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Improving NATO-NGO Relations in Crisis Response Operations

by **Laure BORGOMANO-LOUP**

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RESUME

Comme le souligne la Déclaration adoptée au Sommet de l'OTAN de Riga en novembre 2006: «*Jamais paix, sécurité et développement n'ont été autant interdépendants.*»[1]

De fait, depuis le début des années 90, l'ensemble de la communauté internationale académique et politique s'accorde à souligner les liens qui unissent urgence humanitaire, développement et sécurité. Le concept de sécurité lui-même s'est élargi pour englober, outre les aspects militaires de défense territoriale, des domaines politiques, économiques, sociaux et culturels. L'aboutissement de cette évolution conceptuelle est le concept de sécurité humaine et de sécurité durable. On s'accorde à penser qu'un Etat en sécurité, à l'intérieur comme à l'extérieur de ses frontières, est un Etat stable, conjuguant harmonieusement une bonne gouvernance pour sa population et un développement économique soutenable. Par ailleurs, la fin de la guerre froide a libéré la capacité internationale à agir pour gérer les crises dans une perspective de long terme, l'objectif étant non seulement d'arrêter un conflit mais encore d'en traiter les causes profondes. Ambitieuses, ces opérations de réponse aux crises se heurtent à des difficultés importantes. En effet, la vision classique d'une résolution des conflits en trois phases séquentielles, la première exclusivement militaire (combat), la seconde militaro-civile (stabilisation) et la troisième exclusivement civile (reconstruction) ne correspond pas à la réalité du terrain: combat, stabilisation et reconstruction s'interpénètrent de manière difficile à planifier, faisant de l'articulation des moyens civils et militaires une question clé.

Dans ce contexte, ce papier veut contribuer au développement de la relation entre l'OTAN et les ONG dans les opérations de réponse aux crises. En effet les ONG sont des acteurs importants de la prévention et de la résolution des crises. Emanation de la société civile au niveau international et local, elles constituent un complément essentiel des

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[1] Directive Politique Globale, paragraphe 3, Sommet de l'OTAN, Riga, 29 novembre 2006.

interventions gouvernementales en particulier dans les opérations de stabilisation et de reconstruction post-conflit. Elles sont un élément clé de la prévention et du traitement de la violence sociale, violence que les moyens traditionnels internationaux et gouvernementaux peinent à maîtriser. Cependant, elles posent aux forces militaires, et en particulier à l'OTAN, des problèmes spécifiques, en raison de leur nombre, de leurs caractéristiques institutionnelles, de la diversité de leurs idéologies comme de leurs champs d'intervention. Toutefois, la difficulté à identifier des partenaires fiables, compétents et disposés à œuvrer avec l'OTAN est moins importante qu'il n'y paraît pour plusieurs raisons:

- D'une part, pour mieux résister à la concurrence et pour rester des partenaires reconnus, les ONG se regroupent en grands réseaux, se professionnalisent, s'institutionnalisent, deviennent sans cesse plus «transparentes» et «responsables». Les questions du nombre et de l'incompatibilité des cultures institutionnelles sont donc relatives.[2]

- D'autre part, de nombreuses ONG travaillent dans des domaines où la relation avec les forces militaires est une nécessité: protection des populations, gestion des camps de réfugiés, sécurité des populations civiles, déminage, DDR (désarmement, démobilisation, réintégration) et, pour ce qui concerne le Comité International de la Croix Rouge (CICR), protection du Droit International Humanitaire. Elles ont également constitué des réseaux susceptibles de déployer rapidement du personnel spécialisé dans ces domaines. Il y a donc des terrains d'action communs entre ONG et OTAN qui nécessitent l'établissement d'un dialogue.

- Enfin, depuis plus de quinze ans, en concertation avec les Nations Unies et sous l'impulsion du CICR, les ONG ont travaillé à dégager des lignes de conduite communes concernant leurs relations avec les forces militaires. Conscientes des dilemmes que rencontre l'action humanitaire en situation de conflit armé, mais aussi dans l'aide humanitaire en cas de catastrophes, les ONG ont établi des principes

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[2] Des réseaux comme le celui de l'*International Council of Voluntary Agencies* (ICVA) et du *Steering Committee for Humanitarian Response* (SCHR) font partie du grand forum inter-agences de l'ONU, et de l'*Inter-Agency Standing Committee* (IASC) piloté par le Bureau pour la Coordination des Affaires Humanitaires (BCAH). Ces réseaux de réseaux permettent d'unifier la réponse des ONG. D'autres ONG internationales sont elles-mêmes des réseaux regroupés en fédérations, comme le Mouvement de la Croix Rouge et du Croissant Rouge, ou Caritas Internationalis. D'autres encore ont des sociétés nationales partout dans le monde: OXFAM, Handicap International, Amnesty International, CARE. Par ailleurs, au niveau local, les ONG se regroupent: en Afghanistan ACBAR (Agency Coordinating Body for Afghan Relief), rassemble 90 ONG nationales et internationales.

directeurs permettant de discriminer entre différentes formes d'interaction. Certes, le principe de base demeure la séparation des domaines humanitaires et militaires, dans l'intérêt de chacune des parties et pour la réussite de leur mission respective. Toutefois elles reconnaissent presque toujours la nécessité d'établir des mécanismes de liaison et d'échanges d'information. Certaines d'entre elles envisagent même -quoique avec prudence- la possibilité d'une coopération ou d'une coordination, si les circonstances le permettent. L'OTAN doit donc connaitre l'état et l'évolution de cette réflexion et, si possible, prendre une part active à ce débat en pleine évolution.[3]

Il n'en reste pas moins que la relation entre forces militaires et ONG, surtout ONG humanitaires, est une relation problématique en raison de l'opposition frontale de deux priorités: d'une part, une priorité donnée à la réussite de la mission politico-militaire dans les temps impartis par un mandat donné, d'autre part une priorité donnée à l'aide immédiate aux populations en détresse, sans autre considération.

Cela étant, sur le terrain des crises, les ONG et les forces militaires se rencontrent et souvent coopèrent. En étudiant plus précisément comment se déroule cette coopération dans les opérations conduites par l'ONU et par les Etats Unis, on peut mettre en évidence quelques tendances de fond et en tirer des implications pour la relation OTAN-ONG. A l'ONU comme aux Etats-Unis, la tendance est aujourd'hui à l'instrumentalisation et à l'intégration toujours plus poussée des ONG.

- A l'ONU, les relations de travail avec les ONG ont toujours été étroites. Aujourd'hui pourtant ces relations sont dans une phase critique. En effet, en cherchant à répondre aux crises humanitaires et aux conflits de la façon la plus cohérente et rationnelle qui soit, l'ONU adopte des modèles qui renforcent les mécanismes de planification et de coopération. Le modèle de mission de paix intégrée (*UN Integrated Peace Mission*) limite l'autonomie de décision et d'action des ONG. L'approche groupée (*Cluster Approach*) introduit

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[3] Voir les deux documents élaborés sous la direction de l'ONU: *The Military and Civilian Defense Assets Guidelines for Internatinal Disasater Relief in Time of Peace* ('Oslo Guidelines') et *The MCDA Guidelines in Complex Emergencies.* Ils complètent le document de base du CICR: *Codes of Conduct for the International Red Cross and Red Crescent Movement in Disaster Relief.*

une rationalisation inter-agences séduisante mais au prix d'une bureaucratisation et au détriment de la capacité de réponse des ONG, elles-mêmes souvent multitâches ou multifonctionnelles. Les ONG de petite taille en particulier sont menacées par ces deux nouveaux mécanismes qui multiplient pour elles les occasions de réunion et les mécanismes de coopération.

- Aux Etats-Unis, les ONG ont traditionnellement une légitimité et une marge de manœuvre importante, étant donné l'importance des mouvements associatifs. Cependant, elles sont aujourd'hui directement sollicitées pour servir les objectifs de la politique économique et internationale des Etats-Unis. Ainsi l'administration actuelle cherche à faire de l'aide au développement un des instruments de la politique étrangère. Par ailleurs, les difficultés des phases de stabilisation en Afghanistan et en Irak on conduit le gouvernement américain à revoir ses mécanismes de coopération civilo-militaire dans le sens d'une plus grande intégration. Au niveau diplomatique, cela se traduit par la création du poste de Coordinateur pour les opérations de reconstruction et de stabilisation (*Coordinator for Reconstruction and Stabilization*, S/CRS), lequel a rang de sous-secrétaire d'Etat.[4] Au niveau militaire les opérations de stabilisation et de reconstruction ont désormais la même priorité que les opérations de combat.[5] Auprès des commandements militaires, différents mécanismes de coordination multinationale inter-agences sont testés au niveau opérationnel et tactique, comme par exemple le Multinational Interagency Group (MNIG). D'autres mécanismes sont aujourd'hui à l'étude, au niveau stratégique et politique. Dans tous les cas, l'objectif est une intégration toujours plus poussée de tous les acteurs au service d'une politique décidée au plus haut niveau.

Pour sa part, l'OTAN dispose grâce à la doctrine CIMIC adoptée en 2003 d'une gamme étendue d'instruments pour la coopération civilo-militaire. Pour l'instant, les liens avec les ONG ont été développés, au niveau tactique, par la mise en œuvre de mécanismes de coordination et de liaison *ad hoc* et au niveau stratégique par la signature d'un accord

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[4] *National Security Presidential Directive*, NSPD-44, 7 December 2005
[5] *Directive présidentielle* DOD-3000.05 adoptée le 28 novembre 2005: "4.1: *Stability operations should be given priority comparable to combat operations* (…) 4.2: *Integrated civilian and military efforts are key to successful stability operations*".

spécifique avec le CICR concernant la formation et les exercices; par ailleurs, depuis quelque temps l'organisation de séminaires, de conférences et de cours permet une meilleure connaissance réciproque. Les liens entre l'OTAN et les ONG ne sont donc pas négligeables mais restent pour l'instant limités. Pour aller plus loin, l'OTAN ne peut pas suivre l'exemple de l'ONU, parce qu'elle ne dispose ni des capacités civiles ni des financements nécessaires. Elle ne peut pas non plus adopter tels quels les modèles américains de coordination pour la stabilisation et la reconstruction, parce qu'elle est une organisation intergouvernementale dans laquelle les Etats membres restent souverains.

Pour tirer un plus grand profit de sa coopération avec les ONG, l'OTAN doit maintenant développer des mécanismes spécifiques.

Pour cela, une approche en trois volets est envisageable, mais elle doit être précédée d'un certain nombre de clarifications préalables.

Il convient tout d'abord de bien *définir les objectifs* des opérations de stabilisation menées par l'OTAN et d'en cerner les limites (soutien à la stabilisation ou mise en œuvre directe de «*State-building*»). Il convient aussi *de tenir compte des objectifs différents* poursuivis par les ONG et l'OTAN dans la recherche d'une relation améliorée: alors que les militaires voudraient renforcer la coopération au niveau politique et stratégique, les ONG sont intéressées par une amélioration au niveau tactique et une intensification des exercices et de la formation.

Selon nous, la coopération doit avoir pour effet principal *de renforcer la valeur ajoutée complémentaire de chacune des parties et d'atténuer les contraintes qu'elles supportent*: l'OTAN dispose de la légitimité politique, de la force militaire et de moyens logistiques mais a une obligation de réussite dans des délais parfois très courts; les ONG disposent d'une légitimité éthique, d'une plus grande liberté d'action dans le moyen et long terme et d'une bonne connaissance des cultures et des contextes locaux. Cependant, en situation d'insécurité, elles peuvent être inopérantes.

Enfin, la coopération doit être décidée en fonction de quatre critères: *cohérence* (avec les objectifs de l'OTAN), *efficacité* (plus

efficace que si l'OTAN agissait seule ou avec d'autres acteurs), *efficience* (moins coûteuse qu'une autre stratégie), et *subsidiarité* (éviter les duplications inutiles).

L'approche en trois volets consisterait à développer une interopérabilité «culturelle» par le dialogue et la formation; à utiliser pleinement les mécanismes d'interaction et de coopération développés à l'ONU; à mettre en place au niveau du siège de l'OTAN une structure légère d'avis et de conseils pour la coopération civilo-militaire y compris dans la relation avec les ONG.

Développer une interopérabilité «culturelle»[6]: en invitant davantage d'ONG à participer à des cours, conférences et exercices organisés par l'OTAN et réciproquement, en faisant participer des personnels de l'OTAN à des cours et séminaires organisés par le Bureau pour la Coordination des Affaires Humanitaires (BCAH de l'ONU) à l'intention des ONG; il s'agit aussi pour l'OTAN d'être partie prenante de l'évolution des codes de conduite, en particulier pour ce qui concerne la relation ONG-militaires.

Utiliser les mécanismes d'interaction et de coordination des Nations Unies: cela permettra d'éviter la duplication de mécanismes de coordination. Cela consiste à renforcer le rôle de l'officier de liaison OTAN au Département des Opérations de Maintien de la Paix (DOMP); à renforcer les liens avec le BCAH en donnant plus de visibilité à son représentant à la direction des Plans civils d'urgence et en plaçant un officier de liaison OTAN au BCAH; sur le terrain, il s'agira de tirer parti des mécanismes de la mission de paix intégrée de l'ONU et de l'approche groupée, là aussi en y renforçant la présence de personnels de l'OTAN.

Mettre en place à l'OTAN une structure légère d'avis et de conseil. Sous l'autorité du Conseil de l'Atlantique Nord (CAN) et du Comité militaire (CM), une structure permanente réunirait des experts civils -y compris ONG- et militaires pour tirer parti des expériences de coopération et recueillir une expertise civile concernant un terrain de crises donné; il peut s'agir soit d'une nouvelle structure, soit d'une

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[6] Au sens de «culture d'entreprise».

extension des missions du Haut Comité pour les Plans d'urgence dans le domaine civil (SCEPC)[7]. En cas de crise ouverte, cette cellule serait renforcée par des éléments du Secrétariat International, de l'Etat-major International et du SCPEC pour donner des avis de coopération civilo-militaire à SHAPE.

En conclusion, le renforcement de l'interaction entre les ONG et l'OTAN est souhaitable et possible; il doit avoir pour principe directeur de renforcer la complémentarité de chacune des deux parties en respectant leur valeur ajoutée particulière. Cela exclut de donner un rôle opérationnel aux ONG dans la planification: alors que recueillir leur avis durant la phase de planification est de grand intérêt, l'OTAN ne doit pas les considérer comme des acteurs opérationnels. Cela implique de renforcer l'interopérabilité «culturelle»; d'utiliser pleinement les mécanismes de coordination déjà existants, en premier lieu à l'ONU; de développer à l'OTAN, sous l'autorité du CAN et du MC, une cellule légère d'expertise dans ce domaine.

Cette approche en trois volets respecte le cadre existant de la planification à l'OTAN et de la doctrine CIMIC et ne nécessite pas le développement de capacités civiles particulières, conformément aux recommandations du Communiqué de l'OTAN adopté au Sommet de Riga. Elle peut être mise en œuvre sans délai.

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[7] Senior Civil Emergency Planning Committee.

EXECUTIVE SUMMARY

As was stressed in the Riga Summit Declaration: "*Peace, Security and Development are more interconnected than ever*"[8]

Since the early 1990s, the international academic and political community as a whole has emphasized the relationship between humanitarian emergencies, development and security. The concept of security itself has expanded beyond its military and territorial defence aspects to include political, economic, social and cultural issues. This evolution in ideas has resulted in the notions of human security and sustainable security. It is generally agreed that a state that is secure both within and outside its borders is stable, with a balance between good governance and sustainable economic development. The end of the Cold War made possible international cooperation to manage crises with a long term view not only of ending conflict but also of dealing with the root causes.

These ambitious crisis response operations are confronted with serious obstacles. The classic formula for resolving crises in three consecutive phases, the first purely military (combat), the second civil-military (stabilization) and the third purely civil (reconstruction), does not reflect the real situation on the ground. In practice, combat, stabilization and reconstruction interconnect in unexpected ways, and therefore coordination of civilian and military assets is crucial.

In this context, this paper aims to contribute to the development of more effective relations between Non Governmental Organizations (NGOs) and NATO in crisis response operations. Indeed, NGOs are important actors in the prevention and resolution of crises. As the international and local embodiment of civil society, they are an essential complement to government intervention, particularly in post-conflict stabilization and reconstruction operations. They play an essential role in

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[8] *NATO Comprehensive Political Guidance*, Riga Summit, paragraph 3.

preventing and dealing with social violence, which traditional international and governmental systems have great difficulty in controlling. However, because of their number, their institutional features and their diverse ideologies and areas of intervention, they present military forces with specific problems. The task of identifying reliable, competent partners willing to interact with NATO is nonetheless not as difficult as might seem, because:

- In order to withstand competition more effectively and continue to be recognized as partners, NGOs are grouping themselves into large networks, professionalizing and institutionalizing themselves and becoming increasingly transparent and accountable. The problems related to their number and the incompatibility of their institutional characteristics are therefore of declining importance.[9]
- Numerous NGOs work in areas where they have to interact with the military: protection of populations, refugee camp management, mine clearance, DDR (demobilisation, disarmament, and reintegration) and, in the case of the International Committee of the Red Cross (ICRC) enforcement of international humanitarian law. They have also set up networks that can rapidly deploy personnel specialized in these areas. Consequently NGOs and NATO share common fields of action, making dialogue essential.
- Lastly, for more than fifteen years now, NGOs have been working in concert with the United Nations and under ICRC guidance to identify common policies for their relations with military forces. To address the dilemmas faced by humanitarian actors in both armed conflicts and disaster relief operations, NGOs have established guiding principles for differentiating between the various forms of interaction. The basic principle is still to keep humanitarian and military activities separate, so that each party can pursue its own mission objectives. However, NGOs and military forces almost invariably recognize the need to establish liaison and information exchange mechanisms. A

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[9] Some of these networks, such as the International Council of Voluntary Agencies (ICVA) and the Steering Committee for Humanitarian Response (SCHR) are part of the UN's large inter-agency forum led by the Office for the Coordination of Humanitarian Affairs (OCHA), the Inter-Agency Standing Committee (IASC). Other large international NGOs are genuine networks, grouped into federations, such as the Red Cross and Red Crescent Movement, Caritas Internationalis. NGOs group together at a local level: in Afghanistan, ACBAR (Agency Coordinating Body for Afghan Relief), groups together 90 national and international NGOs.

number of them even envisage – though with some caveats – coordination and, if circumstances permit, cooperation. NATO must therefore keep abreast of this new thinking, and if possible play an active role in this rapidly unfolding debate.[10]

The fact remains, however, that the relationship between military forces and NGOs, especially humanitarian NGOs, is a delicate one, because of the contrasting priorities involved: on the one hand success of the political and military mission; and on the other assistance to populations in distress, without any other agenda.

Nevertheless, NGOs and military forces do come into contact on the ground in crisis areas and frequently cooperate. Analysis of this cooperation in UN- and US-led operations reveals fundamental trends that affect the NGO/NATO relationship. The tendency today, in both cases is towards increasing integration of NGOs.

- The UN has always had close working relations with NGOs. But today this relationship has reached a critical point. In its efforts to respond as coherently and rationally as possible to humanitarian crises and conflicts, the UN adopts models that reinforce planning and cooperation mechanisms. The UN integrated peace mission model restricts the decision-making autonomy and freedom of action of NGOs. The "cluster approach" introduces inter-agency rationalization that on the surface is appealing, but in actual fact leads to bureaucratization. This has an adverse effect on the response capability of the NGOs, which frequently are multitask or multifunctional. Small NGOs in particular feel threatened by these two new models that increase the number of meetings to be attended and cooperation mechanisms to be applied.

- In the US, NGOs have always had a degree of legitimacy and freedom commensurate with the status accorded to these associations. Today, however, more often than not they are directly asked to pursue the objectives of US economic and international policies, and indeed the current administration is trying to make development aid one of its

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[10] See in particular the two documents prepared under UN guidance: *The Military and Civilian Defense Assets (MCDA) guidelines for International Disaster Relief in time of Peace* ('Oslo Guidelines'), and the *MCDA Guidelines in Complex Emergencies.* They complete the ICRC basic document: *Codes of Conduct for the International Red Cross and Red Crescent Movement in Disaster Relief.*

foreign policy instruments. The difficulties encountered during the stabilization phases in Afghanistan and Iraq have prompted the US government to review its civil-military cooperation mechanisms with a view to greater integration. At the diplomatic level, this has led to the creation of the post of Coordinator for Reconstruction and Stabilization, S/CRS, which has the rank of Under Secretary of State.[11] At the military level stabilization and reconstruction operations now have the same priority as combat operations.[12] In military commands, different mechanisms for multinational inter-agency coordination are tested at the operational and tactical level, such as the Multinational Interagency Group (MNIG). Other mechanisms are now under study at the strategic and political level. In every case, the objective is to increase the involvement of all actors in the implementation of policies decided at the highest level.

Thanks to the civil-military cooperation doctrine (CIMIC) adopted in 2003, NATO has a wide range of civil-military cooperation tools at its disposal. Links with NGOs are being developed at the tactical level through the implementation of ad hoc coordination and liaison mechanisms, and at the strategic level through specific agreements with the ICRC on training and exercises. Additionally, for some time now ad hoc seminars, conferences and courses have been organized to improve reciprocal knowledge. The links between NATO and NGOs, therefore, are not insignificant but still have scope for improvement.

If it is to progress further in this direction, NATO cannot follow the example of the UN, because it does not have the necessary civil capabilities and funding. Nor can it indiscriminately adopt US stabilization and reconstruction models, because NATO is an intergovernmental organization consisting of sovereign states. To ensure more productive relations with NGOs, NATO needs to develop appropriate mechanisms.

For this purpose, a three-pronged approach can be envisaged. However, a number of preliminary criteria need to be clarified.

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[11] *National Security Presidential Directive*, NSPD-44, 7 December 2005.
[12] See *Department of Defense Directive* DOD-3000.05 adopted on 28 November 2005.

First, it is advisable to clearly *define the objectives* of the stabilization operations led by NATO and at the same time establish their limits (support for stabilization or direct implementation of state/society building). Second, it is also advisable to *bear in mind the different objectives* pursued by the NGOs and NATO, in order to improve the relationship between them. While the military would like to enhance political and strategic cooperation, NGOs are interested in tactical improvements and an increase in exercises and training.

The main result of cooperation should be to *enhance the complementary added value of each of the parties and reduce constraints*. NATO has political legitimacy, military strength and logistic capabilities, but it has to accomplish its missions within timeframes that are sometimes comparatively short. NGOs have ethical legitimacy, greater freedom of action in the medium and long term and are often familiar with local cultures and contexts, but in an insecure situation they may be unable to act effectively.

Cooperation must be decided on the basis of four criteria: *consistency* (with NATO objectives), *effectiveness* (it should be more effective than if NATO were to act alone or with other actors), *cost effectiveness or efficiency* (it should be less costly than another strategy), and *subsidiarity* (it should avoid useless duplications).

The three-pronged approach would require development of "cultural" interoperability, full use of the interaction and cooperation mechanisms created at the UN, and establishment at NATO HQ of a streamlined advice and consultation agency for civil-military cooperation, particularly NATO's relations with NGOs.

Development of "cultural" interoperability, including in the sense of "enterprise culture", could be promoted by inviting more NGOs to take part in courses, conferences and exercises organized by NATO or, vice versa, sending NATO personnel to courses and seminars organized by the UN-Office for the Coordination of Humanitarian Affairs (OCHA) for NGOs; it also means participation by NATO in the drafting and negotiation of codes of conduct, particularly the portions concerning the relationship between NGOs and the military.

Use of UN interaction and coordination mechanisms: this will avoid duplication of coordination mechanisms. It would require reinforcement of the role of the NATO liaison officer in the Department of Peacekeeping Office and reinforcement of NATO's links with the OCHA by giving the OCHA representative greater visibility in the Civil Emergency Planning Directorate at NATO HQ and by establishing a NATO liaison officer at the OCHA. On the ground, it would entail use of UN integrated peace mission mechanisms and the "cluster approach," with a reinforced NATO presence.

Establishment of a streamlined advice and consultation cell at NATO HQ. Under the authority of the North Atlantic Council and NATO's Military Committee, a permanent think tank of civilian experts – including NGOs - and military experts would be set up, to make the best use of cooperation experience and draw on civilian expertise in a specific crisis area. This could be a new structure, or, better, an extension of Senior Civil Emergency Planning Committee (SCEPC) missions. In an ongoing crisis, the cell would be reinforced by International Staff, International Military Staff and SCPEC personnel, who would give advice to Supreme Headquarters, Allied Powers Europe (SHAPE) on civil-military cooperation.

To promote enhanced interactions between NGOs and NATO is both desirable and feasible. The aim should be to strengthen the complementary functions of both parties while respecting the added value that each of them brings. These rules out any decisive operational role for NGOs in planning: while their advice and presence during the planning phase may be welcomed, NGOs cannot be considered as operational actors. An improved relation implies enhancement of "cultural" interoperability; full use of existing coordination mechanisms, above all at the UN; and the creation of a streamlined advice and consultation cell at NATO HQ, under the auspices of the NAC and the MC.

In line with the recommendations of the NATO Communiqué adopted at the Riga Summit, this three-pronged approach respects the existing framework of NATO planning and CIMIC doctrine and does not require the development of special civilian capabilities. It can be implemented without delay.

INTRODUCTION

NGOs and NATO come into contact in the theatre of operations, in emergency relief operations and in complex crises, including armed conflicts. Experience in stabilisation and reconstruction operations has shown the importance of the relationship between military forces and civilian actors, including NGOs. This paper aims to contribute to the improvement of NATO and NGO relations in crisis response operations, while respecting the political framework defined at NATO's Riga Summit in November 2006.

The paper addresses the main dilemmas posed by cooperation between NATO and NGOs in the S&R phase. Indeed, this phase presents the most fruitful and the most problematic challenge for the relationship.[13] The objective is to define useful parameters for cooperation choices as well as to assess the various levels and degrees of intensity of this relationship in order to define concrete proposals. Chapter one presents the framework of S&R operations. In chapter Two, the dilemmas of NGO/military cooperation are addressed, first of all from the point of view of NGOs themselves. The paper concentrates on the NGOs present in crisis operations that apply humanitarian principles (humanity, impartiality, neutrality, independence).These are the operational NGOs whose relationship with NATO may be most problematic. Chapter three analyses the way NGOs currently cooperate on the ground with UN- and US-led operations as well as according to NATO CIMIC doctrine. This paper does not address the European Union's way of dealing with NGOs in complex crises. The EU experience in such crises is still recent and does not offer to draw sound conclusions. Provincial Reconstruction Teams (PRTs) in Afghanistan are not analyzed in detail either. The PRT concept is still a work in progress. Its implementation greatly depends on the nature of the context as well as on the nation in charge of the specific PRT. The PRT experience deserves

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[13] Relief operations response to natural or technological catastrophes may present similar dilemmas but they will be less acute, because the use of force will not be a major issue.

a separate study, particularly to assess each PRT's inputs, on a case by case basis. Chapter four proposes concrete steps to promote more effective relations between NATO and NGOs. The recommendations are at the political and strategic level, since doctrinal issues are the responsibility of Allied Command Transformation (ACT).

The meaning of certain terms should be clarified. NGOs are numerous and diverse and it is difficult to generalize about "the community of NGOs" or "the NGOs' point of view". Nevertheless, in this paper, such expressions are used to characterize the main tendencies within most NGOs, in particular the ones that cooperate with international organizations in a theatre of military operations. The expression "the military" refers to the legal military forces, national or international. This analysis therefore excludes illegal armed groups, guerrillas and mercenaries, with which NGOs have other type of relations. A "humanitarian actor" has a commitment to the humanitarian principles (humanity, impartiality, neutrality)[14] and is engaged in humanitarian activities. "Relationship" is a generic term. It may represent various degrees of intensity at each level (strategic, operational, and tactical):
- Interaction: simple contact and exchange of information on the situation and activities;
- Coordination: harmonization of different actions for a common objective, while allowing each party to retain its freedom of action;
- Cooperation: pursuit of a common objective by means of common action.

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[14] See 2.3: The humanitarian/military debate.

CHAPTER 1
COOPERATION BETWEEN NATO AND NGOs:
A STEP IN NATO's TRANSFORMATION?

1.1 "Peace, Security and Development are more interconnected than ever"[15]

Since the early 1990s, the international academic and political community has stressed the connection between humanitarian emergencies, development and security. In 1991 the UN General Assembly emphasized the link between emergency aid, rehabilitation and development:

> "*There is a clear relationship between emergency, rehabilitation and development. In order to ensure a smooth transition from relief to rehabilitation and development, emergency assistance should be provided in ways that will be supportive of recovery and long-term development. Thus, emergency measures should be seen as a step towards long-term development*"[16].

In 2002, President Bush gave the following definition of how exporting democracy and the free market economy are linked with homeland security:

> "*We will actively work to bring the hope of democracy, development, free markets, and free trade to every corner of the world. The events of September 11, 2001, taught us that weak states, like Afghanistan, can pose as great a danger to our national interests as strong states. Poverty does not make poor people into terrorists and murderers. Yet poverty, weak institutions, and corruption can make weak states vulnerable to terrorist networks and drug cartels within their borders.*"[17]

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[15] *NATO Comprehensive Political Guidance*, 29 November 2006, Paragraph 3.
[16] UN General Assembly, *Resolution 46/182*, 19 December 1991, article 9.
[17] *National Security Strategy of the United States of America*, September 2002, "Introduction".

The concept of security is no longer confined to the strictly military domain and has expanded to embrace economic, institutional, political, demographic and juridical notions. This evolution in ideas has led to the concepts of human security and sustainable security.[18] It is generally agreed that a state that is secure both within and outside its borders is stable, with a balance between good governance and sustainable economic development.

1.2   Complex Crises Require Complex Operations

As inter-state conflicts have diminished, today's crises, which are essentially intra-state, are perceived as diseases attacking a healthy state and a society as a whole and calling for the intervention of external powers. A complex crisis 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."*[19] The end of the Cold War made possible a greater number of interventions by external powers under international auspices. Intervention in increasingly complex operations is more and more frequent. As Kofi Annan, the then UN Secretary General, said in May 2006:

> *"UN peacekeeping operations are now increasingly complex and multi-dimensional, going beyond monitoring a ceasefire to actually bringing failed States back to life, often after decades of conflict."*[20]

Annan's statement implies a departure from war in the traditional sense of the term. In some cases, however, victory seems impossible: conflicts drag on endlessly, become stalled, appear to die down and then flare up again.

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[18] See Laure Borgomano-Loup, Jean Dufourcq, Pascale Lupoli, Carine Rouah, *Promoting Sustainable Security*, NDC Occasional Paper No.12, February 2006, NATO Defense College, Rome.
[19] UN MCDA Guidelines: *The Use of Military and Defense Assets to Support United Nations Humanitarian Activities in Complex Emergencies.* See Annex 2.
[20] Statement made by Kofi Annan, the then UN Secretary General, at the Peacekeepers International Day, 29 May 2006: "*The blue helmets and their civilian colleagues work together to organize elections, enact police and judicial reform, promote and protect human rights, conduct mine-clearance, advance gender equality, achieve the voluntary disarmament of former combatants, and support the return of refugees and displaced people to their homes*".

1.3   Stabilization and Reconstruction Operations: A New Task for NATO?

In stabilization and reconstruction operations, the traditional three-phased approach to conflict resolution - intervention by military forces, stabilization by civil-military actors and reconstruction by purely civilian actors - does not work. More often than not, the stabilization phase overlaps with the end of the combat phase and the start of reconstruction. Rear-Admiral Richard Cobbold has stressed that:

> "*No clear line can be drawn between the conduct of war and stabilization operations, even though they are quite distinct and different in nature.*"[21]

Today this phase is considered the key to the success of an operation, facilitating a rapid and honourable exit from the crisis.

> "*Because S&R operations will likely take place in a politically charged environment, victory on the battlefield could end in strategic failure if political objectives are not achieved. Building a stable peace means addressing the underlying sources of a conflict, not just its symptoms. Complexity will increase with the presence of an array of partners, including coalition forces, interagency players, international organizations, non governmental organizations and local officials.*"[22]

This phase necessitates a dual adaptation of forces. They must be able to conduct combat operations. They must also be able to cooperate with civilian actors and support their stabilization efforts and, if circumstances demand, take over from them during the first essential stages of stabilization.

The exact boundary between support and replacement varies according to national doctrine. The United States takes a broad perspective on the issue. The Department of Defense Directive 3000-05, adopted on 28 November 2005, defines "*stability operations*" as a core

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[21] Richard Cobbold, «Opérations de Stabilisation; faire la guerre, maintenir la paix», in: *Annuaire français des Relations Internationales*, 2003. Accessible on: http://www.diplomatie.gouv.fr/

[22] Hans Binnendijk and Stuart Johnson, *Transforming for Reconstruction and Stabilization*, Center for Technology and National Security Policy, National Defense University, NDU Press, Washington, 2004.

mission and instructs the U.S. armed forces to accord it the same priority as combat operations.

> "*4.1. Stability operations are a core U.S. military mission that the Department of Defense shall be prepared to conduct and support. They shall be given priority comparable to combat operations and be explicitly addressed and integrated across all DoD activities including doctrine, organizations, training, education, exercises, materiel, leadership, personnel, facilities, and planning*"[23].

The directive gives a clear explanation of the scope, objective and conduct of these operations, [24] and underlines the importance of civil-military cooperation for the success of stabilization operations.[25]

NATO has no official definition of stabilization operations, although it does stress their importance for the success of interventions: "*Experience has shown the increasing significance of stabilisation operations and of military support to post-conflict reconstruction efforts.*"[26] Are they now a core mission? This is the opinion of Christoph Bertram, who states:

> "*What NATO is needed and suited for is what the Alliance has been doing ever since it deployed in Bosnia and Herzegovina in 1995, namely generating forces to help stabilise fragile parts of the world*. (…) *Stabilisation is also what NATO is best suited for politically and militarily. Politically, recent experience has demonstrated that members tend to agree quite readily on stabilisation operations. Militarily, while no European armed forces can keep up with the United States in expenditure and high-*

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[23]See:http://www.dtic.mil/whs/directives/corres/pdf/d300005_112805/d300005p.pdf

[24] "*4.2. Stability operations are conducted to help establish order that advances U.S. interests and values. The immediate goal often is to provide the local populace with security, restore essential services, and meet humanitarian needs. The long-term goal is to help develop indigenous capacity for securing essential services, a viable market economy, rule of law, democratic institutions, and a robust civil society. 4.3 Many stability operations tasks are best performed by indigenous, foreign or U.S. civilian professionals. Nonetheless, U.S. military forces shall be prepared to perform all tasks necessary to establish or maintain order when civilians cannot do so. Successfully performing such tasks can help secure a lasting peace and facilitate the timely withdrawal of U.S. and foreign forces.*"

[25] "*4.4. Integrated civilian and military efforts are key to successful stability operations. Whether conducting or supporting stability operations, the Department of Defense shall be prepared to work closely with relevant U.S. Departments and Agencies, foreign governments and security forces, global and regional international organizations, U.S. and foreign nongovernmental organizations and private sector individuals and for-profit companies*".

[26] *Comprehensive Political Guidance*, para. 6.

end fighting capability, many are experienced in stabilisation operations."[27]

　　We are not making a case for or against this development, but simply wish to examine the implications for cooperation between NATO and NGOs. This is a crucial area in NATO's interactions with civilian actors, particularly NGOs.

　　Before continuing our analysis of this relationship, we would like to make a few fundamental observations. First of all, any analysis of stabilization operations is strongly influenced by the difficulties encountered today in Iraq and Afghanistan. It is not clear whether and to what extent distant operations of this kind will be among NATO's priorities in the future. Secondly, sometimes there is a shift in the meaning of the objectives of these operations, due to the use of the term "stabilization" and the emphasis on "stability" as a fundamental element of international security. NATO governments need to define more clearly whether stabilization operations signify "nation building", i.e. (re)building a "stable" state and society along Western lines; or whether the term means supporting the reconstruction carried out by local actors, whose primary objective may not be the stability of the state. Lastly, military interventions by NATO and associated governments have been based on the pragmatic assumption that actors should behave in a rational manner. A fresh analysis of social violence would no doubt draw other conclusions and assign a more important role to civil actors.[28] This paper does not undertake such an analysis, but it is important to bear these questions in mind and seek an answer to them.

1.4　　The Objectives of an Enhanced NATO-NGO Relationship within the Framework Defined at the Riga Summit (29 November 2006)

　　The aim of this paper is to study the possibility of improving cooperation between NATO and NGOs within the limits defined by the Riga Summit Declaration in November 2006: to improve in a consistent manner the use of the crisis management tools that NATO already has,

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[27] Christoph Bertram, "Military Matters" in *NATO Review*: *Operations: Old and News*, Spring 2006; available on: www.nato.int/docu/review/2006/
[28] Cf. Michel Wieviorka, *La Violence,* Balland, Paris, 2004.

particularly the mechanisms for cooperation between all actors and at all levels, by adjusting existing planning mechanisms and without creating new civilian capabilities.

> *"Experience in Afghanistan and Kosovo demonstrates that today's challenges require a comprehensive approach by the international community involving a wide spectrum of civil and military instruments, while fully respecting mandates and autonomy of decisions of all actors, and provides precedents for this approach. To that end, while recognising that NATO has no requirement to develop capabilities strictly for civilian purposes, we have tasked today the Council in Permanent Session to develop pragmatic proposals in time for the meeting of Foreign Ministers in April 2007 and Defence Ministers in June 2007 to improve coherent application of NATO's own crisis management instruments as well as practical cooperation at all levels with partners, the UN and other relevant international organizations, Non-Governmental Organisations and local actors in the planning and conduct of ongoing and future operations wherever appropriate. These proposals should take into account emerging lessons learned and consider flexible options for the adjustment of NATO military and political planning procedures with a view to enhancing civil-military interface."[29]*

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[29] *Riga Summit Declaration*, 29 November 2006, para. 10.
See: http://www.nato.int/docu/pr/2006/p06-150e.htm

CHAPTER 2
THE DILEMMAS FACED WHEN COOPERATING
WITH MILITARY FORCES

2.1.   The Complex, Diversified World of NGOs

The term Non Governmental Organization has no legal definition. It appears for the first time in Article 71 of the UN Charter in the part on the Economic and Social Council (ECOSOC).[30] Peter Willets emphasizes that:

> "*An NGO is defined as an independent voluntary association of people acting together on a continuous basis, for some common purpose, other than achieving government office, making money or conducting illegal activities.*"[31]

NGOs constitute a complex and highly diversified world to which the UN attaches great importance: 2,870 NGOs have consultative status at the ECOSOC today and more than 1,500 are affiliated with the UN Department of Public Information.[32] The Security Council has invited NGOs to discuss the role of civil society in the prevention and resolution of conflicts. NGOs are an integral part of civil society that had few opportunities for contact with NATO before the Alliance engaged in crisis management and disaster relief operations.

2.2   The Practical and Institutional Problems of the NATO-NGO Relationship

At first sight NATO's pursuit of improved relations with NGOs might appear difficult for three sets of reasons: their great number and diversity, their institutional and associative culture, and their ideology.

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[30] "*The Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence.*"
[31] Peter Willets, article 1.44.3.7, "Non-Governmental Organizations", *UNESCO Encyclopaedia of Life Support System*, at http://www.staff.city.ac.uk/p.willetts/CS-NTWKS/NGO-ART.HTM
[32] See the ECOSOC web site: http://www.un.org/esa/coordination/ngo/. The site stipulates conditions for consultative status. NGOs that have this status are listed in a database.

However, the problems in the first two categories are in fact less significant than one might suppose.

2.2.1   Number and Diversity: Regrouping and Classification

There are tens of thousands of NGOs. However, the vast majority of the 3,000 to 4,000 NGOs in the West able to intervene at the international level are development NGOs. The major Western NGOs specialized in humanitarian assistance total about 260.[33] Since the 1990s, NGOs have made considerable efforts to regroup and coordinate their activities, so that they can be more clearly recognized as effective actors. The problem of their great number has therefore become less important. The diversity of NGOs is another issue. They can be differentiated according to the following parameters: a) main vocation - operational or campaigning; b) area of action: humanitarian/development/human rights/ mediation; c) geographical scope: national, international or transnational[34]; d) size: several thousand personnel or just a few; e) affiliation: secular or religious. But NGOs constantly blur these categories. Thus Handicap International is an operational humanitarian NGO, carrying out concrete mine clearance projects and rehabilitation of the disabled, and at the same time a lobbying NGO whose campaigns against the use of anti-personnel mines have led to changes in international law.[35] Amnesty International started in London, where its main offices are located, but at present it has branches in 150 countries and 1.8 million members[36]; the Sant'Egidio Community, which has branches in 70 countries, is actively involved in social work (with the poor, the elderly and prisoners), humanitarian aid, defending human rights (e.g. campaigning against the death penalty) and mediation in conflicts.[37] Caritas Internationalis, a Catholic NGO, is present in 200 countries or territories, has 160 national branches and an institutional organization as solid as the International Red Cross and Red Crescent Movement. It works with the poor, refugees, victims of conflict and catastrophes; it lobbies UN bodies for ethical codes on humanitarian aid;

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[33] Abby Stoddard, *"Humanitarian NGOs: Challenges and Trends", in HPG Briefing*, No. 12, July 2003, Humanitarian Policy Group, UK.
[34] A transnational NGO's activities are conducted in several countries where it maintains local branches, but its decision centre is unique and located in only one country.
[35] http://www.handicap-international.org/
[36] http://www.amnesty.org/
[37] http://www.santegidio.org/fr/index.html

it is also active in the political arena (e.g. ending the occupation of the Holy Land, and negotiating for the release of prisoners in Colombia). Alongside other religious NGOs, such as Action Churches Together (ACT) or Islamic Relief, it also conducts interfaith programmes.[38]

The NGOs whose activities are more relevant to NATO are the NGOs present on the ground in complex crisis areas: firstly, NGOs that claim to uphold humanitarian principles and, secondly, those involved in mediation.

2.2.2 The Institutional Culture: Professionalization and Accountability

How can NATO, as an intergovernmental organization, accountable to its member states, cooperate with non-governmental bodies? In the quest for legitimacy and credibility, NGOs are involved in a process that is pushing them towards greater professionalization and accountability. They have to justify the use of the public funds that they receive. Situations vary considerably from one NGO to another and from one country to another, but on the whole humanitarian NGOs receive about 25% of their funding from government sources. Moreover, both the UN and the EU frequently act through the intermediary of NGOs, which they pay to carry out specific projects. In 2000, for example, 44% of the UNHCR budget passed through them.[39] This situation lessens the independence of NGOs by giving public bodies a degree of control over what they do. To be eligible for project funding NGOs must demonstrate their competence. They are now regrouping themselves with the aim of defining quality criteria. The 'SPHERE project', launched in 1997 by a group of NGOs and the Red Cross and Red Crescent Movement and comprising 400 NGOs, has set up "bench marking" systems.[40] The *Code of Conduct for the International Red Cross and Red Crescent Movement and for NGOs*, consisting of about 300 emergency aid organizations, defines the values and rules of conduct that apply to humanitarian actors.[41] The large international NGOs increasingly resemble major

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[38] See: www.caritas.org
[39] Abby Stoddard, "Humanitarian NGOs: Challenges and Trends", op. cit.
[40] See: http://www.sphereproject.org/index.php.
[41] See Annex 2.

enterprises that are anxious to train personnel in the necessary skills.[42] In its selection of NGOs as cooperation partners, NATO could use UN or EU screening methods – through the EU European Community Humanitarian Aid Office (ECHO) service[43] – or give preference to NGOs that manifestly operate in a transparent manner and comply with the various codes of conduct.

2.3   The Debate on the Humanitarian/Military Relationship

2.3.1   Clarification of the Term "Humanitarian"

The adjective *humanitarian* is used to describe an action, an actor and a legal corpus. Humanitarian action "aims, without discrimination and by peaceful means, to protect human life and dignity, and to restore to human beings their capacity to choose."[44] It consists of bringing "assistance and relief to populations whose living conditions have been disrupted by a natural disaster or the actions of other human beings and whose physical integrity and survival are at risk."[45] Thus humanitarian action is defined by its aim, circumstances and modalities, but not its origins: the humanitarian actor can be governmental, intergovernmental or non-governmental. International Humanitarian Law (IHL) concerns the law of armed conflict. It is designed to protect non-combatants. The main aspects of it are enshrined in the four Geneva conventions of 1949 and their two additional protocols dated 8 June 1977.[46] Lastly the term

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[42] See the training programmes and manuals published by NGOs such as Caritas Internationalis, Handicap International, the French group URD -Urgence, Developpement, Réhabilitation- and its project Compas Qualité (www.urd.org).

[43] At the European Commission, ECHO is the service responsible for humanitarian aid. NGOs looking for funding and partnership have to apply according to the criteria of the Humanitarian Aid Regulations. See: http://ec.europa.eu/echo/presentation/index_en.htm

[44] Rony Brauman, *L'Action Humanitaire*, Flammarion, Domino, Paris, 1995, p. 9.

[45] Philippe Ryfman, La *Question Humanitaire*, Ellipses, Paris, 1999, p. 17.

[46] The first treaty on the protection of military victims of war was drawn up and signed in 1864 in Geneva. In 1949 the Four Geneva Conventions were adopted and are still in force today. Each of them concerns the protection of a specific category of people who are not, or who are no longer, taking part in hostilities. The first Convention is: "*for the Amelioration of the Condition of Wounded and Sick in Armed Forces and Field*"; the second Convention is: "*for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea*"; the third Convention is "*relative to the Treatment of Prisoners of War*"; the fourth Convention is "*relative to the Protection of Civilian Persons in Time of War*". These conventions were supplemented by two additional protocols in 1977: 1/ relating to the Protection of Victims of International Armed Conflicts; 2/ relating to the Protection of Victims of Non-International Armed Conflicts (www.icrc.org/web).

"humanitarian space", frequently employed by humanitarian actors, indicates three different realities: a secure, concrete space where humanitarian actors can intervene; the philosophical and ideological space of the principles of humanitarian action; and lastly a legal concept, enshrined in IHL. One of the sources of misunderstandings between military and humanitarian actors concerns the use of the term *humanitarian*. Relief for a population can only be described as *humanitarian* if it meets all of the humanitarian criteria - humanity, impartiality and neutrality. In this sense, the relief actions conducted by the military can only be described as "humanitarian" outside the armed conflicts in which they are participating. [47] Obviously this does not mean that the military are not "humane", and it does not detract in any way from the legitimacy of the relief actions that they may conduct during an armed conflict. Relief operations are governed by another mandate, a political mandate, in which humanitarian logic may play a part but is not a priority. The term "humanitarian warfare", once employed at the time of the NATO bombing raids in the Kosovo conflict, is such an absurd contradiction in terms that it is almost never used now.[48]

2.3.2   The Principles of Humanitarian Action

The main difficulty in the NATO-NGO relationship arises from the dilemmas posed by the application of the fundamental humanitarian principles, rather than from institutional and practical problems.

These principles (humanity, neutrality, impartiality) are widely recognized by the members of the humanitarian aid community, be they governmental, international or non-governmental actors. These three principles concern all humanitarian actors and the UN itself has underlined their relevance. [49] A fourth principle, independence, is specific to NGOs. The principle of humanity implies that human beings are the

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[47] This was the case in 2005 during the relief operations in Pakistan and the United States (hurricane Katrina).

[48] Besides, the term was ambiguous: "humanitarian war" because its strategic objective was to prevent a "humanitarian catastrophe" or because it aimed to ease the sufferings of the civilian population by limiting "collateral damage"?: See Adam Roberts, "NATO's 'humanitarian war' over Kosovo", in *Survival*, vol. 41, Issue 3, 1999, p. 105.

[49] General Assembly *Resolution 46/182*: *Strengthening of the coordination of the humanitarian emergency assistance of the United Nations*, Guiding Principles: "*1. Humanitarian assistance is of cardinal importance for the victims of natural disasters and other emergencies. 2. Humanitarian assistance must be provided in accordance with the principles of humanity, neutrality and impartiality.*"

top priority of humanitarian aid; the principle of neutrality dictates that humanitarian actors must not take sides in conflicts in which they may be operating; the principle of impartiality implies that relief is provided to victims on the sole basis of need, without discrimination. The principle of independence stipulates that NGOs cannot be directly subordinate to any government or to any intergovernmental organization.[50]

These four principles are the subject of discussion today within the international humanitarian community, particularly during a conflict. If applied mechanically, they could help to prolong the sufferings of the intended beneficiaries. Do the principles of humanity and impartiality still have meaning in situations where humanitarian aid is hijacked by combatants, criminals or local potentates who use it to consolidate their power and prolong conflicts?[51] Is neutrality acceptable when one of the sides in the conflict is knowingly flouting human rights?[52] Can private humanitarian aid be separated over the long term from government development policy? Does the principle of independence apply in full when a large part of an NGO's funding comes from government or

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[50] See Jane Barry and Anna Jeffreys, *"A Bridge too Far: Aid Agencies and the Military in Humanitarian Response", Network HPN Paper* – Humanitarian Practice Network – Overseas Development Institute, London, 2002: "*To humanitarians, impartiality means that relief is given solely on the basis of need – that is, without discrimination and irrespective of other criteria such as religion, race or political affiliation. It also means that aid cannot be used to further political, military or any other objectives or aims other than addressing such human needs as food, water, medical care, shelter and protection. If political, racial or religious or other criteria are used to decide who is assisted and how, the aim of meeting human need is, inevitably, subordinated to other goals – the achievement of a particular political outcome, for instance.*"

[51] Humanitarian aid to Ethiopia in 2002 was misappropriated by the government in Addis Ababa as part of its policy of forced population displacement. See Caritas Luxembourg and Caritas Suisse, *Les défis humanitaires, les dilemmes politiques de l'aide d'urgence,* November 2005.

[52] During the war in Rwanda, the refugee camps set up in Zaire with the assistance of international NGOs were used as a rear base and recruiting ground for Hutu extremist militias, in addition to providing shelter for Tutsi victims. The camps could only have been demilitarized by the Zaire government, which chose not to do so. Nonetheless, some NGOs chose to remain, and other NGOs, such Médecins Sans Frontières, left. The Rwandan army attacked the camps in October 1996, killing hundreds. See Beat Schweizer, "Moral dilemmas for humanitarianism in the era of 'humanitarian' military interventions", in *International Review of the ICRC*, issue 855, September 2004 (www.icrc.org.). When Médecins Sans Frontières was first created, the principle of "neutrality" was contested at the time of the war in Biafra: should they simply provide medical treatment and say nothing about the violations of human rights? Or treat patients and speak out, and risk expulsion? When faced with concentration camps, should they distribute food aid to the prisoners or report the existence of the camps? The issue is still debated in humanitarian NGOs. It could be argued that victims require two kinds of assistance: immediate relief, and action to prevent the recurrence of crimes.

international organizations? All of these questions are fiercely debated in the humanitarian NGO community.

2.3.3   Some Reciprocal Accusations

Humanitarian and military actors are severely critical of one another.

For many humanitarian NGOs, the military cannot be humanitarian actors, because of their mission. In a conflict, the "humanitarian" action of military forces is necessarily subordinate to the political and strategic imperatives of the mission, and humanitarian aid is just one of the various possible strategies for winning "hearts and minds".[53] This can lead to outright exploitation, - for instance making aid conditional upon the supply of strategic intelligence[54]. Whatever the circumstances, military aid is more expensive than NGO aid;[55] it is also less effective because it is often less suited to the populations in distress;[56] and it is limited to their period of deployment.[57] The humanitarian work of the military may conflict with the long term objectives developed by the NGOs that have been in place for some time on the ground, particularly development NGOs.[58] Lastly, the confusion of

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[53] This is a fundamental point in NATO CIMIC doctrine and in that of numerous allied armies. See Chapter 3.

[54] Exploitation is forbidden by numerous military codes, but both military forces and NGOs report concrete examples of violation of this principle.

[55] In Albania, the cost of a refugee camp installed by the Austrian army came to DM 70m, and one set up by MSF was DM 2m. In Afghanistan, the US army dropped 6,000 tonnes of food rations at an individual cost of $7.50 per kilo, whereas the average cost of a World Food Programme ration is 20 centimes a kilo. (Jane Barry and Anna Jeffreys, *A Bridge too Far*, op. cit.). NATO gave considerable support to Pakistan after the earthquake in October 2005, but at a higher cost than NGOs would have expended for a comparable level of assistance. (This judgement was expressed by an Oxfam representative at a conference organized by the NATO Public Diplomacy Division and the Konrad Adenauer Stiftung, Brussels, 17 October 2006.)

[56] American food rations dropped in Afghanistan included biscuits, peanut butter, jam, salad and vinaigrette, whereas the populations needed wheat, oil and sugar. Military rations are rarely adjusted to the needs of women and children. The refugee camps set up by NATO in Kosovo were not suitable for large families. (Jane Barry and Anna Jeffreys, Ibid.)

[57] The field hospitals built by the Austrian army in Albania and the British hospitals in Rwanda were destroyed when the troops departed. (Jane Barry and Anna Jeffreys, Ibid.)

[58] Several NGOs operating in Afghanistan have complained that the humanitarian actions of the Provincial Reconstruction Teams (PRT) undermine longer term projects. The distribution of medicines conflicts with the project to develop pharmaceutical laboratories; food distribution conflicts with agricultural rehabilitation projects. Cf. Peggy Pascal and François Grünewald, *"Afghanistan, retour du chaos"* in *Diplomatie,* No. 23, November-December 2006. Available on: http://www.urd.org; See also the position of a group of Danish NGOs: *DACAAR's Position on Relations to PRTs in Afghanistan*, available on: www.dqqr.org; and the report by the United States

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military and humanitarian roles creates a whole set of problems: it blurs the identity of humanitarian actors;[59] it endangers their personnel, particularly local employees, who are not as well protected as expatriates.[60] The military presence can also have damaging repercussions on society, because of the behaviour of some soldiers (violence, rape and prostitution).[61]

For many of the military, NGOs are ambiguous, non-professional actors whose choices are ill-considered. From a military perspective, there are too many NGOs in crisis areas and they are unpredictable. Moreover, since they do not have a single command, their actions are not monitored, and they can pose security problems for military forces. Many are ideologically hostile to the military. Many NGOs are not professional enough to work effectively in challenging conditions and they have not been trained to operate in dangerous areas. Their attitude is illogical: they refuse to cooperate with the military forces, they refuse to exchange information, but they are the first to want to be rescued from danger. NGOs exploit military forces for their sole objective: securing the humanitarian space. Lastly, they have money and the influence that the military do not possess.[62]

Some of these criticisms are linked to specific circumstances or only apply to certain NGOs. Others arise mainly from different «enterprise cultures». Some criticisms are the result of sheer mistrust or unhappy experiences. Nevertheless, the fundamental clashes regarding mandates and priorities should not be ignored.

Institute of Peace: *Provincial Reconstruction Teams and Military Relations with International and Nongovernmental Organizations in Afghanistan*, available on: www.usip.org, In December 2006, a group of 20 NGOs asked NATO to cease its humanitarian actions in Afghanistan.

[59] The issue of identity poses ethical as well as material problems for humanitarian actors since their ability to obtain funding depends on their visibility as humanitarian workers.

[60] This complaint is directed in particular against the PRTs in Afghanistan. See Isabelle Bercq, «La militarisation de l'action humanitaire en Afghanistan», *Note d'Analyse du GRIP*, 9 May 2005 (http://www.grip.org/bdg/g4572.html.). The problem is not confined to armed conflict situations, owing to the global export of images: seeing NATO military personnel engaged in humanitarian work in Louisiana can have an adverse effect on humanitarian action in Afghanistan. NATO humanitarian aid in Pakistan, an authoritarian state where military forces are an instrument of repression, can be interpreted as *de facto* support for the regime and thus place NGOs at serious risk.

[61] See Caritas Internationalis, *Les relations avec les militaires,* Tipografia Istituto Salesiano Pio XI, Roma, March 2006.

[62] Criticisms made during talks held on October 2006 at SHAPE, at JFC Naples, and at the French Defence Ministry Centre of Planning and Conduct of Operations.

2.3.4   Codes of Conduct

This is why, since the early 1990s, NGOs have been attempting to clarify the principles of the humanitarian /military relationship.

Their thinking, usually in concert with the UN, has resulted in codes of conduct. These codes are not binding, and there may be a considerable difference between principles and action in the field. They do, however, give a good indication of NGO approaches to interaction with the military. They share the following points: a) The basic principle is the separation of the humanitarian and military spheres; b) however, military forces may be used for humanitarian aid as a last resort, on a case by case basis, if there is no other alternative, either because the situation is dangerous or because civil logistic resources are inadequate; c) the action of the military must consist of support for humanitarian aid and securing the humanitarian space; d) the military's humanitarian work must be of limited duration and have limited objectives and e) the mission must remain under civilian control. There is an analysis, with comments, of these codes in Annex 2. These codes indicate that interaction with the military is perceived as both inevitable and a source of difficulties. However, the principle of liaison and interaction is nearly always felt to be desirable, if only to differentiate NGOs more clearly from the military. While many NGOs are willing to coordinate *with* military forces, no NGO would agree to be coordinated *by* the military.

2.3.5   The Specific Case of NGOs Involved in Conflict Mediation

In comparison with intergovernmental or governmental mediators, the added value of these NGOs is the result of their total independence, which gives them the credibility, legitimacy and above all the time and autonomy required for discreet negotiation of peace agreements. It would therefore be illogical for them to form a systematic and visible partnership with NATO prior to a crisis. Yet, once the peace agreement has been signed, they recognize the need for military support, to enforce the ceasefire, and to be able to disarm the militias and propose an alternative to war to the belligerents. Thus, the Sant'Egidio Community, which was one of the architects of the Mozambique peace accord in 1992, sought the assistance of the Italian army in demilitarization programmes to consolidate the accord. The members of the Community frequently stress the importance of enhancing knowledge

of the armed forces by participating in conferences or through informal meetings.[63] Some NGOs have developed training programmes and educational materials of relevance to conflict management.[64]

Improving the relationship between NGOs and military forces is therefore difficult, but necessary. In the field, both parties recognize each other's added value and the need to set up liaison mechanisms. The number and diversity of NGOs are not insurmountable problems, as long as NATO seeks the assistance of established NGO networks and/or UN specialized agencies where these NGOs are accredited. These networks and UN agencies are reliable intermediaries in cases where contact has to be made with local NGOs. The latter represent local populations and are thus essential for the creation of long term stability and prosperity. The main difficulty arises from the conflict of priorities between humanitarian actors and the military: while the former provide unconditional assistance to individuals without any discrimination, the latter give priority to force protection and success of the political and military mission. Yet on the ground, military forces and NGO coexist and their relationship is evolving, as shown in the following chapter.

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[63] Cf. Laure Borgomano-Loup, «La médiation internationale religieuse: le cas de Sant'Egidio», in *Agir,* No. 24, janvier 2006, pp. 99-109; and *«*Sant'Egidio et la médiation internationale religieuse: entretien avec Mario Giro», in *Agir,* No. 24, janvier 2006, pp. 110-121.

[64] See *Peacebuilding. A Caritas Training Manual*; Caritas Internationalis, second edition, 2002-2006.

CHAPTER 3
RELATIONS BETWEEN NGOs AND MILITARY FORCES: UN, US, NATO

Before examining how NATO could derive greater benefit from its relations with NGOs, it would be helpful to review two existing cooperation frameworks, one UN and the other US, and to consider how NATO implements its CIMIC doctrine.

3.1   NGOs and the UN: A Process of Closer Integration

As we saw in the previous chapter, the UN has a longstanding and solid institutional relationship with NGOs. However, in its efforts to provide a coherent structure for all its civil and military resources for aid, development and peacekeeping, the UN has gradually imposed upon NGOs a system of integration that restricts their independence. This has taken place in three consecutive steps.

3.1.1   First Step: NGOs Partners - UN General Assembly Resolution 46/182, 19 December 1991

In the early 1990s, the UN recognized the need to improve its coordination in crisis operations. UN General Assembly Resolution 46/182 of 19 December 1991, "Strengthening of the Coordination of Humanitarian Assistance of the United Nations", contained the main key concepts for humanitarian assistance and proposed actions that framed UN responses for the following years. Among the important key concepts is the strengthening of the principles under which humanitarian assistance should be provided: humanity, neutrality, impartiality and respect for the sovereignty of the State (articles 2 and 3). NGOs are considered partners in "international cooperation" and are called upon to support UN decisions.[65]   Following the recommendations of Resolution 46/182,

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[65] NGOs are quoted in several articles: article 5 ("*composition of the humanitarian international response*"); articles 27 and 28 ("*NGOs must be part of the central register of all specialized personnel and teams able to be mobilized*"); article 35, paragraph f ("*competence of the Emergency Relief Coordinator -ERC-*"); article 36 ("*ERC must work in close cooperation with other UN*

several stand-by capacities for improving coordination were put in place: a central emergency revolving fund (CERF); a roster of all specialized personnel and teams, as well as a register of equipments available at short notice and the creation of the post of Emergency Relief Coordinator (ERC). Soon after, the Secretary-General established the Department of Humanitarian Affairs (DHA) and assigned to the ERC the status of Under-Secretary-General (USG) for Humanitarian Affairs, with offices in New York and Geneva. Resolution 46/182 also created the Inter-Agency Standing Committee (IASC), an interagency forum also comprising important NGOs. The IASC ensures inter-agency decision-making in response to complex emergencies. These responses include needs assessments, consolidated appeals, field coordination arrangements and the development of humanitarian policies.[66]

3.1.2   Second Step: 1998-2002: NGOs Coordinated through OCHA

As part of the Secretary-General's programme of reform in 1998, DHA was reorganized into the Office for the Coordination of Humanitarian Affairs (OCHA). Its mandate was expanded to include the coordination of humanitarian response, policy development and humanitarian advocacy.[67] OCHA carries out its coordination function primarily through the IASC, which is chaired by the ERC. OCHA also serves as the "guardian" of various codes and guidelines that clarify the respective roles, mandates, modus operandi and coordination procedures between the UN and the NGOs. Altogether, these codes provide a common understanding of coordination in humanitarian interventions, including interaction with military forces.[68] Coherence and coordination are therefore key concepts to provide more efficient UN peacekeeping missions.

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agencies, ICRC, League of Red Cross and Red Crescent Societies, International Office for Migrations (IOM) and relevant NGOs"); and article 38 ("*creation of the Inter Agency Standing Committee, IASC*").

[66] For more details on the IASC, see Annex 1.

[67]   *Renewing the United Nations: A Programme for Reform* (A/51/950), at: http://www.un.org/reform/chronology.html

[68] See Annex 2.

3.1.3 Third Step: 2002-2006: From Coordination to Integration - UN Peace Integrated Mission and the Cluster Approach

The UN Peace Integrated Mission

In his Report, on *Strengthening the United Nations System*, released in 2002, the Secretary General proposed two major reforms that have implications for UN-NGO cooperation: the reinforcement of the role of the resident coordinator system and the concept of the UN integrated peacekeeping operation. There is to date no single dedicated UN Resolution or document that fully describes what a UN integrated mission is. However, it is possible to imagine the concept by drawing lessons from UN operations, such as the UNMIL mission in Liberia.[69] In this type of mission, all the UN agencies are under the authority of the Special Representative of the Secretary General (SRSG), who has absorbed the office of Emergency Relief Coordinator. The SRSG is assisted by three main actors or three pillars: a Deputy SRSG for Operations and Rule of Law (human rights, police, elections, DDR and the judiciary system); the Force Commander, with the rank of Lt. General; finally a Deputy SRSG for Recovery and Good Governance, who deals with all humanitarian, relief, recovery and rehabilitation, civil affairs and works with (or acts as) the Relief Coordinator, the Humanitarian Coordinator and the UNDP Resident Representative. Most UN agencies (UNDP, UNICEF, WFP, WHO, etc.) as well as NGOs are under the competence of the third pillar (humanitarian). Coordination between the UN and NGOs is carried out through the Humanitarian Coordination Section (HCS), which has taken over the mandates usually attributed to OCHA.[70] This cell organizes Humanitarian Aid Coordination Meetings that bring together donors, ICRC, International NGOs, Local NGOs, UN Country Team and the HCS. As Xavier Zeebroek states: "*Integration seems to be the institutional translation of the evolution from classical peacekeeping to multi-disciplinary peace support operations, of which peacekeeping is often only one of the components. (...) Integration is a term used to denote the merging or unifying of UN agency goals and resources in a given context, usually*

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[69] UNMIL, implemented by Resolution 1509 in 2003, is today the largest UN Peace mission, with 1000 police officers and 15,000 UN troops from 48 countries acting under Chapter VII. See "An analysis of the concept of UN peace integrated mission and its implementation", in Xavier Zeebroek, *Humanitarian Agenda 2015 / Burundi and Liberia Country Studies*, Feinstein International Briefing Paper, July 2006 (http://fic.tufts.edu/downloads/HA2015BurundiandLiberiaCountryStudies.pdf).

[70] Indeed, the OCHA office in Liberia closed, in order to avoid duplication.

peacekeeping operations, but also in times of conflict prevention and post-conflict recovery."[71] This model is a clear message that complex peacekeeping missions need to be addressed with coherence and that coherence means integration. As such, it is consistent with a trend also perceived in the donors' community and in other international organizations, such as NATO and the OECD[72]. The concept of the UN integrated mission has raised many concerns in the NGO community: NGOs lament the disappearance of the OCHA country office – a body much closer to NGO culture than the Humanitarian Coordination section – and they also resent the concept of the integrated mission as an attempt to diminish their independence. They argue that the humanity principle may be in danger of losing its priority.

The Cluster Approach

In 2005, the UN Emergency Relief Coordinator commissioned a report from a group of consultants to enhance humanitarian response. The authors of the *Humanitarian Response Review* recommended adopting a 'Cluster Approach". The basic premise is that "accountability, predictability and reliability could be improved by designating organizational leaders for areas in which there was an identified gap in humanitarian response. These organizations would then be responsible for specific areas, or clusters."[73] The humanitarian relief operation in Pakistan in 2005 was the first opportunity to implement this new concept, not yet fully developed at headquarters level. A set of nine clusters were established in Islamabad: Food and Nutrition, Water and Sanitation, Health, Emergency Shelter, Early Recovery and Reconstruction, IT Telecommunications, Logistics, Camp Management and Protection, all modeled on the Humanitarian Response Review recommendations, plus a 10th cluster for Education. Field cluster sites were established in each of the main UN field presences and dubbed "humanitarian hubs". However, as the emergency assistance operation progressed, the number of clusters and sub-clusters grew exponentially, making it difficult for NGOs to keep track of the activities and effectiveness of the clusters. While the Cluster Approach is still new and needs assessment, NGOs have already

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[71] Xavier Zeebroek, ibid.
[72] See for instance *The 12 Principles for Good International Engagement in Fragile States*, Development Co-operation Directorate OECD, DCD (2005)8/Rev2, 7 April 2005.
[73] See Action Aid International, *The Evolving UN Cluster Approach in the Aftermath of the Pakistan Earthquake: an NGO perspective*. Available on : http://www.icva.ch/doc00001756.html

expressed concerns that this is "nothing less than a way of attracting NGOs into the UN agenda through a new design of sectoral coordination."[74] In addition, how the integrated UN mission and the cluster approach can be combined is not yet clear.

To conclude, the UN-NGO relationship is currently under more stress than before. In complex emergency operations, the UN is evolving toward a model of integration which is similar to that of a military headquarter. In consequence, the basic principles of humanity, neutrality, impartiality and independence are put under pressure. As stressed by the 4th Urgence, Rehabilitation, Developpement (URD) Université d'automne held in France in September 2006, the basic concept of a "humanitarian space" is in danger.[75]The blow is particularly hard, since NGOs and the UN have extensively developed common principles and codes of conduct, in particular on implementation of humanitarian principles and coordination with the military.

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[74] Xavier Zeebroek, ibid.
[75] See Groupe URD (Urgence Réhabilitation Développement), 4th Autumn School of Humanitarian Aid, *The Humanitarian Space in Jeopardy*, Plaisians, Drôme, 28-30 September 2006, www.urd.org.

UN Peace Integrated Mission[76]

MODEL ORGANIZATION CHART
MULTI-DIMENSIONAL PEACEKEEPING OPERATION

Legend	
———	UN Authority
———	UN OPCON
– – – –	UN TACON
··············	Coordination

SRSG

DSRSG

DSRSG RC/HC

Mission Chief of Staff

Director of Admin

UNDP

OCHA

Chief Integrated Support Services

UNICEF

UNHCR

OHCHR

WFP

WHO

Nat Org

NGO

Police Commissioner

Force Commander

Police advisers

Formed Police Units

Sector Commanders

Force Support Elements

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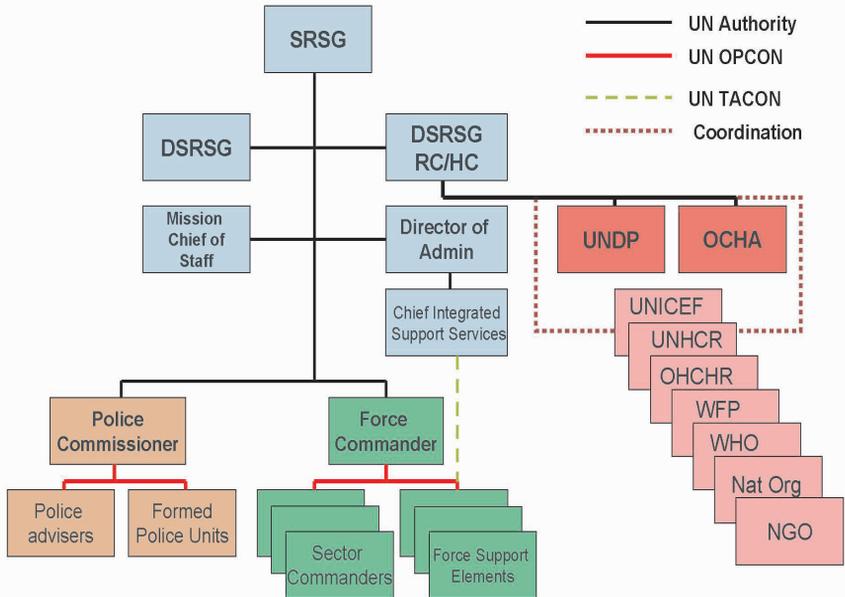
[76] *Integration in UN Peacekeeping operations*; Presentation to SHIRBRIG, New York, 6 December 2005.
SRSG: Special representative of the Secretary General.
DSRSG: Deputy SRSG.
RC: Resident Coordinator.
HC: Humanitarian Coordinator.

3.2   NGOs and the US Government: Cooperation Integrated with the Overall Objectives of Foreign Policy

3.2.1   NGOs Subjected to a System of Conditional Aid

After the terrorist attacks in 2001, the US government reviewed its aid and development policy in order to integrate it with the objectives of its fight against terrorism. Under this policy, support is given to "friendly" nations and US aid is conditional upon the "good governance" efforts of countries interested in protecting themselves against terrorism. This political exploitation of aid limits the autonomy and independence of government-funded NGOs. The same approach is being applied to stabilization and reconstruction work. The problems in Iraq prompted the U.S. government to create the Office of the Coordinator for Reconstruction and Stabilization, with rank of Under Secretary of State.[77] At the diplomatic level, the Presidential Directive of 7 December 2005 specifies the global framework of reconstruction and stabilization work and entrusts responsibility for this to the Secretary of State:[78] The Office of the Coordinator (S/CRS) acts as an agency responsible for coordination of all civil and military actors, ministerial agencies and NGOs, with a view to integrating all efforts into a coherent framework.

3.2.2   NGOs in the Planning of Stabilization and Reconstruction Operations: Joint Interagency Coordination Group (JIACG) and Multinational Interagency Group (MNIG).

At the operational and tactical level, the United States Joint Forces Command (USJFCOM) has developed the concept of "civil-military coordination groups" aimed at integrating into operational and tactical planning all the various elements, be they civilian or military, national (the JIACG concept) or international (MNIG).

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[77] Post of S/CRS, created on 5 August 2004.

[78] "*The Secretary of State shall coordinate and lead integrated United States Government efforts, involving all US Departments and Agencies with relevant capabilities to prepare, plan for, and conduct stabilization and reconstruction activities. The Secretary of State shall coordinate such efforts with the Secretary of Defense to ensure harmonization with any planned or ongoing U.S. military operations across the spectrum of conflict. (...) To achieve the objectives of the Directive the Secretary of State (...) may direct the Coordinator for Reconstruction and Stabilization to assist the Secretary to: (...) coordinate reconstruction and stabilization activities and preventive strategies with foreign countries, international and regional organizations, non governmental organizations and private sector entities*" National Security Presidential Directive, NSPD-44, 7 December 2005, *Management of Interagency Efforts Concerning Reconstruction and Stabilization.*

> "*Collocated with the coalition task force commander's planning staff (…) as a multifunctional, advisory element, a MNIG represents the civilian departments and agencies of the coalition and facilitates information sharing throughout the multinational interagency community.*"[79]

These groups comprise not only national and foreign government actors, but also NGOs and enterprises. The MNIG "is *designed to assist in integrating civilian government agencies, nongovernmental organizations and military assets in developing responses to crises.*"[80] The MNIG is a temporary, ad hoc, operational level group, set up for a specific crisis. Its format is flexible, adaptable to the nature of the crisis and has two directors: a civilian director and a military force commander. Its objective is to create a community of experts who are used to working together and can be rapidly mobilized. The concept is still being developed and is tested regularly. The fourth test took place in spring 2006 in the presence of the S/CRS, and involved eight countries (Australia, Finland, Sweden, France, the United States, the United Kingdom, Germany and Canada) and NATO. The EU and the UN were present as observers.

3.2.3   Other Proposals being studied

Other research proposing strategic and political level integration is in progress. The S/CRS, for example, is studying the creation of a "Country Reconstruction and Stabilization Group". This would consist of an inter-agency group of experts headed by an Under Secretary of State, tasked to organize civil-military coordination for a specific country; also under study is the creation of a "Civilian-Military Planning Team", comprising inter-agency civilian teams within a regional command and tasked to work on integrated planning, starting from the initial military study on a plan of action.[81] Several of these models are inspired by the

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[79] USJFCOM MNIG, *About the Coalition Interagency Coordination Group*, available on: www.jfcom.mil.
[80] USJFCOM MNIG, *USJFCOM to test Multinational Interagency Group Concept*, ibid.
[81] See Justin Vaïsse, *Portée et implications de la "diplomatie transformationnelle"*, Note du CAP, Ministère des Affaires étrangères, 24 August 2006; and by the same author, "L'hiver du néo-conservatisme*"*, in *Politique Internationale*, No. 110, Hiver 2006, Paris.

study: *Transforming for Stabilization and Reconstruction.*[82] This study proposed the creation, at the highest political level, of a "National Interagency Contingency Coordination Group (NIACCG) under the National Security Council with responsibility for planning"; or the creation of a "multi-agency civilian rapid response capability to deploy with Stabilisation and Reconstruction forces and prepare for the transition from Stabilization and Reconstruction operations (military control) to the nation-building mission (civilian control)"[83] .

In all these proposals, NGOs are increasingly regarded as the instruments of a policy that has been decided without consulting them.

3.3   NGOs in NATO CIMIC Doctrine

3.3.1   CIMIC Doctrine

NATO crisis response operations in the Balkans, in particular NATO involvement in humanitarian and reconstruction operations, led to the review of CIMIC doctrine in 2003.[84] CIMIC facilitates cooperation between a NATO commander and all parts of a civilian environment, including NGOs, within its Joint Operations Area (JOA). "The immediate purpose of CIMIC is to establish and maintain the full cooperation of the NATO commander and the civilian authorities, organizations, agencies and population within a commander's area of operations in order to allow him to fulfill his mission. This may include direct support to the implementation of a civil plan. The long-term purpose of CIMIC is to help create and sustain conditions that will support the achievement of Alliance objectives in operations."[85] Thus CIMIC is strictly related to the success of the Alliance's objectives and limited, both in space, time and objectives, to a specific operation. Integrated planning is envisaged, at the strategic, operational and theater level as appropriate, and must be flexible.[86] The doctrine recognizes the value of information sharing,

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[82] Hans Binnendijk and Stuart Johnson, *Transforming for Stabilization and Reconstruction,* Centre for Technology and National Security Policy, N.D.U. Press, Washington DC, 2004.
[83] Hans Binnendijk and Stuart Johnson, op. cit., "Recommendations", p. 130
[84] AJP9: *NATO Civil and Military Doctrine Co-Operation*, June 2003. This document focuses almost entirely on the operational level and reflects the NATO military policy articulated in MC 411/1 of July 2001.
[85] MC 411/1, paragraph 9.
[86] MC 411/1, paragraph 12: *"The above requires integrated planning and close working level relationships between the military and appropriate civil organisations and agencies, before and*

coordination and cooperation, when possible, in order to "deconflict" civilian and military activities in a theater. While it is implicitly recognized that civil organizations may pursue other goals, the benefit of developing common goals is stressed and the dream of integrating them in military planning never abandoned.[87] Therefore, the current CIMIC doctrine contains – in theory – all the elements for NATO-NGO cooperation at the strategic, operational and tactical levels.

3.3.2   NGOs in the Implementation of the CIMIC Doctrine

NATO has been developing three forms of interaction with NGOs: at the theater level, through ad hoc mechanisms of liaison and exchange of information; at the strategic level through specific agreements between SHAPE and the ICRC; and at the general level, through training and education.

3.3.3   At the Theater Level, the Liaison Mechanisms are ad hoc systems dependent on the nature of the operation, the security situation and the partners concerned. For instance, the current interaction in the PRTs in Afghanistan is different from the system put in place during the Balkans operations. The latter were different in Bosnia and in Kosovo.

3.3.4   At the Strategic Level, on 7 May 2004, SHAPE and SACT signed with the ICRC a "Memorandum of Understanding concerning the conduct of liaison and the planning and co-ordination of the reciprocal support between the ICRC and SHAPE as well as between the ICRC and HQ SACT". This MOU provides that the parties "will liaise on a continual basis in order to exchange information with respect to their policies, activities and concepts as appropriate" (article 1.1). The objective is to provide enhanced mutual knowledge, particularly through the participation in various courses and exercises. The MOU defines a framework for cooperation in the field of education and training and

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during military deployment. These relationships will be conducted both in theatre and at Strategic Command level or below where military planning takes place. It must be recognized, however, that even where such relationships or planning mechanisms exist, it may not always be possible to conduct them on a formal basis."

[87] *MC 411/1 paragraph 18: "it will be important that, where possible, military and civilian organisations identify and share common goals. Such goals should be established at an early stage in planning, consistent with political guidance, which military commanders must integrate into the planning for the execution of their operations."*

permits cross-participation. The ICRC will be invited to participate in NATO- organized courses, seminars and exercises, at ACT, the NATO Defense College, the NATO School and SHAPE. In exchange, the ICRC will communicate to ACT the list of courses and training open to NATO personnel. It is worth noting that this MOU is signed with the ICRC, the organization which, within the Red Cross and Red Crescent Movement, is responsible for the protection of victims of armed conflicts and which serves as the guardian of International Humanitarian Law.[88] It is worth mentioning also that SHAPE signed a Letter of Agreement, on February 2006, with the International Organization for Migration (IOM). IOM is not an NGO but a specific intergovernmental organization specialized in migration and refugee issues. As such, it has had intensive contact with NATO since the beginning of the Alliance's operations in the Balkans. The objective goes beyond cross participation in education and training; it also implies the deployment on a case by case basis of IOM staff to SHAPE and/or NATO HQ in operations to provide expertise on relevant issues. This kind of agreement goes far beyond what is possible with most NGOs, but it could be a model for an improvement of the NATO/ICRC agreement, if both organizations were interested. [89]

3.3.5   At the General Level, NGOs have been invited to visit NATO HQ, and to attend NATO conferences and seminars, mainly organized by the Public Diplomacy Division[90]. In addition, NGOs are attending courses and training exercises organized by the CIMIC Centre of Excellence or by national CIMIC groups.[91] Therefore, one cannot say that relations between NATO and NGOs do not exist.

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[88] See Annex 3: Red Cross and Red Crescent Movement.

[89] On 23 February 2006, IOM and SHAPE signed an agreement entitled "*The conduct of liaison and the planning and coordination of reciprocal support between IOM and SHAPE*". The agreement provides a role for IOM in NATO exercises, the participation of IOM experts in NATO strategic and operational planning, and the deployment of IOM staff to NATO deployed HQs to provide immediate technical advice and guidance regarding IOM's areas of expertise and experience. In March 2006, IOM Italy co-sponsored a Workshop on Sustainable Security at the NATO Defense College. In June 2006, for the first time, an IOM expert on stabilization and reconstruction was deployed to Afghanistan ISAF (http://www.iom.int/afghanistan/pages/iom_nato.htm).

[90] Representatives of local and international NGOs visited NATO Headquarters and the Joint Force Command at Brunsum in June 2006. The Public Diplomacy Division has been organizing meetings and conferences on NATO/NGO cooperation: for instance, on 16/17 October 2006, in cooperation with the Konrad Adenauer Stiftung, "*The challenge of stabilization and reconstruction: how to improve international cooperation"* brought together a large number of NGOs.

[91] The CIMIC Centre of Excellence is located in the Netherlands: http://www.cimic-coe.org/. Other courses and training are provided by NATO nations: the French Groupement Interarmées Actions

In conclusion, we must recognize that, in a broader context of more complex crises and dwindling financial and human resources, major international organizations and states tend to seek greater efficiency in interventions. The tendency today is towards clustering and integration. The evolution towards deeper integration is at an advanced stage at the UN and in the U.S. NATO is caught between these two models of cooperation: as an intergovernmental organization, it lacks the hierarchical authority that can drive reforms of the kind pursued in the US. As a military/political organization, with no civilian capabilities or funding, it lacks the resources for deeper integration of its mechanisms. Thus, NATO has to develop its own model to bring about more effective cooperation with NGOs.

Civilo Militaires (GIACM) in cooperation with BIOFORCE, a French training institute for humanitarian and development workers, organizes training sessions on security management in dangerous situations at the military camp of Valbonne.

CHAPTER 4
HOW NATO CAN BRING ABOUT
MORE EFFECTIVE RELATIONS WITH NGOs?
PROPOSALS AND CONCLUSION

4.1   Three Prerequisites

Before examining further concrete steps, it is worth making three points. Firstly, we must define the objectives and limits of NATO stabilisation and reconstruction operations; second, it is important to note that NATO and NGOs have different objectives in mind, in seeking improvements in their current relations; thirdly, criteria to choose the degree and level of NATO and NGO interaction must be developed.

4.1.1   Defining NATO's Mission in Stabilization Operations

Before trying to engage NGOs in enhanced cooperation, NATO members should answer a series of questions: a) What are NATO's objectives in stabilization operations: Are they intended to stabilize the peace? To secure a civilian/humanitarian space? Or to do State and society building? b) What are the missions of stabilization forces? Are they intended to support a stabilization process or to directly implement it? c) What is the appropriate role for military forces intervening in humanitarian crises? Is it to support civilian activities or to replace them and conduct civilian-like activities? d) Finally, is the current operation in Afghanistan a model for future NATO operations or is it a "one-shot only" ad hoc model?

Indeed, there is no clear-cut answer to many of these questions: a lot will depend on the circumstances and capacities of other international organizations, notably the UN, the OSCE, the EU, as well as regional organizations. Theoretically, the UN is the only institution having both the global legitimacy and the full range of civilian and military capacities. However, the UN is not always fully operational and NATO may have to intervene alone or under the auspices of a specific coalition. Therefore,

NATO must define its own modalities of interaction with NGOs and will have to negotiate about their objectives with them.

4.1.2 Defining NATO and NGOs Objectives in Improved Interaction

Both the military and NGOs – at least the ones willing or obliged by the security situation to liaise with the military – recognize that at the theater level, the cooperation often goes reasonably smoothly, even if it depends mainly on personalities and on the political/security context. However, both parties stress the limits of the current implementation of the NATO CIMIC doctrine, but for different reasons.

The military would like to ensure a relationship that could be both closer at all levels and more institutionalized. At the theater level and for tactical reasons, the military would like to cooperate in a more systematic way with the NGOs; at the strategic level, they would like to integrate NGO assets and capabilities in their planning, in order to make it more predictable and effective; in addition, they argue that political guidance is necessary to close the current gap between the political/strategic and the operational/tactical levels. Finally, for legal protection, they argue that agreed political guidance on the relationship between NATO and the NGOs would give the force commander a better understanding of the scope and limits of his relationship with NGOs and protect him in case of incidents occurring in his Area of Responsibility.[92]

For their part, NGOs pursue different objectives. They want to get more benefit from a relationship that they know is inevitable and to take this opportunity to improve their understanding and knowledge of military modus operandi. At the theater level, the NGOs would like to improve the quality of their liaison with the military on two points: an enhanced exchange of information and a mechanism to keep track of lessons learned. First, they would like a deeper and more candid exchange of information, in particular to "deconflict" programs and activities and to ensure safety for the local population and NGO

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[92] Meetings with military authorities at NATO headquarters, SHAPE and JFC Naples in September, October and November 2006. The force commander could be responsible under the terms of article 28 of the Rome Statute of the International Criminal Court: "A commander or person effectively acting as a commander, shall be criminally responsible for the crimes within the jurisdiction of the Court committed by forces under his or her effective command and control, or effective authority and control as the case may be, as a result of his or her failure to exercise control properly over such forces (…)". See: http://www.icc-cpi.int/library/about/officialjournal/Rome_Statute_120704-EN.pdf

personnel; second, they request a system for keeping track of the NGO-NATO relationship that will counter the effects of rapid military turnover characterizing forces in operations. Indeed, the discrepancy between NGO timing and military timing in operations and personnel deployment is one of the difficulties for implementing a sustainable relationship. In general, they would like to be better acquainted with military doctrine, military modus operandi, and military missions. That would help them to better negotiate their relationship on the ground and, if they were so to choose, to differentiate themselves clearly from the military. Finally, for their own safety, operational NGOs are eager to be trained about survival and action in dangerous situations. They would welcome military-like training and exercises. However, at any level, NGOs are reluctant to enter into a process of integration.[93]

Therefore, while the military look for enhanced cooperation at all levels, NGOs are interested in practical improvement of the current framework at the theater level and in military-like training. Some of these objectives overlap: enhanced mechanisms of liaison, a system to keep track of lessons learned, a better preparation of NGOs for surviving and acting in dangerous situations are also in the interest of the military. Other objectives are specific to NATO, which will have to prove its ability in negotiations to persuade NGOs of the merits of NATO policies.

4.1.3   Defining Criteria for Interaction/Cooperation

NATO needs criteria to choose the appropriate degrees and levels of interaction/cooperation with NGOs. This paper suggests concentrating on four: a) *Consistency*: cooperation with NGOs must be consistent with the objectives of the mission assigned to NATO forces as well as with NATO's 'raison d'être'; b) *Effectiveness:* cooperating with the NGOs must be more effective for NATO than acting alone or cooperating with other actors; c) *Efficiency* or cost-effectiveness: there must be a clear cost-benefit ratio in cooperation with NGOs; d) *Subsidiarity*: cooperation with NGOs must not result in useless duplication, in particular if other organizations, such as the UN, the EU or a contact group, are in charge of coordination and cooperation with NGOs.[94] These criteria should guide NATO decisions each time interaction with NGOs is necessary.

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[93] Meetings with international NGOs in Paris, Plaisians, Rome and Brussels in September and October 2006.

[94] This point is important for NGOs which do not want to multiply coordination meetings.

4.2   Giving Priority to Certain Fields of Cooperation

In order to enhance its relationship with NGOs, NATO must convince them of the value of such cooperation. Therefore, NATO should initiate a dialogue with the NGOs whose fields of competence are close to military issues. These fields are: a) protection and security, particularly of refugee camps; b) protection and security of people and of the humanitarian space; c) mine clearance; d) activities related to DDR (Disarmament, Demobilization, and Reintegration). It would therefore be in NATO's interest to forge relations with NGOs operating in these fields. Rather than making individual arrangements with each NGO, it would be advisable for NATO to go through UN intermediaries. UN specialized agencies such as the UN Refugee Agency (Office of the High Commissioner for Refugees, HCR) the World Food Program (WFP), the United Nations Childrens' Fund (UNICEF) and the United Nations Mines Action Service (UNMAS) have set up partnership systems with specialized NGOs. These NGOs are themselves organized in networks able to provide personnel rapidly in a crisis. They may be experts in disaster and emergency services, protection of refugee camps, mine clearance, health matters or telecommunications.[95] The UN would be a guarantor of the reliability and efficiency of the NGO in question. Additionally, since the link between the humanitarian and military fields would be less obvious, NGOs would be more willing to cooperate.

The military recognize the NGOs' expertise in local cultures and contexts. This applies to national/local NGOs and also to numerous transnational NGOs that have local representatives. The major transnational NGOs, particularly faith-based NGOs like CARITAS Internationalis and Action Church Together, a network of 40 Protestant and Orthodox churches, or Islamic Relief,[96] rely on local organizations[97].

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[95] See in particular: Swedish Rescue Services Agency (www.srv.se); Danish Refugee Council (www.drc.dk); RedR, especially its Australian branch (www.redr.org); Canadem, for disaster and emergency services (www.canadem.ca); Austcare, an Australian NGO, for refugees (www.austcare.org.au); Norwegian Church Aid (www.nca.no). As regards mine action, UNMAS heads a network of NGOs specialized in this field through the *E-Mines Action Information Network* programme - 14 registered international NGOs from every continent are available for mine clearance, prevention, education and rehabilitation programmes, such as Accelerated Demining Programme–Mozambique; Actiongroup Landmine–Berlin; Handicap International–France and Belgium ; Association for Aid and Relief –Japan.
[96] Islamic Relief has a network of experts who can be mobilized rapidly in the event of a disaster (www.islamic-relief.com).

In every case, it is preferable for NATO to go through the UN, which has close links with these NGOs. There cannot be any a priori choice of NGOs: much will depend on the political and social context of the crisis.

4.3   Fostering Complementarity

Therefore, the relation between NGOs and NATO should have as an objective to take the best of each of the two worlds by recognizing the complementary value added of each.

NGOs are free from governmental constraints, and have time and freedom of action; they are free to act in the long-term; they are not as sensitive as governmental bodies to success and failure[98]; they can raise funds and they have cheap manpower; they bring to the crisis area personnel full of idealism as well as expertise in development, human rights and humanitarian aid. Transnational NGOs have the ability to mobilise networks. Local NGOs as well as transnational ones through their local representatives, have inside knowledge of the society, culture and people. As long as they are perceived as neutral and impartial, they have access to large segments of the population. However, in critical security situations, they may become unable to act.

For their part, military forces under NATO command bring to a crisis intergovernmental legitimacy; they have the capacity to impose a cease fire and to deter any further conflict; they can ensure military security; they bring to the crisis area valuable logistics, technical means and expertise in many crucial fields. However, they are under governmental constraint: they have an obligation to succeed and to meet near-term deadlines; their objective is to leave the theatre as soon as they have achieved the desired effect.

While both NATO and NGOs have complementary qualities, they bear also some irreconcilable contradictions in their mandates and priorities. Thus, in defining optional ways of interaction, NGOs and NATO must ask themselves what they can do for each other, instead of trying to integrate, 'instrumentalize' or dilute one another.

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[97] Even so, the faith-based network is a sensitive one, and may reveal major tensions; for example, ACT has no links with World Vision, another transnational evangelical Protestant network, regarded by some as too intrusive.
[98] This point is particularly important for NGOs active in mediation and conflict negotiation. See Laure Borgomano-Loup, op. cit. pp. 99-109 and pp. 110-121.

4.4   A Three-Pronged Approach for Complementary Interaction

Keeping in mind that the objective is to create valuable and sustainable complementary interaction, and taking into account the four criteria defined above, this paper proposes a three-pronged approach.

4.4.1   Develop 'Cultural' Interoperability through Dialogue and Training [99]

The first step should be to develop mutual knowledge and understanding.

- Develop specific NATO courses and seminars dedicated to mutual knowledge and understanding with NGOs, through NATO HQ activities (Public Diplomacy Division), the NATO Defense College (via the Senior Course,[100] and Academic Research Branch seminars), the NATO School and ACT;
- Increase the participation of NGOs in selected training and exercises organized by NATO (ACT, and SHAPE), by NATO member nations, and by the CIMIC Centre of Excellence;
- Send NATO personnel to training and exercises organized by OCHA[101]; increase the relationship with OCHA to promote the participation of NGOs in NATO exercises;
- Send NATO representatives to participate in the composition of Codes of Conduct and Guidelines, through OCHA, using the IASC as the main venue, since it will also provide access to the UN and the ICRC codes of conduct;[102]
- Send a NATO liaison officer to OCHA in order to liaise with the IASC, as necessary.

These propositions could be implemented through a Memorandum of understanding signed between NATO and OCHA, similar to the one signed between SHAPE/ACT and the ICRC. It would

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[99] 'Cultural' is here understood in the sense of 'enterprise culture'.

[100] NDC has recently proposed to offer 2 spots for NGOs in the Senior Course, starting by inviting the International Crisis Group and the ICRC.

[101] The Civil-Military Coordination Section at OCHA was established in 1995 to ensure the most efficient use of civil and military assets in humanitarian response. It conducts courses in humanitarian cooperation and coordinates UN agencies participation in major exercises with humanitarian scenarios, in particular exercises organized by the EU and NATO. See OCHA website: http://ochaonline.un.org/webpage.asp?SiteID=237 for information on courses and exercises.

[102]   See Chapter 2 and Annex 2.

define the conditions of cross-participation in courses, seminars and exercises. It would allow NATO personnel to attend specific IASC meetings, on a case by case basis, particularly when reviewing the current Codes of conduct concerning humanitarian/military relation. In order to adopt a consistent approach concerning political principles and training and education actions, this MOU should be signed by the competent NATO authorities, mainly the Military Committee and SACT. This MOU would give the current relationship between NATO and OCHA a comprehensive and sustainable framework. Indeed, some NATO personnel have already been invited by OCHA to participate in some IASC meetings.[103]

Such a dialogue would clarify for the military the impact and dilemmas of concepts such as humanity, impartiality, neutrality and independence.[104] It would help NATO and NGOs to develop a common understanding of what they mean by 'interaction', 'coordination' and cooperation'. NATO must accept that NGOs are often willing to 'coordinate with' but refuse to 'be coordinated by'.[105] At the same time, NGOs must understand the constraints under which NATO forces act when deployed in operations. They must understand NATO transformation as well as the changing role of the military in today's world. Some NGOs seem to be burdened with Cold War perception of NATO. In addition, this dialogue would allow NATO to better differentiate between the various NGOs and help build sustainable relations with the NGOs active in fields of common interest as well as the NGOs willing to cooperate. This dialogue would support the development of a sustainable relationship that would be useful in operations.

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[103] Representatives from NATO have participated in the writing of *the MCDA Guidelines* in 2003 and 2006 under the authority of OCHA and with members of the IASC; see Annex 2.
[104] See Chapter 2.
[105] François Grunewald, Groupe URD, 4ème Université d'automne, Plaisians, septembre 2006.

4.4.2   Make Full Use of the UN Mechanisms of Cooperation with NGOs

At the UN headquarters level, these mechanisms are located at the Department for Peacekeeping Operations (DPKO) and the Office of the Coordinator for Humanitarian Affairs (OCHA). Some specific options deserve consideration:

-   Use the NATO liaison officer at DPKO as a Point of Contact for NATO access to NGOs;[106]
-   Send a NATO liaison officer to OCHA, with the task of liaising with the IASC when necessary (e.g. Codes of conduct and coordination of humanitarian response). This NATO officer would be the counterpart of the OCHA liaison officer sent to NATO at the Euro-Atlantic Disaster Response and Coordination Centre (EADRCC);[107]
-   In the field, on a case by case basis, send a liaison officer (civil or military) to clusters of interest for NATO (e.g. camp management, protection of population, and IT/Telecommunications);
-   In the field, on a case by case basis, if there is a UN integrated peace mission, send NATO liaison personnel to each of the Deputy SRSGs and to the Humanitarian Coordination Cell.[108]

The current arrangements between NATO and OCHA would have to be reviewed in order to integrate these new agreements. In the theatre of operations, the deployment of NATO personnel to UN structures could be envisaged on a case by case basis, according to the context of the crisis and to the objectives of the NATO mission. A precise evaluation of the coordination between NATO and the UN during the

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[106] Since 1999 a NATO liaison officer has been deployed to the UN Department of Peacekeeping Operations.

[107] The officer from the UN-OCHA is currently at the EADRCC – Euro-Atlantic Disaster Response and Coordination Centre, the NATO body responsible for coordinating the responses of EAPC countries to disasters occurring in the EAPC area. The centre works in close coordination with the UN-OCHA. A description of NATO's role in civil protection is available in the NATO Parliamentary Assembly Special Report, September 2006: *NATO and Civil Protection* (Rapporteur: Lord Jopling, UK).

[108] See chapter 3, paragraph 3.1.3. The Deputy SRSG for Operations and Rule of Law, who supervises human rights, rule of law, police operations, electoral divisions, DDR, Judicial System and prisons; and the Deputy SRSG for Recovery and Good Governance, who works with or acts as the Relief Coordinator, the Humanitarian coordinator and the UNDP Resident Representative and deals with all humanitarian and civil affairs: the Humanitarian Coordination Cell is under his authority.

relief operation in Pakistan that began in October 2005 would give useful insights.

By making full use of the existing mechanisms at the UN, NATO would avoid useless duplication, both for itself and for the NGOs; it would also overcome reservations of many NGOs that are reluctant to deal directly with the military.

4.4.3 Establish a Streamlined Consultative and Advisory Cell at HQ Level

The two first proposals discussed above should enhance the quality and intensity of the NATO/NGOs relationship at the operational and tactical levels. The gap between the political/strategic and the operational/tactical level must be closed as well.

Under the authority of the North Atlantic Council and the Military Committee, a small cell could work as a think tank of experts for civil-military coordination. This permanent mechanism of consultation, manned with military and civilian experts, including NGOs, would have an advisory mandate, would take lessons from past experiences, and would give advice to the International Military Staff (IMS) and SHAPE on cooperation with NGOs.

This cell could be a new group or, better, be part of an enhanced mission for the SCEPC.

In case of crisis, this cell, always under the authority of the NAC and the MC, could be reinforced by other experts from the NATO International Staff, the IMS and the Senior Civil Emergency Planning Committee (SCEPC), as well as by external experts, including representatives of NGOs. Its mission would be to give advice to ACO on civil-military cooperation, in particular on cooperation with NGOs. Selected NGOs would be associated with this crisis cell, where the ICRC could be a standing invitee.

The objective of this mechanism would be to create the conditions of a common expertise in the field of civil-military coordination involving NGOs. It would help close the gap between the political and strategic level, by clarifying for ACO and the force commanders the degree and level of cooperation with NGOs. The cell would define the number and the kind of NGOs that could be invited to participate. In any case, members of the ICRC and IOM should be included. Other large transnational NGOs, particularly the ones engaged

in activities defined in this chapter (at paragraph 4.2) could be approached.

The cell could be established as a new body or could be the result of an extension of the SCEPC missions. Under the authority of the North Atlantic Council, the SCEPC is the main decision-making body within NATO in the area of civil emergencies. The Committee is composed of representatives from the national civil emergency administrations and from the national delegations at NATO headquarters. Since military forces and NGOs tend to regroup themselves in operations according to their nationalities, the SCEPC appears as the most appropriate body to foster a workable relationship between NATO and NGOs. In any case, the implementation of such a mechanism should be a NAC decision. Concerning the ICRC and IOM, an amendment to the current MOU and LOA signed with SHAPE would be necessary.[109]

4.4.4   Conclusion

In conclusion, enhancement of interaction between NGOs and NATO is both desirable and feasible. Its main guiding principle should be to enhance the complementarity of both parties, while respecting the specific added value that each one brings. This precludes any integration of NGOs in the planning of operations as decisive operational actors.[110] Priority should be given to the NGOs whose field of competence is close to NATO's activities. This enhanced relationship implies developing a framework for 'cultural' interoperability; making full use of existing coordination mechanisms, first of all at the UN; and developing a streamlined cell of expertise in this field under NAC and MC authority.

In accordance with the recommendations of the Riga Summit Declaration, this three-pronged approach would respect the existing framework of planning at NATO and CIMIC doctrine, and would not require the development of special civilian capabilities.

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[109] See Chapter 3, paragraph 3: NATO and NGOs Cooperation.
[110] This does not rule out the presence and advice of NGOs in the planning phase but limits their role to an advisory capacity.

ANNEXE 1

Presentation of NGO Networks at the UN

NGOs and Humanitarian agencies

IASC: Inter-Agency Standing Committee
http://www.humanitarianinfo.org/iasc/content/;about/default.asp

This unique Inter-agency forum for coordination, policy development and decision-making involving the key UN and non-UN humanitarian partners was established in June 1992. Under the leadership of the Emergency Relief Coordinator (ERC), the IASC comprises, as full members, all operational UN organizations (FAO, OCHA, UNDP, UNFPA, UNHCR, UNICEF, WFP, WHO) and as standing Invitees ICRC, International federation of Red Cross and Red Crescents Societies, IOM and also non-governmental organizations which are affiliated with the International Council of Voluntary Agencies (ICVA) and the Steering Committee for Humanitarian Response (SCHR). The objectives of the IASC are to clarify the division of responsibility, identify and address gaps in response and advocate effective application of humanitarian principles. Together with the Executive Committee fro Humanitarian Affairs (ECHA), the IASC provides major humanitarian actors with key strategic coordination mechanisms. In the OCHA a single secretariat serves both the IASC and the ECHA.

NGO Networks

ICVA: international Council of Voluntary Agencies
http://www.icva.ch/about.html

This global network of humanitarian, development and human rights NGOs was founded in 1962 and serves as an advocacy for humanitarian action. "Through its cooperative and catalytic nature, it gathers and exchanges information and raises awareness on the most vital matters of humanitarian concern before policy-making bodies." (Extract from the Statutes and Mission Statement). The ICVA brings together 70 Member agencies, NGOs from all around the world, big or small (from Save the Children and Care International to Afghan NGOs Coordination Bureau and the Lebanese AMEL association).

SCHR: Steering Committee for Humanitarian Response
http://www.humanitarianinfo.org/iasc/content/about/schr.asp

Created in 1972, SCHR is a "network of networks" bringing together 9 major international humanitarian organizations and networks: Care International, Caritas Internationalis, the ICRC, the International Federation of Red Cross and Red Crescent Societies, Lutheran World Federation, Oxfam, Médecins Sans Frontières; International Save the Children Alliance; the World Council of Churches.

An important contribution of these two networks is to advocate for common practice and principles, and to represent the community of NGOs in UN and governmental bodies as well as to create a better integrated community of humanitarian organizations, while respecting independent mandates, and cultures, and, to the extent possible, applying the principles of "subsidiarity." The SCHR for example focuses on peer-review process, and promotes the Sphere Humanitarian Charter and Minimum Standards, the Code of Conduct in Disaster Relief.

The IASC, the ICVA and the SCHR are the forums where much information is exchanged, and where ethical and practical principles of cooperation are developed. As such, they can help any international organization engaged in peacekeeping operation to contact the humanitarian community.

The Sphere Project
http://www.sphereproject.org/

The project was launched in 1997 by a group of humanitarian NGOs and the Red Cross/Red Crescent movement. It is at the same time a practical handbook for best practice, a process of collaboration within the humanitarian actors community, both governmental, inter-governmental and non-governmental, and a commitment to quality and accountability. Sphere is the expression of the concerns of the ICRC, many international humanitarian organizations and UN agencies and their recognition of the need for accountability and improvements in the conduct of humanitarian operations.

Role of OCHA

OCHA: Office for the Coordination of Humanitarian Affairs
http://ochaonline.un.org/

In December 1991, in order to strengthen the United Nations response to complex emergency crisis and natural disasters, the General Assembly Resolution 46/182 created the Department of Humanitarian Affairs, the post of

Emergency Relief Coordinator (ERC), who will soon have the status of Under-Secretary General for Humanitarian Affairs and the IASC. In 1998, DHA became OCHA with an expanded mandate for coordination of humanitarian response, policy development and humanitarian advocacy. OCHA carries out its coordination function through the IASC chaired by the ERC. OCHA is in charge of the coordination of the humanitarian response and as such is also the "guardian" of principles and guidelines agreed between UN agencies and Humanitarian NGOs.[111]

OCHA is supported by 1147 staff members in Geneva, New York and in the field. Its 2006 budget is 128,000,000 USD, 115 million coming from member States and 13 million from the regular UN budget.

Today Jan Egeland, from Norway, is the Under Secretary general for Humanitarian Affairs and Emergency Relief Coordinator.

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[111] See Annex 2: Codes of conduct.

ANNEXE 2

Presentation of the Main Codes of Conduct and Principles[112]

ICRC Code or Conduct for the International RC and RC Movement and NGOs in Disaster Relief[113]

<u>Ten Principles of conduct</u>

1- The humanitarian imperative comes first;
2- Aid is given regardless of race, creed or nationality of the recipients and without adverse distinction of any kind;
3- Aid will not be used to further a particular political or religious standpoint;
4- We shall endeavour not to act as instruments of government foreign policy;
5- We shall respect culture and custom;
6- We shall attempt to build disaster response on local capacities;
7- Ways should be found to involve programme beneficiaries in the management of relief aid;
8- Relief aid must strive to reduce future vulnerabilities to disaster as well as meeting basic needs;
9- We hold ourselves accountable to both those we seek to assist and those from whom we accept resources;
10-In our information, publicity and advertising activities, we shall recognize disaster victims as dignified humans, not hopeless objects.

     In the event of armed conflict, the present code of conduct will be interpreted and applied in accordance with international humanitarian law.[114]

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[112] This annex is a summarized and commented version of the main Codes of conduct.
[113] 1995: available on <u>www.icrc.org</u>
[114] Comments: <u>Potential area of frictions</u> with military forces are in principles 1, 2, 3, 4 and 10: equal and impartial access to all populations may result in delivering aid to guerrillas and criminals; independence of action may limit cooperation and coordination with military forces whose mandates and objectives are the emanation of governmental policies; media coverage is used my militaries for strategic reasons. <u>Potential convergence of interests</u> is in principles 6, 7, 8, 9: building local capacities, providing aid without creating long term dependence, fostering the sense of ownership within the beneficiaries, linking emergency relief to prevention are also in the interest of military forces keen to find prompt exit strategies. The emphasis on transparency and accountability may also ease coordination and cooperation.

1.   **Guidelines on "The Use of Military and Civil Defense Assets to Support United Nations Humanitarian Activities in Complex Emergencies" (MCDA Guidelines)**[115]

This document complements the MCDA Guidelines for International Disaster Relief in times of Peace, ("Oslo Guidelines" from 1994)

Definitions of key words and concepts:

Complex emergency: "a humanitarian crisis in a country, region, or society where there is a 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 agency and/or the ongoing UN country programme."

Humanitarian assistance: "Humanitarian assistance is aid to an affected population that seeks, as its primary purpose, to save lives and alleviate suffering of a crisis-affected population. Humanitarian assistance must be provided in accordance with the basic humanitarian principles of humanity, impartiality and neutrality, with full respect of the sovereignty of State."

Humanitarian Operating Environment or "Humanitarian Space": "maintaining a clear distinction between the role and function of humanitarian actors from that of the military is the determining factor in creating an operating environment in which humanitarian organisations can discharge their responsibilities both effectively and safely. Sustained humanitarian access to the affected population is ensured when the receipt of humanitarian assistance is not conditional upon the allegiance to or support to parties involved in a conflict but is a right independent of military and political action."

MCDA: as defined in the 1994 "Oslo Guidelines", MCDA comprises relief personnel, equipment, supplies and services provided by foreign military and civil defense organizations for international humanitarian assistance.

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[115] March 2003, revision on January 2006, developed by an broad representation of the international humanitarian community, through a Drafting Committee consisting of representatives of governments, UN agencies, and a review committee consisting of representatives of other governments, NATO, IOM as well as the ICRC and other networks of NGOs (ICVA, INTERACTION). Available on: http://ochaonline.un.org/DocView.asp?DocID=4858

The six principles of humanitarian assistance:

1- Requests for military assets must be made by the Humanitarian/Resident Coordinator on the ground, not political authorities, and based solely on humanitarian criteria.

2- MCDA should be employed by humanitarian agencies as a last resort, i.e. only in the absence of any other available civilian alternative to support urgent humanitarian needs in the time required.

3- A 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. This does not infer any civilian command and control status over military assets.

4- Humanitarian work should be performed by humanitarian organizations. Insofar as military organizations have a role to play in supporting humanitarian work, it should, to the extent possible, not encompass direct assistance, in order to retain a clear distinction between the normal functions and roles of humanitarian and military stakeholders.

5- Any use of MCDA should be, at its onset, clearly limited in time and scale and present an exit strategy element that defines clearly how the function it undertakes could, in the future, be undertaken by civilian personnel.

6- Countries providing military personnel to support humanitarian operations should ensure that they respect the UN Codes of Conduct and the humanitarian principles

Interface and liaison arrangements:

In all cases, even when full cooperation is neither feasible nor advisable, there is a need for basic interface between civilian organizations and military forces, to ensure assistance to the population and safety of the international personnel. In all cases, there is a requirement for the sharing of information: state of the affected population, availability of services and critical infrastructures. Critical areas for coordination are information/cooperation concerning security, logistics, medical, transportation and communications. Military must not classify this type of info. UN humanitarian agencies must provide information regarding their activities in order to avoid inadvertent damage, disruption or destruction of relief assets and preclude unnecessary risks to humanitarian personnel.

Military forces providing assistance must always coordinate with the Humanitarian coordinator.

- Guidelines for international military or civil defense commanders when supporting UH humanitarian activities;

- Force commanders should act in accordance with humanitarian principles and humanitarian law and consult with UN ERC or Humanitarian coordinator and/or OCHA before deploying into the crisis area;
- A mechanism of liaison and coordination must be implemented;
- The States providing UN MCDA will not exploit these missions for the purpose of intelligence, propaganda or Psy-Ops;
- As soon as possible, in coordination with the UN HC, military forces will facilitate a smooth transfer of the civilian functions they have undertaken.[116]

2. IASC Reference Paper: Civil-Military Relations in Complex Emergencies[117]

Definitions:

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.

Military Actor: Military actors are official military forces, i.e., the military forces of a state or regional-/inter-governmental organization that are subject to a hierarchical chain of command, be they armed or unarmed, governmental or inter-governmental.

Basic Principle:

*Differentiatio*n: military and humanitarian actors differ in mandates, objectives, institutional cultures, working methods, community. It is important that both military and humanitarian understand and learn to respect these differences for the sake of their respective mission. It is important to maintain a clear separation between the roles of the military and humanitarian actors at all times.

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[116] Potential areas of friction with military forces are on principle i; iii, iv and vi: the issue of who is controlling whom and what is crucial. There is a clear reluctance to accept any direct humanitarian role for the military. Finally the military are supposed to respect humanitarian principles as defined by the General Assembly resolution 46/182, which may clash with their own mandate. Potential areas of convergence of interests are in principles ii, v: the use of MCDA must be as a last resort and limited in time and scope. In addition, the guidelines emphasize the necessity of liaison mechanisms and exchange of information in all occasions.

[117] 28 June 2004. Available on: http://ochaonline.un.org/webpage.asp?MenuID=12120&Page=774
This paper was endorsed by the IASC Working Group. It complements and clarifies the "*Guidelines on the Use of Military and Civil Defense Assets to Support United Nations Humanitarian Activities in Complex Emergencies*" of March 2003. It was draft by OCHA with members of the IASC, other UN agencies and academic experts.

Levels of interaction will depend on the mandates of the actors and of the situation in the theatre. If cooperation is impossible or inappropriate, the relationship is mere *coexistence* and coordination must focus on minimizing conflict; if *cooperation* is possible or appropriate and if the two sides can agree on common goals and strategy, coordination can focus on improving effectiveness and efficiency.

Guidelines

In dealing with military forces, humanitarian actors must assess whether the following principles can be upheld:

1- Humanity, Neutrality and Impartiality must remain key humanitarian principles;
2- Impartial humanitarian access to vulnerable population must always be possible;
3- Cooperation with the military must not lead to a negative perception of humanitarian action;
4- International Humanitarian Law protects the non-combatants: for the sake of their own safety, humanitarian actors must never become or be perceived as combatants;
5- The decision to seek military-based security for humanitarian workers must be a last resort option;
6- Coordination with military must be guided by the 'do no harm' approach (do not worsen the conflict and do not endanger the beneficiaries of humanitarian assistance);
7- International humanitarian Law must be respected;
8- Local culture and customs must be respected;
9- Consent of the parties to the conflict must be pursued, because it will make the cooperation with the military more acceptable;
10- To safeguard the above principles and for pragmatic reasons it is not advisable to become dependent of military assistance.

Practical Considerations

Keeping in mind the above guidelines, as well as the immediate benefits and potential long-term cost, the following practical considerations will assist the decision making process:

1- *Liaison arrangements*: these are always necessary, but it is essential to assess in terms of local perception the level of publicity and transparency to be given to the liaison arrangement;
2- *Information sharing*: avoid any information sharing that may endanger beneficiaries or humanitarian workers; appropriate information sharing may include: security information, humanitarian locations, humanitarian activities,

mine-action activities, population movements, relief activities conducted by the military, post-strike information;

3- *Use of military assets for humanitarian operations*: only as a last resort and within clear parameters: sole capability (no other means available); timeliness (urgency of the task); clear humanitarian direction (civilian control over the use of assets); limitation duration;

4- *Use of military or armed escort for humanitarian convoys*: only in exceptional circumstances and only at the request of humanitarian actors;

5- *Joint civil-military relief operations:* only as last resort, given the negative perception that a joint operation of this kind may entail for humanitarian organizations; the military have different mandates and objectives that are not humanitarian as a priority;

6- *Separate military operations for relief purposes*: to be strongly discouraged because they blur humanitarian and military roles, and jeopardize humanitarian action and safety. Only as a last resort, in exceptional circumstances;

7- *General conduct of Humanitarian staff*: at all times there must be a clear distinction between military and humanitarian action.[118]

NGOs Codes of Conduct

1.   SCHR position paper on "Humanitarian-Military Relations in the provision of Humanitarian Assistance"

Issued by a network of 9 independent humanitarian organizations and influenced by current operations in Iraq, this paper is more reluctant concerning the potential cooperation with military forces. The tone is polemical and two things are particularly stressed: humanitarian actors should never subordinate their own action to political or military purposes; the military may never be 'humanitarian actors' per se.

The basic principle, at all times, is to separate military and humanitarian interventions to the greatest possible. Delivery of assistance by the military is admissible in exceptional circumstances only. The use of military assets is generally forbidden. Sharing information may be permitted.

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[118] Comments*:* Interaction with the military is perceived as both necessary and questionable. The principle of differentiation is of primary importance: every effort must be made to clearly separate military and humanitarian spaces. The IASC reference paper is a fair attempt to help humanitarian practitioners to elaborate their own coordination arrangements, taking into account both the need to deliver aid to the beneficiaries in a timely and successful manner as well as to protect the long-term commitment and success of humanitarian action.

2.   Caritas Internationalis

In November 2005, Caritas Luxembourg and Caritas Switzerland issued an in-depth study on "*The Humanitarian Challenges: Political Dilemmas in Emergency Relief*" containing their interpretation of the above Codes of Conduct.[119] The three objectives of CARITAS interventions are: to alleviate distress; to support human rights and peace; to support development. "Military humanitarian" interventions are acceptable only as a last resort and under a UN mandate; such intervention must be proportionate to the humanitarian crisis and respect International Humanitarian Law. The guidelines for cooperation with military actors are the followings:

1- The basic principle is total separation of military from humanitarian actors;
2- However, if circumstances require liaison, interaction and even cooperation, Caritas will apply the principles of proportionality when deciding on potential cooperation; [120]
3- The military mission must be to restore order and security. Military support to a humanitarian intervention is acceptable under the following conditions: military intervention must be limited in time and scope and remain under civilian control; it must be the only way to provide emergency relief; the military areas of competence are primarily security/safety (protection, de-mining), transport, logistics, construction of roads, bridges, communication; military must follow humanitarian principles (humanity, impartiality) and International Humanitarian Law; in their intervention, the military must avoid jeopardizing long-term humanitarian action; the military must be clearly identified as military forces (uniforms);
4- Liaison with military forces may be advisable for exchange of information, and the success of humanitarian intervention, providing that this information does not endanger population and/or humanitarian personnel or undermine their credibility;
5- If circumstances make cooperation with the military really necessary, Caritas will cooperate under strict conditions: there is high probability that cooperation will result in the success of the humanitarian intervention; cooperation is initiated at the request of Caritas and directed by Caritas (or another civilian organization); cooperation is strictly limited in time and scope and should not create dependence on military assets and support; cooperation must provide impartial and secure access to all beneficiaries; cooperation should not undermine the credibility of Caritas as a humanitarian actor.

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[119] http://www.caritas.lu. Romain Schroeder, Caritas Luxembourg and Christian Varga, Geert Van Dok, Caritas Suisse. Caritas Luxembourg, *Les Cahiers Caritas*, No.13; Caritas Suisse: Prise de position 11, Luxembourg/Lucerne, novembre 2005.
[120] Proportionality in this case means that: cooperation must be indispensable; with high probability of positive outputs; positive outputs must be more important that potential negative ones.

ANNEX 3

Red Cross and Red Crescent Movement[121]

The International Red Cross and Red Crescent Movement are present and active in almost every country and comprise around 100 million members and volunteers. It is guided by the seven Fundamental Principles: *humanity, impartiality, neutrality, independence, voluntary service, unity and universality.* Red Cross and Red Crescent activities have one central purpose: to prevent and alleviate human suffering, without discrimination, and to protect human dignity.

The Movement is made up of: The International Committee of the Red Cross (ICRC); The International Federation of Red Cross and Red Crescent Societies (International Federation); National Red Cross and Red Crescent Societies (National Societies).

Roles and responsibilities

"The **International Committee of the Red Cross** is the Movement's founding body. In addition to carrying out operational activities to protect and assist victims of armed conflict, it is the promoter and custodian of international humanitarian law. It is also the guardian of the Fundamental Principles. In cooperation with the International Federation, it organizes the Movement's statutory meetings.

The **International Federation of Red Cross and Red Crescent Societies** works on the basis of the Fundamental Principles of the International Red Cross and Red Crescent Movement to inspire, facilitate and promote all humanitarian activities carried out by its member National Societies in order to improve the situation of the most vulnerable people. Founded in 1919, the International Federation directs and coordinates the Movement's international assistance to victims of natural and technological disasters, to refugees and in health emergencies. It acts as the official representative of its member societies in the international field. It promotes cooperation between National Societies and strengthens their capacity to prepare effectively for disasters and to carry out health and social programmes.

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National Red Cross and Red Crescent Societies embody the work and principles of the International Red Cross and Red Crescent Movement in about 180 countries. National Societies act as auxiliaries to the public authorities of their own countries in the humanitarian field and provide a range of services, including disaster relief and health and social programmes. In wartime, National Societies assist the affected civilian population and, where appropriate, support the army medical.[122]

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122 See ICRC website: http://www.icrc.org/web/eng/siteeng0.nsf/html/statutes-movement-220506 ICRC (1997); The Seville Agreement - Agreement on the organization of the international activities of the components of the International Red Cross and Red Crescent Movement - available: http://www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/57JP4YICRC (2005); Discover the ICRC, available: http://www.icrc.org/web/eng/siteeng0.nsf/html/p07900

LIST OF ACRONYMS

ACO	Allied Command Operations
ACT	Allied Command Transformation
CIMIC	Civil Military Cooperation
DDR	Disarmament, Demobilization, Reintegration
ECHO	European Commission for Humanitarian aid Office
ECOSOC	Economic and Social Council
ERC	Emergency Relief Coordinator
FAO	Food and Agriculture Organization
HCR	High Commissioner for Refugees
IASC	Inter-Agency Standing Committee
ICRC	international Committee of the Red Cross
ICVA	International Council of Voluntary Agencies
IOM	International Office for Migration
LOA	Letter of Agreement
MC	Military Committee
MNIG	Multi National Interagency Group
MOU	Memorandum of Understanding
NAC	North Atlantic Council
OCHA	Office for the Coordination of Humanitarian Affairs
PRT	Provincial Reconstruction Team
PfP	Partnership for Peace
RC	Resident Coordinator
SHAPE	Supreme Headquarters Allied Powers Europe
SCEPC	Senior Civil Emergency Planning Committee
SCHR	Steering Committee for Humanitarian Response
SRSG	Special Representative of the Secretary-General
UNICEF	United Nations Children's' Fund
UNDP	United Nations Development Programme
UNMAS	United Nations Mines Action Service
WHO	World Health Organization
WFP	World Food Programme

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