



OI Policy Compendium Note on the Provision of Aid by Military Forces

Overview: Oxfam International's position on the Provision of Aid by Military Forces

The military is taking an increasing role in responding to humanitarian crises. However, the involvement of military forces or assets must be only in exceptional circumstances, and subject to clearly defined guidelines.

By agreeing to criteria for the involvement of military actors, the distinction between military and humanitarian actors can be maintained. This must safeguard the independence, impartiality and security of humanitarian responses and help ensure that women, men and children receive the assistance they need.

Oxfam affirms the primary position of civilian organisations in implementing humanitarian action. This means:

- In general, it is not appropriate for military forces to implement directly humanitarian activities
- Military assets may only be used in responses to humanitarian crises as a last resort, at the request of humanitarian agencies and only once the humanitarian criteria are satisfied
- Open dialogue should be maintained between NGOs, governments, regional and international organisations, and the military in order to ensure humanitarian principles are kept at the core of civil-military relations

1. Background

The military's role in providing assistance to civilians in crises is not a new phenomenon. Nevertheless, the past decade has witnessed a significant growth in this, as some military forces have provided an increasing amount of aid to people affected by humanitarian crises, not only in conflicts, but also in response to natural disasters. In some cases, such as Afghanistan, military forces have provided aid as part of their wider political and military objectives. In others, such as the floods in China, the military regularly plays a major technical role in responding to disasters. This technical role can be complicated when the natural disaster occurs amidst internal conflict, as was the case in Aceh and Sri Lanka in the 2004 tsunami.

International Humanitarian Law obliges warring parties and occupying forces to facilitate the impartial provision of aid. But, in some cases, military forces have exceeded this obligation. In addition, many governments and regional organisations have expanded their military capacity to provide various forms of assistance to civilians. These changes pose important challenges for both military forces and humanitarian NGOs, and for the relations between them. More importantly, they raise the question of how the men, women and children in need of impartial assistance can most reliably and safely get it.

The OECD's Development Aid Committee has noted that, "[T]he decisions to use national militaries in addressing the humanitarian crises caused by civil conflict have been...political decisions" and "the use of the military can at times politicise the delivery of humanitarian aid and threaten the neutrality, impartiality and independence of that aid."¹

¹ Development Assistance Committee, Civilian And Military Means
Of Providing And Supporting Humanitarian Assistance During Conflict- Comparative Advantages and Costs, DAC/OECD Conflict series, Paris 1998, <http://www.oecd.org/dataoecd/17/3/1886558.pdf>, pp. 6, 32

In response to these challenges, a number of guidelines and position papers have been developed by governments, the UN and NGOs in order to address humanitarian-military relations. Most of these guidelines (OCHA, IASC², SCHR, for instance) agree on the same broad principles that military forces should provide assistance:

- Only as a 'last resort', when civilian options are impossible, and
- 'Under civilian control where possible'
- With the clear separation of action and responsibilities between military forces and civilian humanitarian agencies

Before outlining Oxfam International's position, this paper will explore recent experience and the lessons from it.

Responsibilities and experience of governments, military forces and humanitarian agencies

Governments have the primary responsibility under international human rights law to ensure the welfare of their people. Under international humanitarian law, occupying forces and warring parties also have further legal obligations in this sense. However, these norms oblige them to ensure that humanitarian assistance is provided, rather than that governments or military forces must provide it *themselves*. In most cases, governments' civil authorities are able to provide the aid for their own citizens, often in partnership with local civil society organisations. But in some cases, national military forces may also play a distinct role.

In some cases, however, governments require for their citizens international humanitarian assistance from the United Nations, international NGOs and others. In clearly defined cases – and *only* clearly defined cases – it will be appropriate to use foreign military forces to help provide this.

This was the case following the earthquake that struck Pakistan and India in October 2005. Australia, Libya, the United Arab Emirates and Afghanistan helped to provide the airlift capacity to get assistance to those in need, alongside the UN, NATO, and private helicopters used by international NGOs such as MSF and Oxfam. Out of the 140 aircraft and helicopters used, about 45% were from the Pakistani armed forces. In those circumstances, where most of the infrastructure had collapsed, military logistical capacity proved an essential part of the overall aid effort, in most cases facilitating the work of NGOs.

The involvement of foreign military forces in particular, however, should never be seen as more than exceptional, however vital their unique logistic capacity can occasionally be. When the crisis is an armed conflict – or a 'natural' disaster in an armed conflict – the risks attached to military forces providing aid is obviously increased.

Unfortunately, there have been instances where military forces have not taken sufficient care to distinguish themselves from humanitarian agencies, or have encouraged the 'blurring of the lines' between the military, political and humanitarian functions of the international response to different crises. This has sometimes undermined local populations' and, perhaps more critically, local warring parties' perceptions of the independence and impartiality of humanitarian agencies that remains vital for the safe and effective implementation of their work.

To see the practical reasons for that distinction between military forces and humanitarian agencies, it is useful to look at their respective roles in crises.

Humanitarian agencies

The role of humanitarian agencies is to provide assistance wherever there is need, regardless of who controls the territory, or who are the people in need. For this, humanitarian agencies must have unimpeded access to all affected civilian populations. And for this, they must be accepted by all parties – including all sides in any conflict – as impartial agents of assistance,

² IASC Reference paper on Civil-Military Relationship in Complex Emergencies
<http://ochaonline.un.org/DocView.asp?DocID=1219>

not associated with any military or political force. This is based on Oxfam's commitment to the Red Cross and NGO Code of Conduct in Disaster Response, which highlights the humanitarian imperative, independence, distinction from state and armed actors, and the need for humanitarian space.

In this, *perceptions* can be as important as reality. How warring parties *perceive* humanitarian agencies can lead to violent consequences. In Afghanistan, for example, Oxfam's Kabul offices have been bombed despite its independence from the NATO stabilisation force, but, it appears, because there remain forces in Afghanistan that perceive any international NGO as part of an 'invasion' of Western values.

Elsewhere, there can be damaging consequences for humanitarian agencies' ability to address urgent human needs, if they are perceived to be linked to one military force. Populations may not want to accept their assistance, because that might make *them* targets of one side's violence. One group of combatants may deny a humanitarian agency access to certain areas and people in need – or may even attack the agency's staff, forcing it to withdraw. In all these cases, the end result is similar: that men, women and children may not get the life-saving assistance that they urgently need.

A recent study shows that, between 1997 and 2005, most violence against aid workers has become the result of deliberate targeting, for political or economic reasons, neither random nor a simple reflection of the overall insecurity of a crisis. There was no correlation between this violence against aid workers and a range of factors, including military interventions, or UN 'integrated missions', but the authors concluded that 'international military interventions are often a feature of (and contribute to) extremely volatile environments for aid work, where political targeting is increasingly a tactic of choice'.³

Military forces

Military forces provide assistance to populations for various reasons, not simply to meet human needs. From crisis to crisis, these objectives vary from winning the trust of the local population and proving the 'legitimacy' of the military mission – helping the force protect itself – to extracting information of military value. This can lead to the forces identifying the beneficiaries for their assistance not on the basis of who has the greatest needs, but whose 'hearts and minds' are most important to win.

The use of military assets has also shown certain problems of cost-efficiency, as services provided by military forces – with some exceptions in some cases of logistical support – could sometimes be provided by civilian organisations with a lower cost and in a swifter and more effective way. Different studies and evaluations – from those on the response to 1994's Rwanda crisis to the more recent on the tsunami – suggest that the cost of services provided by the military can be up to 8-times higher than its civilian equivalent⁴.

Emergency assistance provided by the armed forces often takes the form of "rapid impact" activities, without proper need-assessments, when it is primarily aiming to win the confidence of communities, maintain international publicity, or increase the morale of the troops. As a result, its effectiveness at meeting human needs can be reduced.

When military forces have the pertinent technical skills, it is still unlikely that they have substantial experience and expertise in understanding the relevant local culture, the need to consider the gender-impact of their assistance, or the promotion of community participation, ensuring that the needs of the most vulnerable are satisfied. These are all issues on which most NGOs have both the know-how and experience, and which have made all the difference between effective and ineffective assistance in numerous crises.

³ Providing aid in insecure environments: trends in policy and operations; Abby Stoddard, Adele Harmer and Katherine Haver; HPG Report 23, September 2006.

⁴ The report of the Tsunami Evaluation Coalition recommends that the military needs to develop 'lean' approaches to humanitarian operations to allow them to provide support (such as air lift capacities) at considerably lower costs than is currently the norm.

2. Oxfam International's position on the provision of aid by military forces

The core objective of humanitarian action is saving lives and preserving the basic rights of people affected. By definition, humanitarian aid should be impartial and independent, and should be perceived as such, particularly in conflict situations, to ensure safe and effective access to all those in need.

Oxfam recognises that there is an **increased need for dialogue** between NGOs, governments, international and regional organisations (AU, the EU and NATO) and the military, in order to ensure that core humanitarian principles are taken into account in the design of civil-military policies and operations.

All governments – notably those that have endorsed the Good Humanitarian Donorship⁵ principles – should implement the compromises adopted under this initiative, and therefore:

- Affirm the **primary position of civilian organisations in implementing humanitarian action**, particularly in areas affected by armed conflict. In situations where military capacity and assets are used to support the implementation of humanitarian action, ensure that such use is in conformity with international humanitarian law and humanitarian principles, and recognises the leading role of humanitarian organisations.
- Support the implementation of the 2006 Guidelines on the Use of Military and Civil Defence Assets in Disaster Relief (Oslo Guidelines) and the 2003 Guidelines on the Use of Military and Civil Defence Assets to Support United Nations Humanitarian Activities in Complex Emergencies (MCDA Guidelines).⁶

Oxfam shares the position established by the Steering Committee for Humanitarian Response (SCHR) in its paper on Humanitarian-Military Relations in the Provision of Humanitarian Assistance (2002),⁷ which establishes that, **in general circumstances, it is not appropriate for the military to directly implement humanitarian activities. Only in exceptional circumstances may military forces directly implement humanitarian activities, for which there must be specific criteria.**⁸

- Decisions to accept military and civil defence assets must be made by humanitarian organizations in partnership with affected communities, not political authorities, and based solely on humanitarian criteria.
- Military assets should only be used as a last resort, where there is no civilian alternative and only the use of military assets can meet a critical humanitarian need. In all cases, these assets should be deployed in accordance with the MCDA Guidelines of March 2006. In addition to the principle of 'last resort', key criteria in the MCDA Guidelines include:
 1. *Unique capability*: no appropriate alternative civilian resources exist
 2. *Timeliness*: the urgency of the task at hand demands immediate action
 3. *Clear humanitarian direction*: civilian control over the use of military assets
 4. *Time-limited*: the use of military assets to support humanitarian activities is clearly limited in time and scale.

⁵ The Good Humanitarian Donorship initiative was established in June 2003. It establishes a series of principles and good practices to guide donor behaviour. All OCDE countries have endorsed these principles. See Principles and Good Practices of Humanitarian Donorship, <http://www.goodhumanitariananddonorship.org/background1.asp>

⁶ For the full texts, see Guidelines on the Use Of Military and Civil Defence Assets to Support United Nations Humanitarian Activities in Complex Emergencies (MCDA Guidelines) <http://ochaonline.un.org/GetBin.asp?DocID=426> and Guidelines on the Use of Military and Civil Defence Assets in Disaster Relief, "Oslo Guidelines": <http://ochaonline.un.org/DocView.asp?DocID=5247>

⁷ SCHR Position Paper on Humanitarian-Military Relations in the Provision of Humanitarian Assistance <http://www.humanitarianinfo.org/darfur/uploads/military/SCHR%20paper%20on%20Role%20of%20Military%20in%20Aid%20Delivery.doc>

⁸ Oxfam International (2003) 'Iraq: Humanitarian-Military Relations', www.oxfam.org/en/files/pp030312_iraq_hummil_relations.pdf/download

Any humanitarian operation using military assets must retain its civilian nature and character. While military assets will remain under military control, the operation as a whole must remain under the overall authority and control of the responsible humanitarian organization. Military and civil defence assets that have been placed under the control of the humanitarian agencies and deployed purely for humanitarian purposes must be unarmed and visibly identified in a manner that clearly differentiates them from military assets being used for military purposes.

Moreover, the military needs to develop 'lean' approaches to humanitarian operations to allow them to provide logistical support (such as airlift capacities) at considerably lower costs than is currently the norm.

Use of Armed Escorts for Humanitarian Convoys

As a general rule, Oxfam will not use armed or military escorts. Only as a last resort, Oxfam might consider exceptions to this general rule on a case-by-case basis, following the principles endorsed by the IASC in September 2001.⁹

Information Sharing

Certain types of information (on security conditions; conditions in shared space such as transport, aid movements and general estimates about the scope of the emergency) can and should be shared between humanitarian agencies and the military. But under no circumstances will Oxfam provide any information that may endanger communities or risk the security of our staff, nor will it ever provide information for military purposes.

⁹ See IASC Discussion Paper and Non-Binding Guidelines on the "Use of Military of Armed Escorts for Humanitarian Convoys" of September 2001, <http://ochaonline.un.org/DocView.asp?DocID=872>