaffirmed by SCR 1546 (2004); as well as military personnel of any foreign State in Iraq that is not a member of the MNF.

5)   **Other Security Actors:** Other security actors refer individually or collectively to security actors other than the military, including both public and private entities involved in security and/or enforcement of law and order. This includes components of the official Iraqi agencies such as the Iraqi Police, the Facilities Protection Service, and border guards; as well as commercial security contractors and guards, both local and international.

C) BACKGROUND:

Traditionally in complex emergencies, there has been a distinction between the military and the non-military domains. In recent history, however, military forces have become increasingly involved in operations other than war, including provision of relief and services to the local population. At the same time, due to the changing nature of modern complex emergencies, the humanitarian community has faced increased operational challenges as well as greater risks and threats for their workers in the field, which at times have left them no other choice but to seek the support or protection by military forces on a case-by-case basis. Thus, practical realities on the ground have gradually necessitated various forms of civil-military coordination for humanitarian operations.

This development has led to an erosion of the separation between humanitarian and military spaces, and may threaten to blur the fundamental distinction between these two domains. It also raises significant concerns associated with the application of humanitarian principles and policies as well as operational issues. Furthermore, such development necessitates increased communication, coordination and understanding between humanitarian agencies and military actors, and requires knowledge of each other's mandates, capacities and limitations. Nowhere is this change more evident than in the context of Iraq today.

SCR 1546 (2004) clearly recognizes that the *Interim Government of Iraq* will assume the primary role in coordinating international assistance to Iraq (operative paragraph 18). SCR 1546 (2004) also gives UNAMI a leading role in electoral and political assistance matters and tasks it to contribute to the coordination and delivery of humanitarian assistance (operative paragraph 7), as requested by the

Government of Iraq. While the resolution also requests Member States to contribute assistance to the MNF, including military forces to help meet the needs of the Iraqi people including humanitarian assistance (operative paragraph 15), it is nevertheless believed, as outlined in this paper and in line with recognised principles of humanitarian assistance and existing guidelines on civilian-military relations, that *the overall humanitarian assistance and reconstruction effort in Iraq is best served through a clear division of labour: humanitarian agencies to provide humanitarian assistance and the military to provide security, and if necessary, basic infrastructure and urgent reconstruction assistance limited to gap-filling measures until civilian organisations are able to take-over.*

SCR 1546 (2004) also notes the intention to create a distinct entity under unified command of the MNF with a dedicated mission to provide security for the United Nations presence in Iraq, and calls upon Member States and relevant organizations to provide the necessary resources, including contributions to that entity (operative paragraph 13). For the purpose of this paper and irrespective of the nationality or specific mission, forces of such an entity will be considered to be part of the MNF as long as they come under the MNF's unified command, and therefore, for the time being, the considerations as outlined throughout this paper shall apply.

D) PRINCIPLES:

Any interaction between humanitarian and military/security actors should be guided by the following principles:

1) **Operational independence of humanitarian action:** Humanitarian actors must retain full control of their humanitarian operations. Agencies must ensure that their operational independence is guaranteed at all times, e.g. on issues involving freedom of movement, recruitment of national and international staff, non-integration into military planning and action, access to communications, etc. Humanitarian action must be conducted separately and clearly distinguished from military-led relief operations.

2) **Access to all vulnerable populations:** The principle of humanity requires that suffering must be addressed wherever it is encountered. Humanitarian actors must maintain their ability to obtain access to all vulnerable populations in all parts of the country and to negotiate such access directly with all parties to the conflict. Particular care must be taken to ensure the sustainability of access.

3) **Neutral and impartial aid distribution:** Humanitarian actors must ensure that all vulnerable populations receive aid in an equitable, neutral and impartial manner and without any political conditions attached. Humanitarian assistance must be provided without discrimination, on the basis of "needs only" - i.e., without outside interference with humanitarian needs assessments and responses.

E) INTERACTION WITH MILITARY AND OTHER SECURITY ACTORS IN IRAQ:

Humanitarian organisations that interact and/or coordinate with the military and/or other security actors in Iraq need to be aware of the constraints and limitations they may face. Their adherence to the key humanitarian principles mentioned above is crucial for their credibility as a humanitarian actor. It also has immediate and practical relevance for the security of their staff and operations on the ground, e.g., in obtaining access across combat lines, and being able to guarantee equitable aid distribution to all vulnerable populations in Iraq.

The following paragraphs are intended to lay out the questions that must be addressed by humanitarian actors when interacting with the military and/or other security actors. These paragraphs should also provide some practical considerations that must be taken into account before, during and after such interaction.

1) **General Considerations:**
- Strategies and procedures adopted by one humanitarian agency/organisation might have implications for all the others, i.e. if one agency is perceived as cooperating closely with the military, or if one agency is seen to have armed personnel in their vehicles such might also be assumed of all the others by the local population;
- The military is highly hierarchical. While humanitarian advocacy is important at the policy level, it might actually be less effective or even counterproductive at the lower levels of interaction;
- The higher a person is within the military hierarchy, the more likely he/she will be able to make a decision. Issues such as access should therefore be taken up with the respective commander on the ground and not with the soldier manning a check-point. However, it is equally important for humanitarians to ask the military that decisions taken at the higher level be filtered down to lower ranking levels within the military in order to avoid contradictory orders and action;
- Major decisions are usually made at the policy level, but there is always scope for improvement on the ground as long as both sides can see some benefit;
- Complaints about the military should be addressed in a constructive manner to the person / unit concerned if one is to expect issues and concerns to be resolved;
- While it may be perceived that the military has encroached on humanitarian space, the humanitarian community may at times need to acknowledge that the military has assumed a number of responsibilities due to lack of other organisations willing or able to do so; and
- Liaison and coordination can also be seen as tools for conflict resolution / prevention. As such they rely primarily on personal skills, resources, willingness and relationships.

2) **Security of Humanitarian Personnel:** Traditionally, humanitarian organisations have adopted a security protocol which includes each of the three elements of the security triangle; *acceptance, protection* and *deterrence*. An effective protocol must balance all three elements - a strong acceptance strategy supported by protection and deterrence elements. Given that humanitarian organisations in Iraq have been and most likely will be targets of attack from at least some of the armed elements for the foreseeable future, under current conditions the traditional acceptance strategy of "showing the flag" is not sufficient in ensuring the security and safety of humanitarian personnel. On the contrary, it could even attract attacks. Therefore, many humanitarian

organisations, in particular the NGOs, have chosen to rely on a combination of acceptance, protection and deterrence in areas in which they work and live, while at the same time adopting a "low profile" approach, paired with protective strategies when traveling between those areas (i.e. unmarked local vehicles; no armed protection; minimal, if at all, interaction with the MNF, etc.).

Obviously a "low profile" approach is only acceptable for organisations that are able to distance themselves sufficiently from the MNF and other military/security actors. Implementing partners of the MNF or other organisations that are engaged in close coordination/interaction with them would either have to accept security provided by the MNF or by a third party or otherwise severely limit their operations. The same also applies to organisations that are not able to adopt such a "low profile" approach due to their own mandate, security guidelines, e.g., the UN. Even so, it is important to maintain a clear separation between the roles of humanitarian and military/security actors, by distinguishing their respective spheres of competence and responsibility. In any event, since current assistance work in Iraq largely entails rehabilitation and reconstruction rather than urgent life-saving activities, humanitarian agencies should carefully weigh the immediacy of needs to be addressed against security risks and political implications of cooperating too closely with the MNF and other military/security actors.

3)   **Use of Military or Armed Protection for Humanitarian Agencies:** The use of military or armed protection for humanitarian agencies or for specific humanitarian activities is an extreme precautionary measure that should be taken only in exceptional circumstances and on a case-by-case basis. The decision to request or accept military or armed protection must be made by humanitarian organisations, not political or military authorities, based solely humanitarian needs. In case the situation on the ground calls for the use of such protection, it should be guided by the principles endorsed by the Inter-Agency Standing Committee (IASC) in September 2001 (see *http://ochaonline.un.org/mcdu/guidelines).*

Considerations include:
- *MNF***:** Irrespective of their legal/technical status, the various members of the MNF are perceived to be belligerents and therefore major targets themselves;
- *Iraqi forces:* They are also perceived as belligerents by certain elements and therefore also a target themselves. In addition, there are problems of reliability, loyalty, capacity, training and equipment;
- *International forces specifically designated for the protection of humanitarian agencies inside Iraq***:** Although currently unavailable, it is an option that could be considered as part of, and/or support to, the future structure of the UN Mission;
- *Private security providers***:** They are also increasingly becoming a target. In addition, there are problems of operational control, accountability and liability;
- *Local guards***:** Employing local guards (preferably from among the beneficiaries) might enhance the acceptability and security of humanitarian agencies in the local community. Attention must be given to their reliability, capacity, training and equipment; and
- MNF and local Iraqi Forces are currently the primary targets in Iraq, and perceived association with them may endanger both beneficiaries of aid and humanitarian actors. Thus protection provided by these entities for humanitarian activities should only be considered on an exceptional basis as a last resort to meet critical humanitarian needs, where for example a considerable level of criminal threat necessitates such protection, provided that there is very

limited or no political threat and civilian assets or assets of non-belligerent forces are unavailable (e.g., currently at the Iraqi-Kuwaiti border).

4)   **Liaison Arrangements:** For any interaction and coordination with military and/or other security actors, liaison arrangements and clear lines of communication should be established at all relevant levels to guarantee the timely and regular exchange of information, where appropriate and feasible.

Possible approaches include:
- As a general rule, liaison with the military and/or other security actors should be conducted indirectly through local authorities wherever possible;
- Where regular direct liaison is necessary, it should be conducted through coordinating bodies such as the UN CMCoord or NGO groupings (e.g. NCCI) in order to reduce the exposure of humanitarian actors;
- Only designated persons (e.g. Focal Points) should liaise on behalf of an agency or a group of agencies on a regular basis;
- Other interaction (e.g. security information) should be made discreetly, preferably through e-mail or phone;
- If possible, liaison meetings should be held at "neutral" venues, e.g., in local authority premises;
- As a general rule, no humanitarian liaison staff should be physically permanently co-located within MNF facilities. However, the extraordinary security situation might dictate co-location of dedicated security and/or military liaison personnel within coordinating bodies (e.g. UNAMI); and
- Where possible and appropriate, transparency should be maintained towards national staff on why liaison is conducted and who is conducting it.

5)   **Advocacy:** While it is understood that humanitarian advocacy is most effective at the policy level, coordination meetings at the working level can and should be used to address a range of advocacy issues. These may include:
- The need to preserve humanitarian space;
- Access to vulnerable populations;
- The right of humanitarian agencies and the military's duties and responsibilities under international humanitarian and human rights laws; and
- The military/security actors' use / non-use of civilian type clothes, vehicles and emblems.

6)   **Training:** Training in civilian-military coordination should be conducted for humanitarian, military and security actors, including local military and police, both prior to and during the mission. This may take the form of short lectures, briefings and/or joint workshops, both in-country (security situation permitting) and outside. It is desirable that private security actors are also made familiar with this subject.

7)   **Information Sharing:** As a matter of principle, any information gathered by humanitarian agencies in fulfilment of their mandate that might endanger human lives or compromise the impartiality and neutrality of humanitarian actors should not be shared with the MNF or other military/security actors. However, to provide protection and humanitarian assistance to populations

in need, information sharing with the MNF and even other military/security actors may at times become necessary. In particular, information that might affect the security of civilians and/or humanitarian staff must be shared with *appropriate* entities.

Information sharing may include:
- *Security information*: information relevant to the security of civilians and humanitarian staff including the coordinates of humanitarian staff and facilities in the military operating theatre;
- *Relief needs*: identified by the military or other security actors;
- *Humanitarian activities*: humanitarian plans and intentions of humanitarian actors, including routes and timing of humanitarian convoys and airlifts in order to avoid accidental strikes on humanitarian operations or to warn of any conflicting activities;
- *Mine-action activities*: information relevant to mine-action activities;
- *Population movements*: information on major movements of civilians;
- *Relief activities of the military and/or other security actors*: information on relief efforts undertaken by the military and/or other security actors;
- *Post-strike information*: information on strike locations and explosive munitions used during military campaigns to assist the prioritization and planning of humanitarian relief and mine-action/UXO activities;
- In addition, assistance may be sought from the military to facilitate the movement of personnel and humanitarian goods across borders, including customs and airport clearances.

8)   **Assessment of Humanitarian Needs:** While humanitarian agencies may be able to benefit from the findings of assessments conducted by the MNF and/or other military/security actors, the priorities, interests and criteria of these assessments may not be purely humanitarian. Too close an affiliation with such assessments may undermine the perception of the humanitarian agencies' neutrality and impartiality. Therefore humanitarian agencies should not join needs assessment missions of the MNF and/or other military/security actors. Rather, they should conduct their own independent humanitarian assessments and use their own evaluation and monitoring capacities. However, humanitarian agencies, for their own planning purposes, may evaluate and consider as appropriate findings of military assessment missions. When appropriate, humanitarian organisations may also share the results of their own needs assessments with the military and/or other security actors.

9)   **Use of Military Assets for Humanitarian Operations:** The use of military assets in support of humanitarian operations must be exceptional and employed only as a last resort. However, it is recognized that where civilian capacities are not adequate or cannot be obtained in a timely manner to meet urgent and life threatening humanitarian needs, military and civil defence assets, including military aircraft, can be deployed in accordance with the guidelines on '*The Use of Military and Civil Defence Assets to Support UN Humanitarian Activities in Complex Emergencies*', issued in March 2003 ('*MCDA Guidelines*', for more details *see http://ochaonline.un.org/mcdu/guidelines*).

Possible approaches in the current context of Iraq include:
- If at all, military assets and resources should only be used for indirect assistance (transportation of relief goods or personnel) or infrastructure support (funding or providing general services, such as road repair, airspace management and power generation that facilitate relief);

- The MNF and other military/security actors in Iraq today are either belligerents or are perceived as such by some of the armed elements, and therefore, only under extreme and exceptional circumstances, their military assets might be used inside Iraq for humanitarian operations, and only if civilian assets or assets of non-belligerent forces cannot be used. Such a situation may occur when highly vulnerable populations cannot be assisted or accessed by any other means;
- In the event that a non-belligerent state (i.e. a state that is not a member of the MNF in Iraq) wishes to contribute military logistical means to support humanitarian operations within Iraq, these means should be consigned as humanitarian assets and clearly marked as such;
- Military assets that have been placed under the control of the humanitarian agencies and deployed on a full-time basis purely for humanitarian purposes must be visibly identified in a manner that clearly differentiates them from military assets being used for military purposes.

10) **Joint Relief Operations with Military and Other Security Actors:** Any operation undertaken jointly by humanitarian agencies with the MNF and/or other military/security actors may have a negative impact on the perception of the humanitarian agencies' impartiality and neutrality as well as on their security. One must be aware that the MNF and/or other military/security actors have different objectives, interests, schedules and priorities from the humanitarian community. Their relief operations could be conditional, based on the needs and goals of the security actor and its mission, rather than the needs of the local population. Hence, any joint civil-military cooperation should be seen as a last resort in order to save lives. To the extent that joint relief operations are the only possibility to respond to urgent humanitarian needs, they must adhere to the principles and guidelines mentioned above.

11) **Separate Relief Operations of Military and Other Security Actors:** Relief operations carried out by the MNF and/or other military/security actors, even when the intention is humanitarian, may jeopardize or seriously undermine the overall humanitarian efforts and the security of humanitarian agencies in Iraq. The other parties to the conflict and the beneficiaries may neither be willing nor able to differentiate between assistance provided by these military/security actors and assistance provided by humanitarian agencies. This could have serious consequences for the ability to access certain areas and the safety of humanitarian staff, as well as cause potential long-term damage to the standing of humanitarian agencies in the region and in other crisis areas, especially if humanitarian assistance is perceived as being selective, politically driven and/or partial. In addition, assistance provided by the MNF and/or other military/security actors is susceptible to political influence and objectives and the criteria used in selecting the beneficiaries and determining their needs may differ from those held by humanitarian organisations.

Possible approaches include:
- Only extreme and exceptional circumstances require relief operations to be undertaken by the military. This might be the case when they are the only actors on the ground or the humanitarians lack the capacity and/or resources to respond to critical and life threatening needs of the civilian population;
- The MNF and other military/security actors should be made aware of the serious concerns of the humanitarian community regarding relief operations carried out by them. Dialogue should be undertaken to address this unease of the humanitarian agencies, for example by promoting a clear division of labour: humanitarian agencies to provide humanitarian

assistance and the military to provide security (i.e. IDP/refugee protection), and if necessary, basic infrastructure and urgent reconstruction assistance as a gap-filling measure until civilian organisations are able to take-over.

12) **General Conduct of Humanitarian Staff:** The independence and civilian nature of humanitarian assistance has to be emphasized at all times. A clear distinction must be retained between the identities, functions and roles of humanitarian personnel and those of the military and other security actors – i.e., humanitarian agencies should not be co-located within military facilities, weapons should not be allowed on the premises or transportation facilities of humanitarian agencies, humanitarian personnel should not travel in military vehicles or aircraft (except as a last resort or for security reasons), humanitarian workers should not wear any military-uniform-like clothing, etc. Failure to observe this distinction could compromise the perception of neutrality and impartiality of humanitarian activities and thereby negatively affect the safety and security of humanitarian staff.

- END -